

**Bracknell Forest Council  
Record of Decision**

<b>Work Programme Reference</b>	<b>I111615</b>
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1. **TITLE:** Joint Venture Business Plan Review

2. **SERVICE AREA:** Resources

3. **PURPOSE OF DECISION**

To review progress made by Bracknell Forest Cambium Partnership 2022- 2023 and to agree and changes to the business plan for 2023-2024

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

**RESOLVED** that

- i. the progress made by Bracknell Forest Cambium Partnership for the period December 2021 to December 2022 be noted.
- ii. the annual refresh of the JV Business Plan 2020-2023 for the Bracknell Forest Cambium Partnership be supported as set out in Annex A and the financial budget and forecast as set out in Confidential Annex B and recommends these to Council for approval.
- iii. the Bracknell Forest Cambium Partnership enters into the Bond and Co-indemnities required to undertake the enabling works related to the sewer move which is required to prepare the councils owned land at Market Street for development, noting that there is no flow of liability to from this arrangement to the Council.
- iv. For future development sites where a similar arrangement is required by a statutory body, that authority be delegated to the Borough Solicitor to provide such approval on the Council's behalf.

7. **REASON FOR DECISION**

- i. The recommendations 2.1 and 2.2 support the fulfilment of Bracknell Forest Cambium Partnership's objectives and aligns with the legal agreements entered into by the partners, which require the agreed JV Business Plan to be formally reviewed each year.
- ii. The JV Business Plan has not changed materially, although the Jubilee Gardens site will now be considered as part of a wider master planning of secondary sites, such as the Southern Gateway and Eastern Gateway Development area, that has been commissioned by the Council. There is no obligation for the Council to enter any exclusivity arrangements on additional sites and each site will be subject to Executive approval prior to any initial site development proposal (ISDP) being put to the Council

for consideration. The Executive has agreed to offer surplus land at the Depot site to the JV under a 12-month exclusivity agreement, ending October 2023.

- iii. Under the delegation's policy of the JV, the granting of a "guarantee, suretyship or indemnity to secure the liabilities of any person or assume the obligations of any person" is a decision which is reserved to each individual party. Since any such guarantee would be provided by the JV and not the Council directly, it is recommended that consideration of such matters arising directly through fulfilment of previously approved site development plans or on a case-by-case basis where a site development plan has not been approved, is delegated to the Borough Solicitor to review against relevant legislation prior to any agreement being entered into by the Bracknell Forest Cambium Partnership. Should the Borough Solicitor consider that any such arrangement would potentially expose the Council itself to material risk that had not been foreseen when the site development plan was approved, he would bring the matter to the Executive for formal consideration.

## 8. **ALTERNATIVE OPTIONS CONSIDERED**

Members could choose not to endorse the refreshed Business Plan and instruct the Partnership to rework any parts that cause concern. However, as there are no proposed significant amendments to the Business Plan 2020-23 that have not previously been considered and endorsed by Members, it is felt that this would not be easily justified.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Resources
10. **DECLARED CONFLICTS OF INTEREST:** Councillors Brunel-Walker and Heydon declared an affected interests being one of the Council's representatives on the Board overseeing the joint venture.

<b>Date Decision Made</b>	<b>Final Day of Call-in Period</b>
21 March 2023	28 March 2023