

## **RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)**

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing Portfolio Holder - A.1 - House Building by Tendring District Council

**Decision:**

**RESOLVED** that Cabinet –

- (a) endorses the approach proposed in respect of building new Council owned homes;
- (b) approves, “in principle”, to build 200 new Council houses on the basis that any proposed specific site development opportunities will be approved by Cabinet on an individual business case and will reflect the overarching direction established via the emerging Housing Strategy;
- (c) approves the accepting of Gifted Units under Section 106 Planning Agreements with on-going responsibility for service charges incurred by management companies and, in some instances, a requirement for the Council to become shareholders in such companies; and
- (d) authorises the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Housing and the Head of Governance and Legal Services, to agree the final terms and conditions for the transfer of Gifted Units including the management company governance arrangements.

**Reasons for Decision:**

Having considered the information provided in the report including the financial, risk and other implications and the legal advice provided by Officers.

**Alternative Options Considered:**

To establish a Council owned development and management company to build the units and on lend finance at a margin to the company.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**

Councillor G V Guglielmi declared a personal interest during the discussions on this item when such discussions touched on the subject of Gifted Units insofar as he was a Director of the Lawford Housing Enterprise Trust.

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Paul Price, Corporate Director (Operational Services)

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and Leisure & Tourism Portfolio Holder - A.2 - Business Plan for Clacton Leisure Centre

**Decision:**

**RESOLVED** that Cabinet –

- (a) approves the business case for asset improvement works to Clacton Leisure Centre; and
- (b) agrees to proceed with the project set out in the 'Clacton Leisure Refurbishment' report previously reported to Cabinet in July 2019, with the Head of Sport and Leisure be delegated to undertake the necessary procurement in accordance with the Council's procurement procedure rules.

**Reasons for Decision:**

Having considered the information provided in the report and the appendix attached thereto.

**Alternative Options Considered:**

Not to proceed in view of the potential operational risks.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**

None

**Consultation with Ward Member:**

None

**Contact Officer:**

Michael Carran, Head of Sport and Leisure

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.3 - Freehold Disposal of Land at Vista Road, Clacton-on-Sea and Freehold Acquisition of Land at Rush Green, Clacton-on-Sea

**Decision:**

**RESOLVED** that Cabinet –

- (a) having considered the objections and comments received, as set out in Appendix D to the Portfolio Holder's report, in respect of the potential disposal of public open space, agrees that the loss of public open space is outweighed by the provision of a new extended school facility and by the provision of a dedicated sixth form education facility in the District;
- (b) approves, in principle,;
  - a. the freehold disposal of land at Vista Road, Clacton-on-Sea, as shown edged red on the plans in Appendix A, for the purposes of educational provision, relying on the General Consent Order for the reasons set out within the report;
  - b. the freehold acquisition of land at Rush Green Clacton-on-Sea, as shown edged red on the plans in Appendix B, for the purposes of public open space;
  - c. the granting of rights for access and installation and use of services in the Council's retained land at Vista Road;
  - d. the revision and extension of an existing shared use agreement related to changing rooms in order to include grass and artificial pitch areas;
  - e. the Council entering into an umbrella agreement with Essex County Council in order to encompass the foregoing to then secure funding from Essex County Council for various improvement works in return for the various rights granted and Tendring District Council's undertaking to procure and carry out key improvement works at the Vista Road site;
- (c) authorises officers to procure, contract and carry out the key improvement works and such other works that are shown on the plans and listed at Appendix C and other improvements that are considered necessary by the Corporate Director (Operational Services), subject to the sufficiency of funding;
- (d) authorises the Deputy Chief Executive and the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Corporate Finance & Governance, to enter into the necessary legal agreements to deliver this project.

**Reasons for Decision:**

Having considered the information provided in the report and appendices and, in particular, the financial, risk and other implications, the legal advice provided by Officers and the public representations received in response to the public notice.

**Alternative Options Considered:**

Not to proceed any further.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**

Councillors G V Guglielmi, P B Honeywood and M E Stephenson each declared a personal interest during the discussions on this item insofar as they were also Elected Members of Essex County Council.

**Consultation with Ward Member:**

Not reported.

**Contact Officer:**

Andy White, Head of Property Services

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and Housing Portfolio Holder - A.4 - Freehold Purchase of a Residential Property

**Decision:**

**RESOLVED** that Cabinet authorises, in principle, the freehold purchase of the property, subject to its decision to be taken later in the meeting in relation to the terms of the contract and the transfer of deeds necessary to complete the purchase of the property.

**Reasons for Decision:**

The Housing Manager and the Development & Building Manager had both visited the property and were in agreement that it was a suitable property to bring back into the Council's housing stock. In addition, a Chartered Surveyor valuation had been obtained and a purchase price agreed with the family.

**Alternative Options Considered:**

Not to proceed with the purchase of the property.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**

None

**Consultation with Ward Member:**

Not reported.

**Contact Officer:**

Tim Clarke, Head of Housing and Environmental Health

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - B.1 - Terms for the Freehold Disposal of Land at Vista Road, Clacton-on-Sea and Freehold Acquisition of Land at Rush Green, Clacton-on-Sea

**Decision:**

**RESOLVED** that Cabinet, having had regard to its discretionary powers under the General Disposal Consent Order (England) 20013, -

- (a) approves the terms for the freehold disposal of Land at Vista Road to Essex County Council (ECC), as scheduled in the Current Position section of the Portfolio Holder's report;
- (b) approves the terms for the freehold acquisition of Land at Rush Green from ECC as scheduled in the aforementioned Current Position section;
- (c) approves the terms for the terms for the granting of works access over Land at Vista Road to ECC, as scheduled in the above mentioned Current Position section;
- (d) approves the terms for the granting of an easement for installation and use of services under of Land at Vista Road to ECC, as scheduled in the aforesaid Current Position section;
- (e) approves the terms for the addition/revision/extension of the joint user agreement related to the football changing rooms to include shared use of the transferred land, car park, access and all-weather pitch at Vista Road with Sigma Trust and/or ECC, as scheduled in the previously mentioned Current Position section;
- (f) authorises the acceptance of £1,010,315 from ECC together with the undertaking to complete the key improvements and to expend the other funding only on improvements at the Vista Road and Rush Green sites;
- (g) authorises Officers on receipt of the funds to procure and complete works as (f) above, including the commissioning of advisors and contractors as required;
- (h) authorises the Deputy Chief Executive to conclude detail of the terms as scheduled in the aforementioned Current Position section; and
- (i) authorises the Deputy Chief Executive to enter into the various contracts as above, and any umbrella or supplemental contracts that he considers necessary, all on the terms set out and subject to such other terms that he considers necessary.

**Reasons for Decision:**

Having considered the information provided in the report.

**Alternative Options Considered:**

To not approve the proposed terms.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**



None

**Consultation with Ward Member:**

Not reported.

**Contact Officer:**

Andy White, Head of Property Services

Date:	Decision Maker:	Subject to Call-in*
11 October 2019	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and Housing Portfolio Holder - B.2 - Terms for the Freehold Purchase of a Residential Property

**Decision:**

**RESOLVED** that Cabinet –

- (a) approves the terms for the freehold purchase of the property; and
- (b) authorises the Deputy Chief Executive to enter into a contract and transfer deed in order to complete the purchase of the property on the terms set out and subject to such other terms that he considers necessary.

**Reasons for Decision:**

Having considered the information provided in the report.

**Alternative Options Considered:**

Not to approve the proposed terms.

**Conflicts of Interest Declared  
(and Dispensations Granted by the Monitoring Officer)**

None

**Consultation with Ward Member:**

Not reported.

**Contact Officer:**

Tim Clarke, Head of Housing and Environmental Health

\* The call-in procedure will not apply to a decision where the Chairman of the relevant overview and scrutiny committee's agreement has been obtained that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest, (Rule 16 (h) of the Overview and Scrutiny Procedure Rules) or any decision made where such decision is to be referred to the Council or one of the overview and scrutiny committees for their consideration.