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## REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

### REPORT OF THE INVESTMENT BOARD

#### 1 MAXIMISING THE POTENTIAL OF CHERRY ORCHARD JUBILEE COUNTRY PARK

1.1 This item of business was referred by the Investment Board on 15 October 2020 to Council with recommendations relating to the Cherry Orchard Jubilee Country Park master plan being approved and the Member Working Group exploring and identifying opportunities that can be delivered against the actions set out within the master plan. An extract of the key elements of the report to the Investment Board is attached at Appendix 1.

1.2 It was noted, during debate of this item, that this was a concept plan and there would be a further stage to agree details as careful consideration would be needed of a range of ways in which this could be delivered.

#### 2 RECOMMENDATION

Is proposed that the Council **RESOLVES**

- (1) That the Cherry Orchard Jubilee Country Park master plan be approved.
- (2) That the Member Working Group seeks to explore and identify opportunities that can be delivered against the actions set out within the master plan.

#### 3 THE COUNCIL'S LOCAL AUTHORITY TRADING COMPANIES

3.1 This item of business was referred by the Investment Board on 15 October 2020 to Council with a recommendation to approve the accounts of the LATCOs for the financial year 2019/2020. An extract of the key elements of the report to the Investment Board is attached at Appendix 2.

3.2 During the debate of this item, the Leader of the Council requested that the Leadership Team consider appointing two directors of the holding company rather than one, and it was confirmed that this would be explored outside of the meeting.

#### 4 RECOMMENDATION

4.1 It is proposed that Council **RESOLVES**

- (1) That the accounts of the LATCOs for the financial year 2019/2020, set out in exempt Appendix B, be approved.

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## MAXIMISING THE POTENTIAL OF CHERRY ORCHARD JUBILEE COUNTRY PARK

### 1 PURPOSE OF REPORT

- 1.1 Cherry Orchard Jubilee Country Park (COCP) is an important green asset owned by the Council. This report proposes the adoption of the strategy, as set out in the appended draft master plan.

### 2 INTRODUCTION

- 2.1 The previous report to the Investment Board in July 2019 explained that the Cherry Orchard Jubilee Country Park Management Plan 2011-2016 has not been subsequently renewed. It was agreed that the vision and strategy for COCP, as set out in the Cherry Orchard Jubilee Country Park Management Plan 2011-2016, be revisited and a new strategy for the development and preservation of COCP be created.
- 2.2 A Member Working Group was set up to develop the new strategy and action plan for approval/adoption by Investment Board and the Council. Development of the new strategy was to be undertaken in conjunction with the Friends group and wider public consultation

### 3 COUNTRY PARK MASTER PLAN

- 3.1 Allen Scott were appointed by the Council to prepare a RIBA (Royal Institute of British Architects) stage 2 master plan, in consultation with the Friends of Cherry Orchard Country Park, the Member Working Group, and Council officers. The master plan identifies potential projects, which will be further developed and brought back for consideration.
- 3.2 The purpose of the master plan is to provide a concept design for future improvements and enhancements to the park and to co-ordinate these with other policy and strategy objectives, including the London Southend Airport and Environs Joint Area Action Plan (JAAP) and connectivity improvement proposals identified in the Sustrans Walking and Cycling Greenway Network Report.
- 3.3 The key sections of the master plan are summarised below.
- 3.4 The Site Description (page 4) and Analysis (page 12)
- This identifies and describes the sites in terms of: vegetation types; hydrology; access; surrounding character (urban edge); topography; and relevant policy (Planning).

### 3.5 Consultation (page 14)

A consultation event to present thoughts on the master plan to the Member Working Group and stakeholders took place in November 2019. It was attended by Council officers, Councillors and Friends of Cherry Orchard Country Park. The outline proposals appeared to be broadly well received and some strong themes emerged in feedback, particularly concerning biodiversity. Opportunities identified were grouped into facilities - café, visitor centre, toilets, events - cycling, education and, experience - identity, discovery, exploration.

### 3.6 Strategies and Objectives (page 16)

The outcomes of the master plan aim to respond to wider strategies and objectives identified as part of the Council's Open Spaces Strategy 2015 and wider policies identified in its adopted Core Strategy and Development Plan Documents (DPDs). Alongside this, reference has been made to supporting work by Sustrans, work by Essex Wildlife Trust and the activities of the Friends of Cherry Orchard County Park.

### 3.7 Reviewing these policies in relation to the Upper Roach Valley and Cherry Orchard Jubilee Country Park broad strategy is embedded in policies that underpin four themes: 1) Ecology and Biodiversity; 2) Health and Wellbeing; 3) Access and Connectivity; and 4) Green Tourism and Rural Diversification.

### 3.8 Design Opportunities (page 18)

The master plan identified 6 broad areas of the park, each with its own distinct character and design opportunities that were developed under the 4 key themes, as set out above and set out in the Proposals Maps (page 20). These are summarised below:

- Area 1 – comprises the Saxon Business Park to the east of the country park and identifies key opportunities as improving the two way connectivity between the business park and the country park; and extending the country park brand into the business park through appropriate landscaping.
- Area 2 – Is located at the eastern end of the country park adjacent to the main road and car park. Key opportunities are identified as being based around developing the arrival point as a hub/core that delivers the majority of green tourism and events within the park. It is this area that visitor facilities and access would be concentrated within.
- Area 3 – Is within the centre of the park and consists of open meadows and the lake. Key opportunities are identified as habitat and lake enhancements, integrating the lake and footpath connectivity into the context of the immediate landscape.

- Area 4 – Again, as above is within the central aspect of the park and consists mainly of plantations with a connecting ride network. The key opportunity is viewed as the enhancing connectivity whilst retaining the emerging woodland character.
- Area 5 – This area is similar to area 3, with wide open meadows and sits at the western end of the country park, which is clearly delineated from Area 6.
- Area 6 – This is a distinctive, different character, formed of ancient and mature woodlands. The key opportunities are based around habitat management, natural play, and improving connectivity through woodland ride management.

### 3.9 RIBA Stage 2 Master Plan (page 22)

This sets out a list of identified improvements to the country park to deliver the Council's and stakeholder aspirations. Key concepts are the improvements of access, such as boardwalks, footbridge and surfaced pathways linking the east to west aspect of the park. The development of the visitor hub at the eastern end - with visitor facilities, play areas and events space; and the enhancement of biodiversity features and diversity throughout the site, particularly around the lake and woodland areas.

## 4 RISK IMPLICATIONS

- 4.1 The master plan may raise unrealistic expectations of what will be achieved in terms of improvements to the Country Park. It should be noted that the master plan provides a concept template against which the appropriateness of funding opportunities can be considered, ensuring that as funding and improvement opportunities arise, they are consistent with the brand and sense of place that the master plan has identified.

## 5 RESOURCE IMPLICATIONS

- 5.1 There are no resource implications arising directly out of this report. Any concepts for future improvements and enhancements to the park will need to be fully developed and costed and agreed in line with the Council's financial regulations before they are pursued.

## 6 LEGAL IMPLICATIONS

- 6.1 There are none arising out of this report.

**7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **THE COUNCIL'S LOCAL AUTHORITY TRADING COMPANIES**

### **1 PURPOSE OF REPORT**

- 1.1 To note the Annual Report of the Directors of Green Gateway (GM) Ltd set out in exempt Appendix A; and
- 1.2 To recommend to Council to approve the accounts of the LATCOs for the financial year 2019/2020, as set out in exempt Appendix B.

### **2 INTRODUCTION**

- 2.1 In 2016, the Council established a group of Local Authority Trading Companies ("LATCOs") pursuant to the provisions of the Localism Act 2011 and the Local Government and Housing Act 1989:
  - 2.1.1 Green Gateway Trading Ltd (the holding company which does not trade independently of its subsidiaries);
  - 2.1.2 Green Gateway Trading (Development) Ltd (a wholly owned subsidiary which does not trade); and
  - 2.1.3 Green Gateway Trading (GM) Ltd (a wholly owned subsidiary which trades pursuant to Regulation 12 of the Public Contracts Regulations 2015. This is the company which delivers the Council's grounds maintenance contract.
- 2.2 The Council is the 100% shareholder of these companies and is required to approve the accounts of the LATCOs. Having received this on behalf of the Council, the Investment Board must leave formal approval to the meeting of Council.

### **3 ANNUAL ACCOUNTS**

- 3.1 On 21 August 2020, the sole director of Green Gateway Trading Ltd (Shaun Scrutton) agreed the annual accounts for that company. The net assets were £1.
- 3.2 On 4 September 2020 the directors of Green Gateway Trading (Development) Ltd (Marcus Hotten and Angela Hutchings) agreed the annual accounts for that company. The net assets were £1.
- 3.3 On 23 September 2020 two of the directors of Green Gateway Trading (GM) Ltd (Matt Harwood-White and Dawn Tribe) agreed the 2019/20 accounts for that company which showed a small net profit of £3,603.

**4 DIRECTORS' ANNUAL REPORT – GREEN GATEWAY TRADING (GM) LTD**

- 4.1 As the only LATCO which is trading, the annual report of Green Gateway Trading (GM) Ltd sets out the achievements of that company for the financial year 2019/20.
- 4.2 The company is now in its fourth year of trading and continues to provide the Council with its predicted annual saving for delivery of the grounds maintenance contract, whilst making a small profit that enables the company to reinvest in its staff and equipment. The original contract value was £406,000 pa. This value has now increased with RPI to £412,900 pa. The contract is due to expire on 5 December 2021.
- 4.3 Because the company operates pursuant to Regulation 12 of the Public Contracts Regulations 2015 it is entitled to operate the Council's contracts without formally competing for the award of those contracts via a procurement process. The law regards Green Gateway Trading (GM) Ltd as if it were one of the Council's in-house departments. This benefit has a downside, in that the company's ability to diversify its client base is limited. It may only take on contracts from organisations other than the Council, to a value no greater than 20% of the company's primary annual turnover (i.e. the value of the Council's grounds maintenance contract). It follows, therefore, that if the Council does not renew its contract with Green Gateway Trading (GM) Ltd, then the company must be wound up.
- 4.4 On 2 September 2020 the Executive approved a drawdown of £20,000 from the Council's earmarked reserves to commission an external consultant to provide an appraisal of the options for the Council to deliver both its grounds maintenance and street cleansing services, including the potential delivery of a joint contract by Green Gateway Trading (GM) Ltd. The outcome of this work and any subsequent decision by the Council will be determinative of the company's future.

**5 CHANGE IN DIRECTOR**

- 5.1 With the impending retirement of Shaun Scrutton from the Council, the directorship of Green Gateway Trading Ltd requires to be replaced. It is proposed that the Strategic Director, Angela Hutchings, be appointed in his stead.

**6 RISK IMPLICATIONS**

- 6.1 Failure by the LATCOs to obtain shareholder approval of their accounts may result in a failure to file those accounts with Companies House by the required deadline of 31 March 2021 (extended from the normal date of 31 December).



**7 RESOURCE IMPLICATIONS**

- 7.1 Green Gateway Trading Ltd (GGT) is a wholly owned subsidiary of the Council. The company has successfully generated a small net profit after tax of £3,603 in 2019/20, as well as realising a significant cost saving for the Council in the contracted delivery of services.
- 7.2 It is assumed that any surplus generated in the medium term will be reinvested in the company to support future growth. The Council as sole shareholder is therefore not currently anticipating any realisation of profit via dividend payouts in its budget. More details on GGT's financial position are provided within its Statement of Accounts and its financial statements have been consolidated into the Council's Group Financial Statements on a line by line basis, after eliminating inter-company transactions.

**8 LEGAL IMPLICATIONS**

- 8.1 The Council's role is the ultimate Shareholder with the responsibility to monitor and control the business and operations of the Company. The Accounts have been signed off by the Directors and approved by the Council. The Investment Board has had oversight of the company from its inception; it has no decision making powers in relation to the company but can make recommendations to the Board, Executive and Council.

**9 EQUALITY AND DIVERSITY IMPLICATIONS**

- 9.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.