

**EXECUTIVE DECISION RECORD
Cabinet Member**

REF No: 37/23

A1 Service Area	Regeneration and Development]
A2 Title	Additional funding for the Brewery Archive Centre and Regeneration Hub
A3 Decision Taken By	Cabinet Member
A4 Chief Officer	Please print name: THOMAS DEERY Please sign name: (Approval by signature 28/09/23)
A5 Leader / Deputy Leader	Please print name: CLLR ROB HAWKINS Please sign name: (Approval by signature 28/09/23)
A6 Date of Decision	29 th September 2023

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	NA

Conflict of Interest

Are there any conflicts of interest to declare? No (*please delete as appropriate*)

(If "Yes" please contact the Chief Executive before making the Decision. A note of dispensation should be attached).

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to? *(Please tick as appropriate)*

Scrutiny (Value for Money Council) Committee

Scrutiny (Regeneration Development and Market Hall) Committee ✓

Scrutiny (Health and Wellbeing) Committee

Scrutiny (Climate Change and Environment) Committee

<p>B1 What is the Decision?</p>	<p>To approve additional funding for the Brewery Archive Centre and Regeneration Hub]</p>
<p>B2 What are the reasons for the Decision?</p> <p>B2 Alternative options considered and rejected?</p>	<p>In response to the closure of the National Brewery Centre, East Staffordshire Borough Council made the decision to help support the National Brewery Trust by identifying a temporary site to store the Centre's brewery archives. A suitable location was found in 206-207 Station Street.</p> <p>As part of the Towns Fund project, the Enterprise Team was already considering how to consult more regularly with members of the public. The Station Street premises provided an excellent opportunity to create an 'Engagement Hub' where progress on the High Street Project and other regeneration projects such as the Washlands Enhancement Project can be shared with members of the public and consultation events can be held. Using the Station Street site also means we have brought a disused building back to life (vacant since February 2022), a key aim of the Towns Fund programme.</p> <p>Funding was made available to this from the Towns Fund programme on that basis, with £260,000 allocated to the works including £60,000 towards the cost of operating the facility for a three year period. The operating allowance has since been recalculated as £45,000, leaving an overall budget of £215,000 for the works. The rental rate is nil for the full three year period on the basis that the Council is undertaking reparation works and the unit will be underlet to the National Brewery Heritage Trust for them to operate the archive centre.</p> <p>During the course of the project, additional works have been identified such as remedial wire testing, impacts of the fire risk assessment and implications of a defective roof. As such, there is an additional cost to the project above the £215,000 of £28,329.30. This decision is therefore to approve the funding of these additional works through the Towns Fund contingency/unallocated funds for the project.</p>

<p>B3 What are the contributions to Corporate Priorities?</p>	<p>PH02 with the NBCT work to produce a timeline and plan to ensure all historical archives from the closed NBC are rehoused in the new development</p> <p>RAD01 Deliver the Burton upon Trent High Street Project; Launch the temporary National Archive Centre and Regeneration Update Hub following completion of works and relocation of the collection.</p>
<p>B4 What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision</p>

Financial Implications

<p>B5 What are the financial implications?</p>	<p>The main financial issues arising from this decision are as follows:</p> <p>Estimate for all works is £260,535.30 minus clawback and landlord contribution giving a total of £243,329.30. This means we are £28,329.30 over the initial budget of £215,000.</p> <p>We are therefore requesting the additional £28,329.30 to be funded via the Towns Fund budget.</p> <p>The approval of the additional funds is to cover the cost of completing the capital works to the premises. There may also be VAT payable on the Lease and Sub-Lease arrangements, which if chargeable, may not be recoverable. The potential VAT liability for the former could amount to £43,442, based on the value of the work whilst a breach of the authority's partial exemption position would endanger recovery of all the authority's exempt VAT not just that associated with the project.</p> <p>It is therefore recommended that specialist VAT advice be obtained to ascertain the tax position.</p>
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Capital	2023/24	2024/25	2025/26
Towns Fund High Street project unallocated/contingency funding	£28, 329.30	n/a	n/a

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: Anya Murray Please sign name: (Approval by email 28/09/23)
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	NA
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	NA

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): This project enables the re-homing of the nationally significant National Brewery Centre archives in a suitable, temperature controlled environment. It also enables ESBC to consult with members of the public on the ongoing plans for the Towns Fund High Street project.
B9.2 Negative (Threats)

B9 What are the Risk Assessment implications:

The application of funding needs to be in accordance with the terms and conditions under which it was awarded.

B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:

B10.1 There are no significant legal issues arising from this decision.

This section has been approved by the following member of the Legal Team

The Council has the power under s24 Local Government and Elections (Wales) Act 2021 to do anything which an individual can lawfully do. This includes the power to grant financial assistance.

The Council is also under a fiduciary duty to its local tax payers to manage its finances in a prudent and proper manner. Accordingly, the proposal to provide funding for improvements to the property, which will benefit the Owner at the end of the Lease will need to be considered, and an assessment made as to whether this arrangement fulfils the duty.

The head lease was completed on 11th May 2023 for a term of three years at a rent of £55000.00 pa. However, a rent free period has been agreed for 3 years which has resulted in a nil rent being payable. There is no compensation at the end of the term for the improvements carried out by the Council in the lease.

The Council underlease is currently being negotiated with the National Brewery Heritage Trust (NBHT) for a term one day less than the head lease at a rent of £500 per annum. The Council will pay a contribution of £15000.00 to the NHBT towards the running of the centre.

Please print name: Glen McCusker – Locum Solicitor

Please sign name Liz Eastaugh – Legal – Property (Approval by email 21/09/23)

Sustainability Implications

B11 What are the Sustainability implications:

B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures).

Health & Safety Implications

B12 What are the Health & Safety implications:

B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

1. **REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000**
2. **CAPITAL – Any capital project with a value in excess of £150,000**
3. **A decision which significantly affects communities living or working in an area comprising two or more wards.**

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk