



CABINET

DATE:	Friday, 12 October 2018
TIME:	10.30 am
VENUE:	Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Finance and Corporate Resources Portfolio Holder and Deputy Leader of the Council
Councillor Fairley	- Investment and Growth Portfolio Holder
Councillor P B Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Health and Education Portfolio Holder
Councillor Nicholls	- Corporate Enforcement Portfolio Holder
Councillor Skeels (Snr)	- Leisure and Tourism Portfolio Holder
Councillor Talbot	- Environment Portfolio Holder

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For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: THURSDAY, 4 OCTOBER, 2018

AGENDA

1 Apologies for Absence

The Cabinet is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting (Pages 1 - 10)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 14 September 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Leader of the Council

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council - Reference from Council - A.1 - Motion to Council - "Free Swimming Lessons for Children" (Pages 11 - 12)

To report to Cabinet a motion submitted at the meeting of the Council held on 11 September 2018.

7 Matters Referred to the Cabinet by a Committee - Reference from Resources and Services Overview and Scrutiny Committee - A.2 - Financial Performance Report - In-Year Performance against the Budget as at the end of July 2018 and Long-Term Financial Forecast Update (Pages 13 - 16)

To enable Cabinet to give consideration to recommendations made by the Resources and Services Overview and Scrutiny Committee in respect of the Financial Performance Report and long-term financial forecast update.

8 Leader of the Council's Items

There are none on this occasion.

9 Cabinet Members' Items - Report of the Health and Education Portfolio Holder - A.3 - Determination of a Nomination to Register an Asset of Community Value: The Globe Inn, Castlegate Street, Harwich (Pages 17 - 30)

To determine whether The Globe Inn meets the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Tendring CAMRA Branch.

10 Management Team Items

There are none on this occasion.

11 Exclusion of Press and Public

The Cabinet is asked to consider the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 12 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

12 Exempt Minute of the Meeting held on Friday 14 September 2018 (Pages 31 - 34)

To confirm and sign the exempt minute of the meeting of the Cabinet held on Friday 14 September 2018.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 9 November 2018.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 12 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Exempt Minute of the Meeting held on Friday 14 September 2018

Information for Visitors

ESSEX HALL **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 14TH SEPTEMBER, 2018 AT 10.33 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Finance and Corporate Resources Portfolio Holder), Zoe Fairley (Investment and Growth Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Health and Education Portfolio Holder), Fred Nicholls (Corporate Enforcement Portfolio Holder), Mick Skeels (Snr)(Leisure and Tourism Portfolio Holder) and Michael Talbot (Environment Portfolio Holder)

Group Leaders Present by Invitation:

Councillors Robert Bucke (Leader of the Liberal Democrats / Tendring First Group), Mary Newton (Leader of the UKIP Group), Mark Stephenson (Leader of the Tendring Independents Group) and Colin Winfield (Deputy Leader of the Holland-on-Sea Group)

Also Present: Councillors Mike Bush (Deputy Leader of the Tendring Independents Group), Gary Scott (Deputy Leader of the Liberal Democrats / Tendring First Group) and Karen Yallop

In Attendance: Ian Davidson (Chief Executive), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Richard Barrett (Head of Finance, Revenues and Benefits Services), Tim Clarke (Head of Housing and Environmental Health), Karen Neath (Head of Leadership Support and Community), Ian Taylor (Head of Public Realm), Ian Ford (Committee Services Manager) and William Lodge (Communications Manager)

35. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Joy Broderick (Leader of the Holland-on-Sea Group) and Ivan Henderson (Leader of the Labour Group).

36. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 13 July 2018, be approved as a correct record and signed by the Chairman.

37. DECLARATIONS OF INTEREST

There were none on this occasion.

38. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Local Plan

Further to the statement that he had made at the full Council meeting on 11 September 2018, the Leader of the Council (Councillor Stock OBE) informed Cabinet that he was encouraged by what he had heard about Colchester Borough Council's (CBC) consideration of the Local Plan the previous evening. However, he would await the formal notification of CBC's decision to this Council and a review of that decision by this Council's Officers before he would write to all Members in his capacity as Chairman of the Local Plan Committee with an update.

39. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

40. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were none on this occasion.

41. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE - A.1 - TOURISM STRATEGY

Cabinet was informed that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 30 July 2018 (Minute 22 referred) the Head of Sport and Leisure (Mike Carran) had given an update to that Committee on the production of a new District wide Tourism Strategy.

That update had touched on the following:-

- (i) that the Strategy was due to be produced by October 2018;
- (ii) the ever closer working relationships with the private sector and the voluntary sector (such as on successful initiatives like Love Clacton and the Coastal Communities Group) and the lessons to be taken into the Strategy; and
- (iii) new models for marketing and promoting tourism and the importance of "Local Pride" in tourism within the District.

Mr Carran had then outlined to the Committee the nine key focuses of the new Strategy, namely:-

- (1) Two tier focus on Events;
- (2) Council's role in facilitating as well as leading on Events;
- (3) Tourism promotion;
- (4) Digital marketing;
- (5) Increasing sector confidence for example through increasing investment;
- (6) Developing the seafront offer;
- (7) Developing the heritage offer for example the Mayflower 400 project;
- (8) Partnership working; and
- (9) Promoting the district for outdoor activity.

The Corporate Director (Operational Services) (Paul Price) had then addressed the Committee and had emphasised that tourism was a fast moving, agile economy and that this had not been taken into account in the previous Tourism Strategy (2010-16). The private sector had not been involved in the formulation of that Strategy. The Strategy had not focused on the visitor economy from within the District as well as that from

outside the District. In the new Strategy there was a greater emphasis on the Council's role of facilitation.

Having considered and discussed the information provided the Resources and Services Overview and Scrutiny Committee had:-

“RESOLVED that this Committee recommends to Cabinet that –

(a) the parish and town councils within the District be included as part of the consultation process on the emerging Tourism Strategy; and

(b) in view of the fact that tourism generates £372million income for the District, additional funding be allocated to the Tourism Section within the Operational Services department in order to ensure that it is fully resourced.”

Cabinet was made aware that the Leisure and Tourism Portfolio Holder had thanked the Resources and Services Overview and Scrutiny Committee for its consideration and its recommendations and had commented as follows:-

“In respect of recommendation (a), I support the proposal that the parish and town councils within the District be included as part of the consultation process on the emerging Tourism Strategy; and

In respect of recommendation (b), I will discuss this with the Finance and Corporate Resources Portfolio Holder, the Corporate Director (Operational Services and the Head of Finance, Revenues and Benefits as part of the budget setting process.”

Having considered the recommendations of the Resources and Services Overview and Scrutiny Committee and the responses of the Leisure and Tourism Portfolio Holder thereto:-

It was moved by Councillor Skeels Snr., seconded by Councillor Fairley and:-

RESOLVED that -

(a) Cabinet notes the Resources and Services Overview and Scrutiny Committee's recommendations; and

(b) the parish and town councils within the District be included, in due course, as part of the consultation process on the emerging Tourism Strategy.

42. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

43. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.2 - PERFORMANCE REPORT APRIL - JUNE 2018 (QUARTER ONE)

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.2) which presented the Performance Reports (2018/19) for the period April – June 2018 (Quarter 1). The Performance Reports set out the detailed actions

and targets for the delivery of the Council's priorities throughout the year and included both the Corporate Plan and Priorities and Projects 2018/19.

It was reported that, of the 18 indicators and projects where performance had been measured, the first quarter's position demonstrated that 14 (78%) were on, or above, their expected target and 4 (22%) were not currently in line with the expected performance. The indicators and projects highlighted in the Community Leadership report were deemed 'non measurable' as Tendring District Council's role was that of influence only.

Cabinet was reminded that the respective performance reports had been presented to the Community Leadership Overview and Scrutiny Committee on 3 September 2018 and would be presented to the Resources and Services Overview and Scrutiny Committee on 17 September 2018.

Members were made aware that, in respect of the "Transforming Tendring" project statutory consents had been obtained, at the end of June 2018, in respect of work at Pier Avenue and Barnes House. Work had started on the internal refurbishment of the Council Tax Building on 25 June 2018 with staff moved to the first floor and a temporary reception created at the Town Hall.

Work on customer service portal and on printing and postal initiatives had continued generally on schedule although a minor technical issue within the printing element had caused some delay. Work on the back scanning of old records had been completed at the Pier Avenue sites and had moved on to the Town Hall and Weeley offices. Throughout the Council staff had been encouraged to consider work processes and the streamlining of paperwork and archiving in preparation for the new working methods.

It was further reported that IT consultants were continuing to develop designs for a replacement network and Direct Access was replacing Citrix on a phased team by team basis. Meanwhile the Human Resources team were developing training programmes and preparing for the updating of internal procedures in order to support flexible working.

Having considered the contents of the performance reports:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:-

RESOLVED that the contents of the Performance Reports for the period April - June 2018 (Quarter 1) be noted.

44. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.3 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AS AT THE END OF JULY 2018 AND LONG-TERM FINANCIAL FORECAST UPDATE

The Cabinet gave consideration to a comprehensive report of the Finance and Corporate Resources Portfolio Holder (A.3) which provided it with an overview of the Council's financial position against the budget as at the end of July 2018 together with an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

In respect of the in-year financial position at the end of July 2018:

The Cabinet was informed that, in respect of the position at the end of July 2018, it was relatively early in the financial year and therefore some expenditure or income trends could still be emerging. However, any significant issues arising to date had been highlighted within the report and comments provided as necessary.

It was reported that the position to the end of July 2018 showed that, overall, the General Fund Revenue position was behind the profiled budget by £2.143million. As had been the case in previous years, the variance at the end of the first period of the year primarily reflected the timing of expenditure and income although as previously mentioned, underlying trends were likely to emerge or be confirmed over the next quarter.

Members were made aware that, in respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the report, there were no major issues that had been identified to date. Any emerging issues would be monitored and updates provided in future reports which would include their consideration as part of updated financial forecast.

The Cabinet was advised that it was proposed to respond to in-year budget pressures and other changes as they emerged rather than wait until the detailed estimates were prepared in December / January of each year as part of the annual revised budget process. This would not only provide a more up-to-date budget monitoring process over the course of the year, but it would also 'unbolt' the revised budget process from the work associated with developing the subsequent years forecast which in turn would allow a greater level of focus on those two separate strands of work. However, both strands of work would be brought together when the budget was reported to Council in February each year.

With the above in mind, Appendix H to the report had been added, which set out a number of changes to in-year budgets with an associated recommendation also included within the report. Appendix H also provided for the continuation of the 'banking' of savings as they arose, which would be contributed to the Forecast Risk Fund as required to support the long term forecast. The long term forecast relied upon £0.500million of in-year outturn savings being set aside over the course of the whole year within the Forecast Risk Fund in order to support the long term plan.

The Cabinet was informed that it was proposed to delegate changes to in-year employee budgets to the Chief Finance Officer in order to ensure the budget reflected the most up-to-date position as internal reorganisations were agreed by the Chief Executive. It was proposed to delegate to the Finance and Corporate Resources Portfolio Holder the decision on whether to continue as a member of the Essex Business Rates Pool along with supporting a bid for Business Rates Pilot status, if it was advantageous for the Council.

In respect of the updated long term financial forecast:

It was reported that the forecast had been reviewed and updated from 2019/20 onwards. The required changes did not expose the Council to any additional risk and although the annual deficit or surplus position for each year of the forecast had been

amended, they could still be accommodated within the overall projected financial position supported by an increased Forecast Risk Fund.

Members were advised that a review of risks associated with the long term approach to the forecast had also been undertaken with the outcomes separately reported within Appendix J to the report.

Cabinet recognised that it was important to continue to deliver against the new longer term approach to the budget as it continued to provide a credible alternative to the more traditional short term approach which would require significant savings to be identified over 2019/20 and 2020/21. Work therefore remained on-going across the 5 key work strands of:

- 1) Increases to underlying income;
- 2) Controlling expenditure / inflationary increases;
- 3) The identification of savings / efficiencies;
- 4) Delivery of a positive outturn position each year; and
- 5) The mitigation of cost pressures wherever possible.

Having considered and discussed the contents of the Portfolio Holder's comprehensive report and appendices:-

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:-

RESOLVED –

- (1) That in respect of the financial performance against the budget at the end of July 2018, that:
 - (a) the position be noted;
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.3 of the Report of the Finance and Corporate Services Portfolio Holder, be approved;
 - (c) future amendments to in-year employee budgets to reflect organisational changes be delegated to the Chief Finance Officer on the basis that they do not increase the Council's overall net budget; and
 - (d) the decision to continue to be a member of the Essex Business Rates Pool and associated bid for pilot status in 2019/20 (if advantageous to the Council) be delegated to the Finance and Corporate Resources Portfolio Holder.
- (2) That in respect of the updated Long Term Forecast, that:
 - (a) the updated forecast be approved; and
 - (b) the Resources and Service Overview and Scrutiny Committee be consulted on the updated position.

45. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.4 - ADOPTION OF A PRIVATE SECTOR HOUSING ENFORCEMENT POLICY FOR CIVIL PENALTIES UNDER THE HOUSING AND PLANNING ACT 2016

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.4) which sought its agreement to adopt a policy in relation to the issue of Civil Penalties under the Housing and Planning Act 2016.

Members were reminded that the Housing and Planning Act 2016 had introduced the option to issue Civil Penalties in respect of certain offences committed by private housing landlords under the Housing Act 2004, as an alternative to prosecution.

Cabinet was advised that the Council needed to adopt a policy on how it would apply the new powers before they could be used and such a policy had been drafted and appended to the Portfolio Holder's report. This policy was underpinned by the Corporate Enforcement Strategy adopted by Cabinet in September 2017.

It was reported that Tendring District Council was committed to raising standards in the private rented sector, ensuring that residents of the District were provided with accommodation that was free from hazards that could adversely affect their health and safety, whilst making sure that the said accommodation was suitably managed and maintained for those occupying it. To that end the Council aimed to focus its resources to take action against landlords who rented out properties that were in a substandard condition, and where necessary take formal enforcement action in order to ensure those landlords were prevented from continuing to flout the law. Formal enforcement action would also be taken against landlords who had failed to licence their properties and had made financial gain as part of their non-compliance.

Cabinet was aware that it is Tendring District Council's view that the non-compliant landlords in the District should bear the cost of enforcement action and be punished accordingly, and not the 'good' landlords who continued to provide decent affordable accommodation for their tenants and who worked with the Council to ensure those standards were maintained. To that end the Council was committed to implementing the new powers under the Housing and Planning Act 2016 in order to ensure good quality, safe and affordable private rented accommodation was available to the residents of the District.

Having considered and discussed the proposed policy:-

It was moved by Councillor P B Honeywood, seconded by Councillor Fairley and:-

RESOLVED that Cabinet:

- (i) notes the new powers available to the Council to impose financial penalties on irresponsible landlords who continue to provide sub-standard accommodation across the District;
- (ii) adopts the Private Sector Housing Enforcement Policy for Civil Penalties under the Housing and Planning Act 2016, as set out in Appendix A to item A.4 of the Report of the Housing Portfolio Holder;

- (iii) authorises the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Housing, to amend the Policy to reflect any future amendments to legislation and/or best practice; and
- (iv) authorises the Head of Housing and Environmental Health to issue Civil Penalties and determine the level of the financial penalty to be imposed, in accordance with the Policy.

46. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE AND TOURISM PORTFOLIO HOLDER - A.5 - REFURBISHMENT OF PUBLIC CONVENIENCES - ROSEMARY ROAD, CLACTON-ON-SEA AND PROMENADE WAY, BRIGHTLINGSEA

The Cabinet gave consideration to a report of the Leisure and Tourism Portfolio Holder (A.5) which - (1) sought its agreement to implement the earlier decision in respect of the refurbishment of the public conveniences in Rosemary Road, Clacton-on-Sea but not to introduce charging at this time; and (2) sought its approval for expenditure relating to the refurbishment of the public conveniences at Promenade Way, Brightlingsea.

Rosemary Road, Clacton-on-Sea

Members were aware that the public toilets in Rosemary Road, Clacton-on-Sea were the busiest year round facilities in Tendring. However, they were also subject to frequent misuse and had been identified in the Public Convenience Strategy as in need of refurbishment and £70,000 had subsequently been for this purpose. It had also been decided that charging would be introduced at this site.

A further £70,000 in reserves had been set aside for the refurbishment of additional facilities throughout the District.

It was reported that there was an agreement with in-house services to undertake the necessary work at Rosemary Road which was due to commence later in the year. The in-house solution would ensure a full refurbishment was achievable within budget. However, to facilitate the introduction of charges to this site an additional £30,000 would be required to provide the necessary infrastructure, which would in turn reduce the capital budget available for additional refurbishments of public conveniences elsewhere in the District. There would also be on-going additional maintenance costs to consider arising from the charging facilities as well as administrative costs associated with cash handling such as collection, banking, auditing of accounts.

It was estimated that a decision to not introduce charges at Rosemary Road would reduce potential future income to the Council by £20,000 per annum.

In addition a number of high profile closures of prime retailers in Clacton town centre were planned in the near future which could reduce 'footfall' and needed to be taken into account.

It was felt that the refurbishment of the Rosemary Road toilets would benefit Clacton town centre, promoting town centre rejuvenation as well as supporting the existing and future visitor economy. A refurbished modern town centre public convenience in Clacton would also reduce future operating costs.

However, the proposal at this time was to not introduce charging on this site but to consider charging both at this site and others at a future date in order to further support the aims of the Public Convenience Strategy for Tendring. As technology advanced, particularly with 'tap and go' type technology, the risks to cash based charging systems could be all but removed. This would be kept under review but at this juncture no charging mechanism would be put in place at this facility.

Promenade Way, Brightlingsea

The Cabinet was aware that this was a seafront location and was the main visitor area of Brightlingsea and that there had been many requests in recent years from all sections of the local community and seafront users for improvement to the general seafront infrastructure in this location.

Members recognised that the public conveniences at Promenade Way, Brightlingsea supported the visitor economy of the town and its blue flag beach area and were an important local asset.

It was reported that the work programme for in-house services was very extensive at present resulting in no available capacity for this Brightlingsea refurbishment. An open tender exercise had been sought for the refurbishment by outside contractors and the lowest bid had been in the region of £130,000.

There was no current budget available for this work other than by means of an application for Section 106 money which had been provisionally approved pending the decision of the Cabinet.

With the permission of the Chairman, Councillor Yallop addressed the Cabinet on this matter.

Having considered and discussed the issues raised in the report:-

It was moved by Councillor Stock OBE., seconded by Councillor G V Guglielmi and:-

RESOLVED that -

- (a) the refurbishment of public conveniences (to be funded from Section 106 allocations) at Promenade Way, Brightlingsea at an estimated cost of £130,000 be approved; and
- (b) the refurbishment of the public convenience in Rosemary Road, Clacton-on-Sea, be authorised to proceed but that charges at this site be not introduced at this time.

47. MANAGEMENT TEAM ITEMS

There were none on this occasion.

48. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 15 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

49. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE ENFORCEMENT PORTFOLIO HOLDER - B.1 - REVISED TERMS TO REGULARISE BOUNDARY ISSUES AT THE HANGINGS, DOVERCOURT

RESOLVED that -

- (a) the revised terms to regularise boundaries at The Hangings in Dovercourt, as set out in the Current Position section of the report, be approved; and
- (b) the Deputy Chief Executive be authorised to enter into agreements to acquire the Green Land, together with a sum of £60,000.00, in exchange for the Council offering the Red Land to the Affected Plot owners and disposing of the Red Land to those owners where such transactions are agreed, as set out in this report and on such other terms as he considers appropriate.

The Meeting was declared closed at 10.53 am

Chairman

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

12 OCTOBER 2018

REFERENCE FROM COUNCIL

A.1 **FREE SWIMMING LESSONS FOR CHILDREN**

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Cabinet a motion submitted at the meeting of the Council held on 11 September 2018.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Pemberton to the meeting of the Council held on 15 May 2018 relating to free swimming lessons for children and which was referred to the Cabinet by the Chairman of the Council for consideration and report, in accordance with the provisions of Council Procedure Rule 12.4.

RECOMMENDATION

That, following the explanation of the motion, the Cabinet decides whether to recommend, or not, that the Council should support the motion in its original format.

If the Cabinet decides to advise the Council that in its opinion the motion should not be supported in its original format it may, in addition, suggest to Council that an amended motion be proposed.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At a meeting of the Council held on 11 September 2018, the following motion was moved by Councillor Pemberton and seconded by Councillor Gray and, in accordance with Council Procedure Rule 12.4, stood referred to the Cabinet for consideration and report:

“That this Council takes the necessary steps to offer, at Clacton Leisure Centre and other suitable venues, up to six free swimming lessons every year for all children under the age of 15 years, in order to see that every child in the District of Tendring can be taught to swim, cope with a riptide or strong current, swim/float fully clothed and learn basic life-saving.”

CURRENT POSITION

In accordance with Council Procedure Rule 12.5 Councillor Pemberton has been invited to attend the meeting and explain the motion. However, Councillor Pemberton has informed Officers that, due to his work commitments, he will be unable to attend the Cabinet meeting. He has asked Councillor Davis to explain the motion on his behalf.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None.

Key Decision Required	No	In the Forward Plan	No
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CABINET

12 OCTOBER 2018

REFERENCE REPORT FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE OF 17 SEPTEMBER 2018

A.2 FINANCIAL PERFORMANCE REPORT – IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF JULY 2018 AND LONG TERM FINANCIAL FORECAST UPDATE

(Report prepared by Ian Ford and Richard Barrett)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 17 September 2018 (Minute 29 refers) The Committee had before it a report of the Deputy Chief Executive (Corporate Services), which presented it with an overview of the Council’s actual financial position against the budget as at the end of July 2018 and which also presented an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

The Committee was made aware that, at its meeting held on 14 September 2018, Cabinet had considered the same report and had resolved:

“(1) *That, in respect of the financial performance against the budget at the end of July 2018, -*

- (a) *the position be noted;*
- (b) *the proposed in-year adjustments to the budget as set out in Appendix H be agreed;*
- (c) *future amendments to in-year employee budgets to reflect organisational changes be delegated to the Chief Finance Officer on the basis that they do not increase the Council’s overall net budget; and*
- (d) *the decision to continue to be a member of the Essex Business Rates Pool and associated bid for pilot status in 2019/20 be delegated to the Finance and Corporate Resources Portfolio Holder if advantageous to the Council.*

(2) *That, in respect of the Updated Long Term Forecast, -*

(a) the updated forecast be agreed; and

(b) the Resources and Service Overview and Scrutiny Committee be consulted on the updated position.”

The Cabinet report referred to above was attached as Appendix A to the report A.1 for the Committee’s consideration.

Members raised questions and concerns which were responded to by the Head of Finance, Revenues and Benefits Services.

COMMITTEE COMMENTS AND RECOMMENDATIONS TO CABINET

Having considered and discussed the report it was:-

RESOLVED that this Committee comments and recommends to Cabinet that –

(1) the Committee proposes that in respect of the in-year position for 2018/19, the Committee notes the position regarding planning income which was expected at some point given the progress of the local plan. However, it is suggested that if this trend in planning income continues, Officers explore ways to manage the cash flow implications across financial years to alleviate any adverse implications on the budget in any one year.

(2) the Committee will remain alert to the rental income situation within the HRA and hope to see the position stabilise over the coming year. Although not necessarily for inclusion in future reports, it would be helpful for Members to receive more detailed information concerning void periods on a regular basis whilst the current adverse position continues.

(3) in respect of the money owed by one public sector debtor, it would be helpful to the Council’s cash flow position if the relevant service took whatever steps necessary to ensure that money is recovered as soon as possible during the year.

(4) in respect of the Updated Forecast, the Committee notes the updated forecast but in respect of the cost pressure allowance figure of £150k, which is recognised as one of the highest risks to the forecast, the Committee waits to see the level of cost pressures submitted by Services for 2019/20.

(5) the Committee hopes that the Council and its Essex neighbours are successful in forming a business rate pilot/pool in 2019/20 given the level of additional income that this is likely to generate in the area.

(6) when Cabinet see the recommendations from this Committee, Cabinet's recommendations and comments are to go forward onto this Committee's next agenda.

Cabinet is now asked to consider the comments and recommendations of the Resources and Services Overview and Scrutiny Committee.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

The Finance and Corporate Resources Portfolio Holder thanks the Resources and Services Overview and Scrutiny Committee (RSOSC) for its recommendations and comments as follows:-

- “(a) That in respect of point (1), it is recognised that this is a significant risk to the forecast and will be kept under review, with Officers requested to explore how such cash flow implications can be managed across financial years if required; but we need to recognise that planning Income was always going to level out, once the onslaught of speculative applications decreased, but rest assured that this will continue to be monitored;*
- (b) that in respect of point (2), I agree, and this is something I have already flagged up previously, therefore Officers are requested to provide Members with additional detail in respect of void periods within the HRA to support their role in reviewing the financial position of the Council as part of the on-going budget management process;*
- (c) that in respect of point (3), the relevant service is requested to review the current situation to see if they can identify opportunities to improve the time taken to recover money owed to the Council;*
- (d) that in respect of point (4), information relating to future cost pressures will form part of the new on-going approach to reporting the financial forecast and will be available as part of the next report in November;*
- (e) that in respect of point (5), Cabinet joins the Committee in hoping that this Council, along with other authorities in Essex, are successful in their bid to form a business rates pool and pilot in 2019/20. The application was made on 25 September and we should hear if we have been successful or not by late November / early December, although we are disappointed that Thurrock have taken the decision of not joining the Pilot, and it's very much hoped that this will not weaken the bid; and*

(f) that in respect of point (6), Cabinet's recommendations are always freely available. The replies to comments from RSOSC are given as a genuine response to those specific comments, and should not be construed as the start of a secondary debate."

Recommendations to Cabinet

That Cabinet notes the Resources and Services Overview and Scrutiny Committee's comments and recommendations and endorses the responses of the Finance and Corporate Resources Portfolio Holder thereto.

Key Decision Required:	No	In the Forward Plan	No
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CABINET

12 OCTOBER 2018

REPORT OF PORTFOLIO HOLDER FOR HEALTH AND EDUCATION

A.3 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE GLOBE INN CASTLEGATE STREET HARWICH ESSEX CO12 3HA

(Report prepared by Andy White and Gill Burden)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To determine whether The Globe Inn meets the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria are pertinent.

EXECUTIVE SUMMARY

A valid nomination to register an asset of community value has been received from Tendring CAMRA Branch as shown identified in the plan included within Appendix A.

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Government’s non statutory guidance defines an asset of community value as: “Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”. The Report provides an assessment of the nomination.

The Cabinet should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account it is recommended that the building nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

RECOMMENDATION(S)

That Cabinet determines that The Globe Inn Castlegate Street HARWICH Essex CO12 3HA meets the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and that the asset be added to the Council’s list of Assets of Community Value.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of Council priorities.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation. The Advice Note issued by Department of Communities and Local Government (“DCLG”) states that if compensation exceeds £20,000 in any one financial year support can be requested through their burdens funding scheme.

Risk

The Globe Inn is still trading as a public house although there is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

LEGAL

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:

- (1) A building or other land in a local authority’s area is land of community value if in the opinion of the authority —
 - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.

The Assets of Community Value (England) Regulations 2012 (“the Regulations”) provide procedural detail to give effect to the assets of community value scheme. An earlier report on this subject set out a proposed procedure for dealing with the nomination of Assets of Community Value in accordance with the Regulations and Officers have adhered to the procedure and it is now proposed that Cabinet considers the nomination in accordance with the procedure.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of implications. The Act and Regulations are intended to increase public engagement.

Area or Ward Affected

Harwich East

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and
- (b) that there can continue to be a non-ancillary use, which will further the social well-being or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);
- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups,
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The table below, based on guidance produced by the Public Law Partnership sets out an overview of what the Act and Regulations intend to constitute as an Asset of Community Value”.

The Act intends to apply to Land and Buildings Where:

1. The main use of the land or building **furtheres the social wellbeing or social interests of the local community** at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;
2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community some years ago** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

In their Guidance Public Law Partnership provide some helpful interpretation of these terms:

“This could apply to a broader set of activities and not just cultural, recreational and sport interests as provided by the Act. Working with local communities it could include: any land or building where the main purpose is for the provision of public services for education, health and wellbeing or community safety e.g. nurseries, schools, children’s centres, health centres, surgeries, hospitals, day care centres, and residential care homes. Sport, recreation & culture e.g. parks and open green spaces, sports and leisure centres, libraries, theatres, museums and heritage sites, cinemas, swimming pools. Community services e.g. community centres, youth centres, and public toilets. Any economic use which also provides important local social benefits e.g. village shops, pubs, markets.

“What does it mean “realistic to think that this can continue into the near future”? For the use which is **currently ongoing**, the working assumption should be that the present use can continue into the future, unless the local authority is able to identify evidence that is unlikely to be the case. In other words where the asset is presently in social use there should be a **presumption of continued viability**, unless clear evidence suggests otherwise. For a **social use which has lapsed** and needs to be re-established the local authority will need to take a view on the realism of re-establishing this. A new approach can help to re-establish services that were previously not viable.

CURRENT POSITION

The Nomination Form has been submitted by Tendring CAMRA Branch (attached at Appendix A), and contains at B4 and B5 reasons why the nominators consider that the building is of community value and how the land could be acquired and used in the future.

The nomination states that the building is currently trading as a public house which furthers the social wellbeing and interests of the local community in various ways. The pub holds regular fundraising events, and contributes to a number of local festivals held in the Harwich area including The Harwich Ale Trail, Harwich Sea Festival and the Harwich Sea Shanty Festival. The Globe Inn is also a venue for live music and is where the local Shanty group practice during the year. The Globe Inn can claim to be the oldest still operating pub in Harwich and is a Listed Grade II building.

The pub hosts various teams including pool, crib and darts who all compete locally in the relevant leagues. The nomination states that the pub is frequented by both local people and those travelling from further afield to visit the area. The nomination states the pub gives a greater choice of places to visit and socialise in for the area and encourages community cohesion and a collective sense of wellbeing.

The nomination also states that should the property come up for sale the pub customers and wider Harwich community would like the opportunity to form a community interest group and bid for the pub if and when the owners decide to sell.

In accordance with the Regulations the landowner has been notified and representation has been received (attached at Appendix B). The owner's representative has stated the owner's objection to the ACV Nomination being successful citing their need for the property to be unencumbered to allow them to change the business model for The Globe Inn should this be necessary. A response has been sent explaining that only points relative to the validity of the nomination or the applicability of the criteria can be taken into account and not just an objection to the Nomination.

It is recommended that the building does meet the criteria as the Council is required to consider only whether the asset meets the criteria set out in Section 88 of the Act.

The Nomination request is being sought with the stated intention of continuing the main use which furthers the social wellbeing or interests of the local community.

Taking the above into account it is recommended that the building nominated does meet the criteria set out in Section 88 of the Localism Act 2011, specifically:

The main use of the land or building furthers the social wellbeing or social interests of the local community at the present time and it is realistic to think that this can continue into the near future.

Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

BACKGROUND PAPERS FOR THE DECISION

Non-statutory advice note for local authorities produced by DCLG Community Right to Bid – October 2012

APPENDICES

Appendix A – Nomination Form (Redacted)

Appendix B – Representation on behalf of owners (redacted)

LOCALISM ACT 2011

THE COMMUNITY RIGHT TO BID

NOMINATION FORM

A: You and your organisation

Your Name
Your Organisation (full official name) Tendring Branch of CAMRA (Campaign for Real Ale)
Your position in the organisation Pub Protection Officer
Organisation address (including postcode) C
Daytime telephone no.
Email address
How and when can we contact you?* E-mail anytime

*other correspondence address or preferred way or time for us to contact you

Type of organisation

Description	Put a cross X against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee	X	01270286
Industrial and provident society		

Unincorporated bodies only:

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Tendring District or an adjoining authority. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Tendring, please confirm which area that is.

Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Tendring District Council or a neighbouring local authority. Please explain what your organisation's local connection is.

- * The CAMRA Branch hosts two annual beer festivals in the local area
- * The Branch hosts meetings in the local pubs and the local area
- * The Branch nominates a local pub of the year in this area
- * The Branch presents awards to pubs in the area
- * The Branch runs campaigns to save local pubs in the area
- * The Branch writes a local newsletter about pubs and campaigns in the area

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Tendring or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

CAMRA, the Campaign for Real Ale, is an independent consumer organisation campaigning for real ale, community pubs and consumer rights. CAMRA is a company limited by guarantee, registered in England with company number 1270286. CAMRA's national surplus is not distributed to its members and the individual CAMRA Branch activity where the pub is nominated is wholly or partly applied to the local authority area. The local CAMRA Branch submitting this nomination does not distribute any surplus it makes to its members in line with Section 5 of the regulations. The CAMRA branch has a local connection as demonstrated by the following activities which are run and funded by the branch within the local authority district.

The decision outlined that CAMRA and its local branches can be treated in a 'hybrid' way and relies upon CAMRA's status as a company limited by guarantee which does not distribute any surplus it makes to its members as well as the local branch's own activities that provide a local connection with the land/property nominated. The nomination is being submitted by the CAMRA Branch in line with Judge NJ Warren's First Tier Tribunal General Regulatory Chamber decision in St Gabriel Properties Limited – v – London Borough of Lewisham and South East London Branch of CAMRA

A7 More about your organisation

What are the main aims and activities of your organisation?
Tendring CAMRA Branch

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	
Memorandum and Articles of Association (for a company)	X
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

Part B: About the land or building(s) you are nominating

B1 Description and address

What it is (eg. pub, local shop)

Public House

Name of premises (eg. Royal Oak / Littletown stores)

The Globe Inn

Address including postcode (if known)

Castlegate Street
Harwich
CO12 3HA

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.



B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land		The Globe Inn Castlegate Street Harwich CO12 3HA
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	The Flying Trade Group	Europa House 4 Europa Way Harwich CO12 4PT
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

The Globe Inn currently has 2 Darts teams that play in the local Darts league.

They also have 2 Pool teams which compete in the local Pool league.

The Globe also has a Crib team that competes in a local Crib league.

The Globe Inn contributes to a number of local festivals held within the Harwich area, these include:

The Harwich Ale Trail, an event which was set up and run by all the local landlords. This involves all the pubs in Harwich and is held over a 4 day period every year.

They support both of the local Beer festivals, one organised and run by CAMRA and an independent festival organised by the Harwich Town Brewing Co.

The Harwich Sea Festival and Lifeboat Day which is held every year and raises money for local charities.

The Harwich Sea Shanty festival which is held over a 3 day period every year featuring both local and international shanty groups. The Globe is one of the venues used for live music and it is also where the local Shanty group practice during the year.

The annual Essex & Herts Bike run which terminates in Harwich and raises funds for the Herts & Essex Air Ambulances.

The Globe Inn is also a popular venue to visit during the annual Harwich Sausage festival and is frequented by visitors, both local and from further afield, and on occasion the local Morris Dancers can be seen performing at the Globe Inn.

The Globe Inn is arguably the oldest, still operating, pub in

Harwich, first opening its doors to the public in 1753. The building was Listed Grade II by English Heritage in 1951 and still contains many of the original features such as original 17th Century timber frames.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

The pub gives local people a greater choice of places where they could meet and socialise in a welcoming environment. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.

The Globe Inn, has been in the past, a hub of the community and provided a safe, family friendly atmosphere where people from all walks of the community could get together, join in local events run by local people and hopefully will continue to do so in the future.

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

The reason for the nomination is to ensure that the building has the opportunity to continue as a public house serving both the local community and Harwich's many visitors.

The pub customers and wider Harwich community should have the opportunity to form a community interest group and bid for the pub if and when they do decide to sell.

Harwich is a growing area which has a thriving social community. There are plans for further dwellings to be built within the Harwich and Dovercourt area so it would make sense for this building to remain as a public house given its situation in the town,

There are various examples of community groups raising sufficient funds to purchase pubs as community ventures and successfully run them for the benefit of the local community. Indeed within the Tendring area we have the excellent examples of The Maybush in Great Oakley and The Cross at Bromley, which after being nominated as an ACV have been purchased by the community and are trading well with a lot of support from the local community.

Dear Ms Burden

Re: The Globe Inn, Castlegate Street, Harwich, CO12 3HA.

Thank you for your recent letter dated 16th August 2018 addressed to the Flying Trade Group Plc in respect of their property above.

I acknowledge receipt of the application to nominate the above property as an Asset of Community Value and the freehold owner wishes to object.

The property is held by the Flying Trade Group Plc which owns and operates a significant number of business interests within Harwich and the surrounding areas. These include food manufacture and distribution, owners/operators of various public houses, hotels and rental properties in addition to commercial developments and investments.

The Globe Inn has been run as a local public house for several years and the current plan is to maintain this operation. However, should the building become an Asset of Community Value, this could then restrict the strategic placement of the property in the future, hinder any transfer between business and resist any future expansion/alteration to the Globes operation.

We need to ensure the owner has full control of the public house as the business needs may change in the future and any ACV could have an impact on being able to meet these. As an example, the ancillary use of the Globe Inn is being ignored and there may be the need in the future to expand into letting rooms which may then change the business model. At this stage we simply do not know how the Globe Inn will trade over the next few years and we have to be ready to adapt if necessary and this can only be achieved if the property is free from restrictions.

It should also be noted that if the objection to the ACV listing were to be un-successful then the owner reserves their right to claim loss and expense from the council which could also include costs as a result of the delay of any future sale.

As explained above, the owner has no wish to dispose of the property but must have the freedom to make the business adapt to meet the ever-changing needs of its customers and restrictions (such as an ACV listing) could hinder this ability. We hope the council can appreciate the need to keep this property free from listing and I would be happy to meet with the council in the future to discuss any possible changes, if you felt this would be an acceptable alternative.

We look forward to receiving feedback following the Cabinet meeting.

Yours sincerely,

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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