



CABINET

DATE:	Friday, 11 October 2019
TIME:	10.30 am
VENUE:	Essex Hall - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor Broderick	- Independent Living Portfolio Holder
Councillor C Guglielmi	- Deputy Leader of the Council and Corporate Finance & Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Partnerships Portfolio Holder
Councillor Newton	- Business & Economic Growth Portfolio Holder
Councillor Porter	- Leisure & Tourism Portfolio Holder
Councillor Talbot	- Environment & Public Space Portfolio Holder

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

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

DATE OF PUBLICATION: THURSDAY, 3 OCTOBER 2019

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 - 12)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 13 September 2019.

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

There are none on this occasion.

7 Matters Referred to the Cabinet by a Committee

There are none on this occasion.

8 Leader of the Council's Items

There are none on this occasion.

9 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.1 - House Building by Tendring District Council (Pages 13 - 22)

To set out the proposed aspiration of the Council to deliver good quality, affordable housing to support economic growth within the District and to ensure that the Council delivers on its commitment to further underpin the housing led renewal process in Jaywick Sands by providing safe new housing as part of the housing led regeneration strategic priority.

10 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 (Pages 23 - 36)

Following on from Cabinet allocating a budget of £525,000 in their July meeting, for asset improvement works at Clacton Leisure Centre, to request approval of the business case in order for the project to proceed.

11 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 (Pages 37 - 60)

To consider objections and comments received in respect of the potential disposal of public open space and to approve the principle of various property transactions and contractual arrangements required to facilitate the extension of the sixth form facility at Clacton County High School and improvement of public open space at Rush Green.

12 Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and Housing Portfolio Holder - A.4 - Freehold Purchase of a Residential Property (Pages 61 - 64)

To seek approval from Cabinet for the freehold purchase of a residential property in Tendring.

13 Management Team Items

There are none on this occasion.

14 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 Items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.”

15 Exempt Minute of the Meeting held on Friday 13 September 2019 (Pages 65 - 66)

To confirm and sign the exempt minute of the meeting of the Cabinet held on Friday 13 September 2019.

16 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 (Pages 67 - 72)

To approve terms for the freehold disposal of the land at Vista Road, Clacton-on-Sea, acquisition of land at Rush Green Clacton-on-Sea and various other matters.

17 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 (Pages 73 - 76)

To approve terms for the freehold purchase of a residential property in Tendring.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 8 November 2019.

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 Nos. 16 and 17 are likely to be considered in private for the following reason:

The items 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:

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; and

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.

Information for Visitors

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 13TH SEPTEMBER, 2019 AT 10.30 AM
ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Joy Broderick (Independent Living Portfolio Holder), Carlo Guglielmi (Deputy Leader of the Council & Corporate Finance and Governance Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Mary Newton (Business and Economic Growth Portfolio Holder), Alex Porter (Leisure and Tourism Portfolio Holder) and Michael Talbot (Environment and Public Space Portfolio Holder)

Group Leaders Present by Invitation: Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independent Group), Ivan Henderson (Leader of the Labour Group) and Mark Stephenson (Leader of the Tendring Independents Group)

Also Present: Councillor Gina Placey

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Anastasia Simpson (Head of People, Performance and Projects), John Higgins (Head of IT and Corporate Resilience), Gary Guiver (Planning Manager), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Debiannne Messenger (Work Based Learning Manager) and William Lodge (Communications Manager)

27. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors McWilliams (Portfolio Holder for Partnerships) and Scott (Leader of the Liberal Democrats Group).

28. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 19 July 2019 be approved as a correct record and signed by the Chairman.

29. DECLARATIONS OF INTEREST

Councillors Stock OBE and G V Guglielmi each declared personal interests in report item A.4 – North Essex Garden Communities Ltd: Approval of 2019/20 Interim Business Plan and Budget – insofar as they were, respectively, a Director and an alternate Director of that company.

Councillor I J Henderson, as a point of information, informed the meeting that he was the relevant Ward Member in relation to report item A.3 – Starlings Site and Milton Road Development, Dovercourt Town Centre.

30. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

31. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

32. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were none on this occasion.

33. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

There were none on this occasion.

34. LEADER OF THE COUNCIL'S ITEMS - A.1 - NEW CORPORATE PLAN 2020 - 2024

The Cabinet gave consideration to a report of the Leader of the Council (A.1) which sought its approval of the draft Corporate Plan 2020/24 and its initial proposals for consultation and examination by the Overview and Scrutiny Committees.

Cabinet recalled that at its last meeting held on 19 July 2019 it had decided to “instruct officers to work with Portfolio Holders to bring forward proposals for a new Corporate Plan for the period 2020 to 2024...” It had also been agreed that the current strategic Performance Management arrangements should remain in place, consisting of

- A high level, strategic, long term Corporate Plan agreed by Council.
- An annual programme of Priorities and Projects to deliver the Corporate Plan aspirations agreed by Cabinet.
- Clear milestones and deliverables for the Priorities and Projects set out in the Performance Dashboard.
- Quarterly reporting of the Performance Dashboard to Cabinet and the two Overview and Scrutiny Committees.
- Monthly monitoring of the Performance Dashboard by Management Team.

The draft Corporate Plan, as attached as Appendix A to the Leader of the Council's report, followed the principles which had also been agreed at the last Cabinet meeting, namely:

- a “Plan on a Page”;
- with Community Leadership at its heart;
- with other cross-cutting themes identified such as Tending4Growth; and
- with a clear statement of the Council's overall vision and values.

It was reported that a number of major topics and themes such as Jaywick, Garden Communities and support for local businesses, had been carried forward from the

previous Corporate Plan into this new draft because they were very long term and ongoing. Key points were as follows:

- Community Leadership remained as the predominant cross-cutting theme;
- Economic growth - "Tendring4Growth" - was also highlighted as a theme which cut across a wide range of the Council's service activities and projects;
- Transformation – of the way the Council worked – no longer featured as a separate heading but was embedded as "modern facilities" and "24 hour digital services";
- The Council's commitment to work towards Carbon Neutrality had been included alongside "minimise waste; maximise recycling";
- Effective regulation and enforcement, a proactive Planning service and effective planning policies reflected the key importance of those activities to have a positive impact on the wider District and its residents with hopefully the benefit of an adopted Local Plan in the first year of the life of the new Corporate Plan;
- More emphasis and detail had been provided regarding working with partners as a Community Leader – setting out not just some of the key partnerships but what the Council aspired to achieve through that approach;
- The plan to embark on new housebuilding had been included, as was the desire to see town centres within Tendring revitalized; and
- A growing and inclusive economy that included developing and supporting existing businesses as well as attracting new businesses and a commitment to promoting not just the major Tourism attractions of Tendring but also the Heritage and Cultural offers.

Cabinet was aware that the success of the whole plan required a sound financial position over the long term and a continued commitment to the 10 year financial plan was vitally important. The Council was currently in year three of the Plan and the period of this Corporate Plan would see four years, when steady but significant reductions in the Council's base, ongoing budget were required. This would be very challenging in a time when central Government funding would be fully withdrawn, but the long term financial plan held out the prospect of the Council's budgets becoming balanced and self-financing without the need for further reductions in the following years.

Members were also aware that the success of the whole plan also required effective and positive governance in order to ensure the Council and its various resources – people, assets, IT and finances - were well managed in order to enable the Corporate Plan priorities and the full range of the Council's services to be delivered.

Cabinet was informed that the Vision and Values of the Council had been reviewed and considered in the light of changing circumstances – both in the world of local government and more widely – and it was felt that they remained appropriate and relevant so they had remain unaltered from the previous plan.

The timetable for completion of the Corporate Plan, including a period for consultation with the Council's two Overview and Scrutiny Committees, key public sector partners, businesses and community organisations, the wider public and an ultimate aim of the Plan being approved by Full Council in January 2020 was set out in Appendix B to the Leader of the Council's report. The arrangements for that consultation were set out in Appendix C to the report.

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that Cabinet approves both the content of the draft Corporate Plan 2020 – 24, (as set out in Appendix A), as its Initial Proposals for consultation purposes and also the proposed arrangements and timetable for scrutiny, and consultation, (as set out in Appendices B and C to the report).

35. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS AND ECONOMIC GROWTH PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - REJUVENATING CLACTON TOWN CENTRE

The Cabinet gave consideration to a detailed joint report of the Business and Economic Growth Portfolio Holder and the Corporate Finance and Governance Portfolio Holder (A.2) which –

- updated the Cabinet on the outcomes from the Clacton Town Centre Working Party and the progress of the Council's successful bid to the Government's 'Future High Streets Fund' in respect of Clacton Town Centre;
- sought the Cabinet's endorsement of the future vision for Clacton Town Centre and for the 'Love Clacton' brand;
- sought the Cabinet's approval for a 'Plan of Action' for Clacton Town Centre containing short, medium and long-term measures developed from the ideas of the Clacton Town Centre Working Party; and
- sought an agreed approach to on-going engagement with businesses, residents, visitors and partners in respect of Clacton Town Centre.

The detail of the report was submitted to the Cabinet under the following main headings:-

- (1) the work of the Clacton Town Centre Working Party to date;
- (2) the 'Future High Streets Fund';
- (3) the 'Love Clacton' brand and vision;
- (4) the plan of action for Clacton Town Centre; and
- (5) the future engagement with businesses, residents, visitors and partners.

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that –

- a) the summary of issues and challenges facing Clacton Town Centre identified by the members of the Clacton Town Centre Working Party, along with the ideas and suggestions for addressing those issues and challenges be noted;
- b) the inclusion of Clacton Town Centre in the Government's 'Future High Streets Fund' (as indicated in the August 2019 letter from the Ministry of Housing, Communities and Local Government attached as Appendix 1 to the report) and

the requirement to develop a more detailed business case as part of the next stage of the process be noted;

- c) 'Love Clacton' be endorsed as the brand to be adopted as part of a consistent approach to the branding and marketing of Clacton Town Centre and other attractions in Clacton;
- d) the 'Vision for Our Town Centre in 2030' (attached as Appendix B to the report) be endorsed as the overarching vision for the future of Clacton Town Centre;
- e) the Plan of Action for Clacton Town Centre (attached as Appendix C to the report) be endorsed and the Council's Officers be authorised to work with relevant partners to deliver the actions within it;
- f) a fund of £250,000 be allocated to the delivery of short-term actions within the Action Plan, as detailed within the resources and risk section of the report;
- g) the approaches for both delivery of actions and ongoing public engagement in relation to the Town Centre (as detailed in Appendix D to the report) be approved; and
- h) the Director for Planning and Regeneration, in consultation with the relevant Portfolio Holders, be authorised to submit a detailed business case for Clacton Town Centre to the Government's 'Future High Streets Fund' by the deadline of 30th April 2020.

36. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS AND ECONOMIC GROWTH PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.3 - STARLINGS SITE AND MILTON ROAD DEVELOPMENT, DOVERCOURT, HARWICH

The Cabinet gave consideration to a joint report of the Business and Economic Growth Portfolio Holder and the Corporate Finance and Governance Portfolio Holder (A.3) which sought its approval to –

- (1) deliver two key regeneration projects within Dovercourt Town Centre: the redevelopment of the Starlings site in Dovercourt Town Centre and the demolition of the Milton Road Car Park; and
- (2) allocate £1.595m from existing Council budgets to deliver those projects, including the appointment of a technical team, subject to the approval of the Business Case to be discussed later in the meeting.

Cabinet recalled that, at its meeting in July 2019, it had approved the Dovercourt Town Centre Masterplan, which articulated a vision for the regeneration and transformation of the town. The Masterplan was a prospectus for change and promoted a targeted range of development and public realm improvements in order to support the regeneration, transformation and renaissance required.

Cabinet had also approved at that meeting the preparation of a detailed business case for the redevelopment of the Starlings site and the Milton Road Car Park. Outline project proposals for those sites provide the focus of the joint report. The Business Case for

those projects was set out in a related private and confidential report which would be considered later in the meeting.

Members were aware that the Starlings site was located on Dovercourt High Street and had been derelict for some years. Despite being boarded the site was a blight on the town centre. The Milton Road Car Park was a two storey steel and concrete structure located adjacent to the Starlings site. The Car Park (which incorporated public toilets), was in the Council's ownership, and was now in need of significant improvement works if the facility was to retain any long term operational use.

Cabinet was reminded that the Dovercourt Masterplan advocated that the Starlings site be redeveloped to provide a new animated public space, public toilets, and a surface car park with the capacity to accommodate 59 car parking spaces (six of which being designated for disabled use). The Masterplan also advocated the demolition of the Milton Road Car Park and for the vacant site to be redeveloped for housing (which could take the form of nine, three storey town houses above a shared under-croft car park). The redevelopment of the site would incorporate provision for an additional fifteen public car parking spaces on Bagshaw Road.

It was felt that works to demolish the Milton Road Car Park would be an investment that would create a development site in Council ownership with the potential to generate a future capital value. There existed a range of scenarios through which the site could be brought forward for development, the detail of which would be the subject of a future report to Cabinet.

Members were informed that the redevelopment of the Starlings site and the Milton Road Car Park, in line with the concept designs provided in the Dovercourt Town Centre Masterplan, would provide a net gain in public car parking provision of six additional spaces (from 68 spaces to 74 spaces). They were also critical components in the Masterplan in securing a successful transformation and vibrant future for Dovercourt Town Centre. They would also have a positive regeneration impact on Dovercourt Town Centre and the social, economic and environmental well-being of the area by:

- a) bringing back into productive use a vacant and derelict site, which currently blighted the town and had a negative impact on Dovercourt High Street;
- b) creating town centre assets for the Council which would have positive uses now and in the future;
- c) supporting wider 'place shaping' objectives through the delivery of new housing;
- d) creating a more accessible public car park, and improving footfall in the town;
- e) creating new public realm and amenity space, providing the opportunity for greater animation thereby creating a more vibrant town centre;
- f) providing the potential for a multi-use 'event space' in the town centre, through the creative use of the proposed new surface car park;
- g) reducing the opportunities for crime and disorder through improved urban design;
- h) creating confidence in the development market, and encouraging private sector investment;
- i) giving the town's existing traders the confidence to invest in their businesses and in their property; and
- j) providing a high quality meeting place in the town centre and improving the opportunities for positive social engagement, helping to build civic pride and community cohesion.

Cabinet was advised that, subject to its approval and the Council's ability to secure control over the Starlings site, the two projects (which were inextricably linked and mutually dependent), would be phased in order to accommodate the Starlings site development first, thereby ensuring the availability of public car parking space at the time works to demolish the Milton Road Car Park were initiated. Delivery of the project would be led by the Council's Regeneration Team with technical specialists being appointed as required (in order to progress the design of the proposed Starlings scheme and the demolition methodology for the Milton Road Car Park; secure all necessary approvals; and oversee the phasing, construction, and delivery of these projects).

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that –

- a) the proposals for the acquisition and redevelopment of the Starlings site and the demolition of the Milton Road Car Park be approved;
- b) £1.595m funding be allocated to the project from existing budgets; and
- c) the above will be progressed subject to approval of the Business Case and relevant recommendations set out in the related private and confidential report that will be considered later in the morning.

37. LEADER OF THE COUNCIL'S ITEMS - A.4 - NORTH ESSEX GARDEN COMMUNITIES LTD: APPROVAL OF 2019/20 INTERIM BUSINESS PLAN AND BUDGET

Earlier in the meeting Councillors Stock OBE and G V Guglielmi had each declared personal interests in this item insofar as they were, respectively a Director and an alternate Director of NEGC Ltd.

The Cabinet gave consideration to a detailed report of the Leader of the Council (A.4) which sought its ongoing support, working together with Braintree District, Colchester Borough and Essex County Councils, in order to progress North Essex Garden Communities (NEGC); to approve the Interim Business Plan for 2019/20 for NEGC Ltd and specific governance arrangements for the project.

The report provided detail to the Cabinet principally on the following matters:-

- (1) the historical background to the current report;
- (2) the financial and legal implications for the Council;
- (3) the 2019/20 Interim Business Plan;
- (4) the 2019/20 Budget;
- (5) the Local Authorities' Funding Contributions;
- (6) the transfer of the Project Budget;
- (7) the issues of Stewardship; and
- (8) the current position.

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that –

- a) the 2019/20 Interim Business Plan and Budget (subject to confirmation of Government funding) for NEGC Ltd, as attached at Appendix A to the report, be approved;
- b) £350,000 be committed from the Garden Communities Budget and the associated delegations approved in order to enable phased drawdowns upon a formal request by way of a NEGC Board resolution in accordance with the agreed milestones and the agreement of the Council's Section 151 Officer;
- c) the Councils' Section 151 Officers be authorised to agree any future allocation of the project funds held by Colchester Borough Council between NEGC Ltd and the North Essex Authorities; and
- d) a report be submitted to a future Cabinet meeting in respect of funding requirements and financing options for 2020/21 and 2021/22.

38. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.5 - DIGITAL TRANSFORMATION PROGRAMME UPDATE

The Cabinet gave consideration to a comprehensive report of the Corporate Finance and Governance Portfolio Holder (A.5) which updated it on the progress of the two year Digital Transformation investment programme based upon qualitative, time and cost reporting including those significant events/ changes which had affected the programme. The report also brought to Cabinet's attention details of cost pressures relating to digital working, partly arising from the changes referred to above.

The report provided detail to the Cabinet principally on the following matters:-

- (1) a new 'My Tendring' Customer Self-Service Portal;
- (2) Cloud Migration to the Public Cloud;
- (3) a new Tendring Leisure and Tourism App;
- (4) over-arching strategic Digital Transformation benefits;
- (5) Office Transformation Digital works;
- (6) Digital Transformation Programme Timescales;
- (7) Digital Transformation Programme Costs;
- (8) Microsoft Licensing costs; and
- (9) Northgate Electronic Document Record Management replacement.

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that Cabinet –

- (a) acknowledges the digitally enabled achievements delivered to date, including:
 - i. *My Tendring* portal major customer service improvements;

- ii. *My Tending* portal positive customer feedback;
 - iii. a strategic IT investment shift from large cyclical capital costs to an ongoing digital revenue cost model;
 - iv. enhancements to the Council's data infrastructure, cyber security protection and digital resilience;
 - v. developing in-house programming skills and expertise; and
 - vi. The new Leisure and Tourism App now promoting events.
- (b) recognises the Council's increasing use of digital technology to deliver efficient and effective services.
- (c) acknowledges the various changes which have affected the programme and the resultant "worst case" cost pressures that have emerged.
- (d) approves that the cost pressures of £181,754 in 2019/20 and £113,942 in 2020/21, as set out in the report, are reflected in the on-going financial forecast and financial performance reports.

39. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.6 - FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE FIRST QUARTER 2019/20 AND LONG TERM FINANCIAL FORECAST UPDATE

The Cabinet gave consideration to a detailed report of the Corporate Finance and Governance Portfolio Holder (A.6) which provide it with an overview of the Council's financial position against the budget as at the end of June 2019 and which also presented an updated long term forecast.

Therefore the report was split over two distinct sections as follows:

- 1) the Council's in-year financial position against the budget at the end of June 2019; and
- 2) an updated long term financial forecast

In respect of the in-year financial position at the end of June 2019:

It was reported that the position to the end of June 2019, as set out in more detail within the appendices, showed that, overall, the General Fund Revenue Account was overspent against the profiled budget by £0.460m. However, it was relatively early in the financial year and therefore some expenditure or income trends could still be emerging and to date the variance primarily reflected the timing of expenditure and income.

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.

Cabinet was made aware that some necessary changes to the 2019/20 budget had been identified which were set out in Appendix H, with an associated recommendation also included within the report. The net impact of all of the budget adjustments would be moved to, or from, the Forecast Risk Fund. The long term forecast was based on the

identification of £0.500m of in-year outturn savings, which would be set aside over the course of the whole year within the Forecast Risk Fund to support the long term plan.

In respect of the updated long term financial forecast:

Cabinet was informed that the forecast had been reviewed and updated from 2020/21 onwards. An increase in unavoidable / on-going cost pressures was expected in 2020/21, which had had a knock on impact on the level of annual on-going savings required. Based on the initial forecast, the savings target had increased from £0.300m per year to £0.450m per year.

Overall it was felt that the revised forecast could still provide an effective method of managing financial 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 long term financial position, supported by the Forecast Risk Fund that has been set up to underwrite such risks.

It was reported that a detailed review of risks associated with the long term forecast was subject to on-going review and was separately reported within Appendix J to the report.

It was considered important to continue to deliver against the new longer term forecast as it continued to provide a credible alternative to the more traditional short term approach, which would require significant additional savings to be identified in 2020/21.

In terms of delivering against the forecast for 2020/21 and beyond, work remained on-going across the five key work strands of:

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

Having considered the information provided in the report and appendices thereto:-

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

RESOLVED that –

- (1) in respect of the financial performance against the budget at the end of June 2019:
 - (a) the position be noted; and
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to the report, be approved, with the additional requirement that the fund of £1.134million set aside for investment in the Council's property assets be spent in such a way as to reduce future cost pressures and to contribute to the Council's commitment to carbon reduction.

- (2) in respect of the Updated Long Term Forecast, the updated forecast be agreed and that the Resources and Services Overview and Scrutiny Committee be consulted on the latest position.

40. 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 paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

41. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS AND ECONOMIC GROWTH PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - B.1 - STARLINGS SITE AND MILTON ROAD DEVELOPMENT, DOVERCOURT, HARWICH

RESOLVED that –

- a) the business case for the redevelopment of both the Starlings site and Milton Road Car Park be approved;
- b) the allocation of funding from the Council's budgets to the value of £1.595m be approved for redevelopment purposes;
- c) the acquisition of the Starlings site (Plots 1, 2, and 3) for redevelopment purposes within the cost range identified in the report be approved;
- d) the Deputy Chief Executive, in consultation with relevant Portfolio Holders as required, be authorised to agree the terms of land acquisition within the context of the report;
- e) the demolition of the Milton Road Car Park in line with proposals outlined in the Dovercourt Town Centre Masterplan be approved;
- f) the development options outlined in the report for the Milton Road Car Park site be noted and be the subject of a future report; and
- g) the Corporate Director (Planning & Regeneration), in consultation with relevant Portfolio Holders as required, be delegated all such authorities necessary in order to deliver the Starlings and Milton Road Car Park projects.

The Meeting was declared closed at 12.15 pm

Chairman

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

11th OCTOBER 2019

REPORT OF THE HOUSING PORTFOLIO HOLDER

A.1 HOUSE BUILDING BY TENDRING DISTRICT COUNCIL

(Report prepared by Paul Price)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report sets out the proposed aspiration of the Council to deliver good quality, affordable housing to support economic growth within the District and to ensure that the Council delivers on its commitment to further underpin the housing led renewal process in Jaywick Sands by providing safe new housing as part of the housing led regeneration strategic priority.

EXECUTIVE SUMMARY

- Tendring, together with London and other parts of the South East, is facing a shortage of homes of all tenures and in particular, a shortage of good quality homes which are affordable to those on lower to middle incomes. The shortage of homes is pushing up market sale prices and rents to unaffordable levels for some households. Equally it is recognised that to attract new employment a good mix of aspirational as well as more affordable housing must be available for workers;
- Many new developments are designed to maximise development profit and so properties are frequently small, lacking storage space and are unimaginatively designed;
- However, recent planning approvals and build out rates across Tendring suggest that the local market may be reacting differently but this may be just a lag ahead of the slow down which has seen house prices fall in London, indeed they have fallen for the last 18 consecutive months, this will no doubt have an impact on build out rates but is also squeezing space standards and suitability of new homes;
- Until such time as the housing market stabilises it would be premature to look to undertake new build other than to deliver housing at social rents to ensure that for those priced out of the market the Council can support these households. Should the market change and the option for the Council to enter the “home ownership” market then at that time a further options report will be brought forward;

- Clearly there are also areas such as Jaywick Sands where it is difficult to attract traditional developers due to the lack of market confidence. This is another area where Tendring District Council can take a lead to reshape the market. The Council has been recognised as “Housing Business Ready” following an audit by the Housing and Finance Institute and so we need to build upon the good foundations already established within the Council to influence the market and deliver new homes ourselves;
- Detailed proposals will be brought forward on a site specific basis as and when development opportunities are identified, but this report sets the overall framework and context within which such decisions will be set;
- Each site specific proposal as well as this framework will also take into account the overarching direction which will be established by the emerging Housing Strategy;
- The report also advises Members on the proposed approach to some small complications which have arisen on gifted units, which, as this is a unique proposition, do not appear to have arisen previously or anywhere else in the country and, therefore, there are no precedents to rely upon.

RECOMMENDATION(S)

That Cabinet

- **Endorses the approach proposed in respect of building new Council owned homes;**
- **Agrees the “in principle decision” to build 200 new Council houses on the basis that any proposed specific site development opportunities are agreed by Cabinet on an individual business case and reflect the overarching direction established via the emerging Housing Strategy;**
- **Approves accepting 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.**
- **Delegates to the Corporate Director, Operational Services in consultation with the Portfolio Holder for Housing and Head of Governance and Legal Services authority to agree the final terms and conditions for the transfer of Gifted Units including the management company governance arrangements.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The delivery of new, good quality affordable housing will support economic growth and underpin the renewal process in Jaywick Sands.

The Council’s Corporate Plan makes a commitment to “ensure that all residents live in high quality housing which meets local needs” and to “regenerate the District and improve deprived areas”. These new homes will be high quality, cost effective, meet local need, will facilitate regeneration and are in an area of acute deprivation.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Following the relaxation of borrowing headroom arrangements for the HRA (these were the capping rules put in place following the changes to the HRA subsidy system) Councils are now in a position to, in theory, borrow above their previously capped limit. The borrowing cap was an arrangement which government put in place when the HRA subsidy system was removed and sought to ensure that Councils did not expose their 30 year business plan to significant risk by borrowing above what was affordable within their business plan. Members may be aware that in removing the HRA subsidy system the government sought to claw back lost income from the subsidy system over future years. Whilst the system was called a subsidy system, Tendring District Council was paying into the system approximately £2 million per annum at the date of its removal. In stopping the subsidy system the Council was required to pay the government a one off payment of £36 million. This sum was added to the overall borrowing of the HRA. As part of the business plan process the government set a notional total borrowing figure, which was sustainable (affordable) within the business plan and capped borrowing at this level. As with all borrowing, as the capital borrowed is repaid so the borrowing headroom increases and whilst the cap has now been lifted any additional borrowing has got to be affordable in terms of the HRA's revenue income ability to pay it together with any interest charges.

At present the HRA borrowing headroom is around £20m if the government's business plan methodology is applied and whilst this methodology is fairly conservative in terms of its risk profile, straying too far from that risk profile would not be prudent given the recent record of government intervention in the Council's ability to raise income from rents to repay any loans.

As Members will appreciate the Council would not borrow capital to build out any specific scheme until such time as it was required and as such detailed financial breakdowns would be brought forward as decisions were sought on specific building projects as interest rates, income profiles etc. will change over time as will potentially the source and terms of such loans. This means that individual reports will come to Members for decision on any proposal to build in any location in advance of any new development coming forward. However, based on prevailing PWLB interest rates, any development land already being in the Council's ownership and build costs remaining comparatively stable building 200 new homes at a build out rate averaged at 20 per year is achievable. One of the complicating factors in considering overall viability is the Right to Buy. Whilst the application of the "cost floor" (over the first 15 years after the build the Council can recover the capital cost of building the property) does protect the Council to some extent, if there are no changes to the current discount levels or other scheme parameters the Council will lose capital on every new unit if it is purchased. However, this does have to be set against the savings in revenue achieved by not having to accommodate increasing numbers of residents in very expensive temporary accommodation due to the shortage of affordable housing. The previous Housing Minister launched a consultation in 2018 to review the operation of the RTB and in particular how long Councils' have to spend any receipts and whether the cost floor should be extended but the outcome of that consultation has yet to be published.

Gifted Units:

Under the Local Government and Housing Act 1989, s.76, local housing authorities are under a duty to prevent a debit balance on the Housing Revenue Account. This requires an authority to set and implement their rent levels to avoid such a debit. While this exercise does not necessarily require the setting of individual rents, as opposed to a global figure for rental income, it will necessarily have an impact on the levels of rent. The

requirement in s.76 (6) is to review rent levels and take reasonably practicable steps, if it becomes apparent that a debit will arise on the H.R.A. This may also require authorities to implement a rent increase.

The service charge levels for the gifted properties do not increase the financial risk in terms of maintenance over and above the existing stock and maintenance schedule within the overall broad principles and considerations in HRA budget setting. It is important that this risk is kept under review.

The secure tenancy of the property will be managed as part of the normal estate management responsibilities.

Risk

Following the ending of the HRA subsidy system in 2012 rent policy has been changed by government four times. The original business plan was modelled on a government mandate of 10 year rent increases set at RPI +1%, but within two years this had changed to CPI+1% and within another year that moved to four years at – 1% - stripping some £30million from our 30 year business plan. From 2021 rents will again be set at CPI +1% for five years. Clearly such uncertainty in income makes accurate profiling difficult and so a significant degree of caution must be taken when considering income to pay back any loans.

Right to buy levels and discounts is another variable over which we have little control and so the best we can do is to make estimates of sales based on historic rates and projects of house prices utilising analysts such as Savills.

The Housing Act 2016 provided a legislative framework for bringing forward areas such as a levy on Councils to pay for RTB in the PRP sector, fixed term tenancies etc. Fortunately, these proposals have now been scrapped but if for example the levy had been introduced most projections estimated that it would take between £1million to £2million each year from our business plan completely negating any opportunity for the Council to build at scale.

LEGAL

The Council has the necessary powers which enable it to build new Council housing and the powers to sell a limited number, currently up to five per year.

Part A of the General Housing Consents 2013 provides consent for the disposal of land held for housing purposes within the Housing Act 1985 (HA 1985). Under paragraph A3.3.1 a local authority may dispose of an unoccupied dwelling house to a person who intends to use it as their only or principal home subject to paragraphs 3.3.2 to 3.3.4. Where a person (a) is not a secure tenant, the local authority may dispose of the unoccupied dwelling house at a price which is not less than an amount equal to the purchase price defined in section 126 (right to buy purchase price) to which the minimum discount, as provided for by section 129, has been applied.

The commentary to the General Consent provides some further explanation for each part and states at clause 3:

“paragraph 3.3 permits local authorities to dispose of dwellings at discounts equivalent to the Right to Buy discount to existing council tenants and others who, the local authority has decided, need help accessing home ownership in the area (for example, key workers or ex-military personnel, although that is for the local authority to decide).”

If the Council has to acquire land to build new homes Section 17 of the HA 1985 provides the principal power for acquisition of land for housing purposes (as defined in Section 9 of the 1985 Act) including land as a site for the erection of houses.

To enter the commercial house building sector we would need to set up a Local Authority Trading Company (LATC) or Wholly Owned Local Authority Company (WOLAC).

Whilst it is not proposed at present to set up a Council housing company it is important that Members understand the powers and mechanism which exists which would enable it to do so. These powers have already been exercised in setting up the North Essex Garden Communities company.

The power to trade through a company was introduced under section 95 of the Local Government Act 2003 which enabled local authorities to do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions.

The Localism Act 2011 extended the power to trade enabling the Council to do for a commercial purpose anything it is empowered to do as a result of the exercise of the General Power of Competence ("GPoC"), with any commercial activity only being undertaken within a company structure. The GPoC is available for activities where there are no other powers or restrictions existing under other legislation.

The establishment of a Wholly Owned Local Authority Company (WOLAC) creates a new legal entity under the Council's ownership but with the ability to charge for services in such a manner as to recover not only the cost of providing the services but at a profit. The surplus generated by the company is available to the company to reinvest or may be made available to the Council to use as it chooses.

In order to set up a trading company, the Council must comply with the Local Authorities (Best Value Authorities) (Power to Trade) (England) Order 2009 (as amended). This requires local authorities to consider and approve a suitable business case for establishing a company. That business case must include details about the objectives of the business, the investment and other resources required to achieve those objectives, any risks the business might face and how significant these risks are, and the expected financial results of the business together with any relevant outcomes that the business is expected to achieve.

The Trading Order also provides that any accommodation, services, staff or other support provided by the Council must be charged for by the Council at least covering the costs in full but potentially at market rate to demonstrate that the company is not being subsidised by the Council. Similarly, any financial assistance in the form of grants, loans or guarantees should be provided for a limited period and under the terms of a formal agreement entered into for a commercial purpose.

Gifted Units:

Pursuant to Section 9 of the Housing Act 1985 ("the 85 Act"), a local housing authority may provide housing accommodation by acquiring houses. Section 24 of the 85 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

The Council adopted a policy of seeking Affordable Housing contributions through gifted unit obligations, which forms part of the Section 106 Planning Agreement ("Agreement").

The Affordable Housing provisions vary slightly in case but in general terms the principle is that a plot is transferred to the Council for the sum of One Pound in lieu of the delivery of the Affordable Housing Scheme. The Dwelling must be constructed in accordance with the Specification approved by the Council, and capable of being occupied for its intended purpose.

Affordable Housing is defined as meaning “*housing provided to a Person in Housing Need whose needs are not met by the market with eligibility determined with regard to local incomes and local house prices in accordance with the definition of “Affordable Housing” set out in Annex 2 of the National Planning Policy Framework (NPPF). Persons in Housing Need are defined as “a person or persons registered on the Council’s Housing Needs Register”.*

The properties are inspected by housing service prior to any transfer being completed. The Agreement contains additional obligations over the tenure and transfer of the dwelling. The obligations and restrictions contained within the Agreement however, do not bind a Protected Tenant, meaning any tenant who has exercised any statutory right to buy in respect of the Dwelling.

In accordance with the Agreement, the Transfer Deed to the Council should contain:

1. All rights of access and services and all other rights reasonably necessary for the beneficial use and enjoyment of the Affordable Housing Dwellings and for the purpose of the Development; and
2. Such other covenants and reservation as the Owners may reasonably require including but not limited to the maintenance of the Development once it is completed and the preservation of the appearance thereof.

As part of the transfers, developers are inserting covenants concerning management companies (a non-trading company in that its purpose is simply to set up to be responsible for the management of the estate facilities and to collect service charge).

The Council is empowered to acquire minority interests in companies pursuant to Section 71(1) of the Local Government and Housing Act 1989. Minority interest companies are those where the local authority hold less than 20% of the voting rights at company board meetings. The Council must make arrangements to enable its members to put questions about activities of the company to the Council’s official representative at general meetings of the company (subject to an express exemption from disclosure of confidential company information).

The appointment of an Officer to any external body is a Council function in accordance with the Council’s Scheme of Delegation (Local Choice Functions) (Part 3 Schedule 1) and, with the exception of the Chief Executive, the power has been delegated to the Chief Executive to nominate.

Acting under his delegated powers, the Portfolio Holder has agreed to the acceptance of a number of gifted units and this report requests Cabinet’s approval of this approach, being delegated to Officers in consultation with the Portfolio Holder, due to the number of properties expected to be gifted (this is likely to be in excess of 150 properties, but the number is entirely dependent upon developments being delivered and so is not in the gift of the Council.).

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/Consultation/Public Engagement

Crime and Disorder

Consideration has been given to the Crime and Disorder Act 1998. There are no direct implications.

Ward

All

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Council has traditionally delivered housing through its Housing Revenue Account (HRA); it is the largest provider of social housing in the District. Changes introduced as part of the Housing and Planning Act 2016 and welfare reform changes have reduced the resources available within the HRA to continue to develop new build affordable housing but those resources do still exist. Whilst it is clear that the vision set out by Government for people to own rather than rent their homes is not as overwhelmingly enshrined in currently policy thinking as it was in the Act it is clear that many of the key principles are still in place. It is not yet clear what the current Housing Minister's direction of travel will be (the third Minister in 18 months) but given the background of the new Prime Minister's Chief of Staff and the direction set out by the former Housing Minister it is likely that policy will be tenure blind with support across sector aimed at delivering high housing output rather than this being mono tenure. It is clear that the government supports the provision of affordable housing through tenures such as rent to buy rather than the traditional models of social or affordable rent but pragmatically government has accepted that to deliver increased numbers all tenures need to be encouraged to grow.

The Council has and can deliver Council Housing via the Housing Revenue Account and there are a multitude of mechanisms which can be deployed to actually develop the homes but homes delivered through the HRA or via the General Fund will be subject to the provisions of the Housing Act 1985 so tenants will have the various rights and obligations enshrined in that Act.

If the Council wants to develop new forms of tenure these new types of tenure can only be developed by the Council outside of the HRA. Should the Council want to support those who are unable to access market housing, either through home ownership or renting, by delivering new homes at scale, it will need to do so through a commercial entity. It is also the case that if the Council wishes to explore options to develop market housing for sale so as to meet need where the traditional new build market is not delivering, for a variety of reasons, it can only do so via the establishment of a company.

The Coalition Government recognised the trend of local authorities starting to use their freedom and flexibility within the Localism Act to create local authority housing companies and different delivery vehicles. It commissioned a review (the Elphicke-House report) of the activities and the role that English local authorities could play in creating more housing supply. The report highlighted that by taking a strong lead in relation to the housing market and proactively exploring different delivery options, councils can realise a range of benefits, including:

- the bringing forward of housing development which would otherwise have been

delayed/or not built at all;

- the ability to be directly involved in local housing delivery organisations, ensuring that the speed of delivery and type of housing meets the needs of its local population; and
- the creation of a revenue/investment return for the General Fund, rather than the HRA.

It is recognised that a number of these benefits are aligned to the outcomes that the Council is looking to achieve as it seeks to develop its approach to building more residential housing within the District. It should also be noted that the Council has been working extensively with one of the authors of the report, Natalie Elphicke OBE, on the renewal of Jaywick Sands.

Members will be cognizant that the Council is already party to a newly established company which has been formed jointly with Essex County Council, Colchester Borough Council and Braintree District Council to drive forward the establishment of the Garden Communities.

Establishing a Wholly Owned Local Authority Company (WOLACo) offers the opportunity to enable the Council to directly increase the supply of a range of different tenure homes within the District and it is clear from growing demands on the housing options team that the market, across the board, is just not meeting current need.

Nationally it is thought that there are now over one hundred Local Authority owed housing companies but few are developing new homes as establishing a WOLACo is not necessarily a panacea to fix a broken housing market, but it is an option which we do need to consider. However, until such time as government policy becomes clearer as regards its support or otherwise for Local Housing companies it is not proposed to bring forward plans to establish a company given the resource input required to do so, but it is important that Cabinet is sighted on this being a potential option to deliver homes at scale and if government policy was to change in terms of withdrawal of support for local authority new build it may be the only viable option to deliver on the Council's wish to increase the number of council homes. This would also be the route if the Council aspired to directly intervene in the commercial housebuilding market so as to drive changes or to generate revenue surpluses to support other areas of development.

One of the key considerations and costs for any new build property is land and in particular the cost and location of such land. Members will be aware that as one element of the Jaywick sands housing led renewal process the Council purchased approximately 30Ha of mainly greenfield land within the Jaywick sands settlement. Clearly, delivering the Council's ambition to deliver 100 new homes for local people in Jaywick sands can be accommodated, notwithstanding technical and logistical challenges, on this land. However, the Council does hold within the Housing Revenue Account parcels of land across the district, many of which are suitable for development and would provide opportunities for residents to be accommodated in areas across the district where there is currently no housing available. Many of these sites will provide challenges to bring them forward for development but the housing department have been requested to undertake an audit of the available land to determine whether 100 new homes can be accommodated on existing council owned land rather than having to compete with the market to acquire land for development.

Members will also be cognizant of the emerging Housing strategy, which will be brought before Council in due course for agreement. Any emerging matters arising from the

consultation on the strategy which are pertinent to this framework will be taken into account when site specific proposals are brought forward so that Cabinet can ensure that the most up to date position is factored into any specific site proposal.

Whilst focusing on the Council's ambition to build two hundred new homes it would be useful to also identify that the Council will also bring into its stock approximately 180 new homes when these are gifted to the Council under historic s106 agreements. Members may recall that in response to a very low take up by Private Registered Providers of affordable housing units which were offered as part of s106 planning agreements (this followed following changes to rent controls in social housing), the Council developed a unique gifting solution to bring forward affordable housing units but without placing a unsustainable financial burden on the Council. The gifting solution was a time bound arrangement until financial circumstances changed and has now been withdrawn from use other than in exceptional circumstances.

Although it will take some time and is not in the gift of the Council to determine when or if these developments come forward and as a consequence when the gifted units become available, we are beginning to see some now reaching a point where transfers of the properties are being finalised with developers . A trend is emerging with developments across the district. One of the consequences of receiving these units, which are in the main on private, homeownership estates, is that there are specific estates management arrangements in place which tend to be unique to each development. The majority have some type of estates maintenance service charge and/or for owners of the dwellings to become part of the management arrangements for the development, through the establishment of management companies. The service charge element is akin to other service charge costs within other HRA developments and so can be included as a service chargeable element of the rent, which by negotiation the Head of Governance and Legal Services has in some cases agreed a capped annual charge, based on actuals, so as to not cause rents to fluctuate significantly from year to year. If the property is purchased from the Council under the "right to buy" such capping arrangements would not apply.

As regards the management companies, the objects of which are in general to manage the common parts of the estates and collect the service charges, and the Council is being expected to become a Shareholder in these companies, together with other property owners. The liability of the Council, as shareholder would be limited to the cost of the share, if unpaid and the service charge payments. The Council would be required to nominate a representative for the shareholder. It has been concluded that given the potential for tenancies to change it is recommended that the Estates Manager should be the Council's representative within any arrangements. This would also be consistent with the Estates Manager also overseeing estates management arrangements on other Council estates.

The terms and conditions for each gifted unit is slightly different and all decisions for their individual acceptance will be supported with a detailed report, recorded and published in accordance with the Council's Access to Information procedures.

OPTIONS FOR CONSIDERATION

All options carry with them risks, challenges and opportunities and it may well be that no single option or a combination of options will be the most appropriate delivery mechanism at any point in time. However, what is important is that in considering the most appropriate mechanism for delivering particular forms of housing and in specific geographic areas, Cabinet is cognisant of the range of options available before deciding which to deploy in that circumstance.

Setting aside the Garden communities development from this review, if the Council's

objective is to deliver 200 new Council homes these could be commissioned and even developed directly by the Council. They would be accounted for and management within the HRA and all would, to all intents, be just added to the Council's existing housing stock. Whether development is undertaken by the Council via its in house staff or via a contracted arrangement will make little difference to the deliverability of this option but clearly capacity and the availability of readily developable land will determine the pace of that development. Any homes build would be subject to the same tenants' rights as all other housing stock.

The Council could establish a Council owned development and management company to build out the units and on lend finance at a margin to the company. This could generate a small surplus from the on lending, speed up delivery and provide for the new homes being let as Assured Shorthold Tenancies (AST) which is more likely to ensure that these homes remain in rental, in perpetuity. However, there would be some significant costs in setting up the company, establishing governance structures, separate accounting and auditing requirements etc. which given the scale of proposed development would likely make this option not viable. There has also been some very clear communications from government that it would like to extend the RTB to WoLACo's which would negate the benefits of being able to let properties as AST's. This is particularly the case if the Council is unable to demonstrate that the company has not been established so as to avoid the RTB.

If the Council's ambition was to directly compete in the commercial housebuilding market then the costs associated with creating the company may well be more than offset by any return generated but as has been set out earlier in the report there does not at present appear to any need to directly intervene in the market and with significant market uncertainty and potentially a significant downward market correction to house prices it would not be a good time to set about a major programme of housebuilding when capital returns may be difficult to achieve and would certainly put the Council at significant financial risk.

Unless the Council has an ambition to directly compete in the private housing market, Cabinet is recommended to not set up a company at this time, but to commission Council housebuilding directly via its in-house team and for that team to procure suitably qualified contractors to undertake design and build works on a development specific basis with separate reports being brought back to Cabinet for approval.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

11 OCTOBER 2019

JOINT REPORT OF THE PORTFOLIO HOLDERS FOR CORPORATE FINANCE AND GOVERNANCE & LEISURE AND TOURISM

A.2 BUSINESS PLAN FOR CLACTON LEISURE CENTRE

(Report prepared by Michael Carran and Richard Hall)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Following on from Cabinet allocating a budget of £525,000 in their July meeting for asset improvement works at Clacton Leisure Centre (CLC), this report requests approval of the business case in order for the project to proceed.

EXECUTIVE SUMMARY

- In a report considered by Cabinet in July, titled 'Clacton Leisure Centre Refurbishment' the requirement for an asset improvement scheme to refurbish the swimming pool changing rooms and spa area at CLC was set out and a budget of **£525,000** subsequently allocated to a refurbishment project subject to a supporting business case being considered by Cabinet in August prior to any work being undertaken.
- These asset improvement works, with associated energy efficient adaptations will assist the Council in its objective to achieve high quality facilities throughout the District, together with improving customer access to services. Enhancing sports facilities will also compliment work which is currently taking place on the Sport England Local Pilots project, which has recently attracted £10m of investment between Tendring, Colchester and Basildon.
- Improving the quality of the leisure centre environment will in turn improve the customer experience at Clacton Leisure Centre. This refurbishment will provide a facility which users would expect from a modern leisure centre and contribute to the Council's 10 year strategy by driving down the subsidy through both increasing membership numbers and casual users, along with reducing expenditure on maintenance issues associated with the deterioration of the areas subject to this proposed refurbishment.
- The business case is set out in the Project Management Scoping Document, which is set out in Appendix A of this report. The key issues are:
 - These proposed works are the first phase of a wider Sports Facilities Strategy which will be considered by Cabinet in November 2019. This asset improvement scheme is considered to be the first priority of a number of projects due to be considered. Good quality changing facilities are the foundations of providing a high quality service in leisure provision and

- improvements to this basic function are considered essential prior to progressing in other areas;
- The refurbishment will improve customer service and perception to both retain and attract new customers;
- Due to savings on maintenance costs and increased income from activities, the return on investment will be 8% despite this being an asset improvement scheme;
- There will be a reduction in the carbon footprint of the facility through energy efficient adaptations added through the refurbishment.

- All further details can be found in the preceding report referred to above.

RECOMMENDATION(S)

- a) **That Cabinet approves the business case for asset improvement works to Clacton Leisure Centre; and**
- b) **Subject to a) above, agrees to proceed with the project set out in the ‘Clacton Leisure Refurbishment’ report, with delegation for procurement given to the Head of Sport and Leisure under the Council’s procurement procedure rules.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

If approved, this project will contribute to the Council’s 10 year strategy by driving down the subsidy, as set out in the scoping document. Asset improvement works, with energy efficient adaptations will assist the Council in its objective to provide high quality leisure facilities throughout the District, together with improving customer access to services.

Enhancing sports facilities will also compliment work which is currently taking place on the Sport England Local Pilots project, which has recently attracted £10m of investment between Tendring, Colchester and Basildon.

FINANCE, OTHER RESOURCES AND RISK

The budget cost projected by an Architect will be £525,000 for the works to both the swimming pool changing area and health suite. It takes into consideration professional fees and allows for a 20% contingency.

The above will help deliver on the cost pressure mitigation pillar of the 10 year financial sustainability as the need for additional repairs costs will be removed. Based on the end of financial year 2018/19, this would mean that £536K of additional costs over the rest of the 10 year period would be avoided. Further savings will be realised by incorporating energy efficient lights and variable speed drives on the circulation pumps.

Risk

If the decision is taken not to invest in the refurbishment, maintenance costs and loss of income from memberships will result in increased subsidy cost and reputational damage.

Any capital investment comes with strategic, operational and reputational risks. Strategic risk may arise if the proposed investment takes away commercial competitive advantage if it develops an asset that does not adapt to the external environment. The risk is mitigated in this investment as there is limited competition in the local market for swimming and swimming lessons.

Operational risk could be due to the capital project running over time, budget or being of poor quality. These risks would be mitigated by a formal project board managing this project and in the first instance has partially been addressed by adding contingency into the initial cost proposal.

Finally, it is recognised that there is the possibility of extra reputational damage to a local authority from operational risks, which would again be within the remit of the formal project board to manage. In terms of reputational risks it must also be recognised that to do nothing would continue to damage the reputation of the Council due to the extra financial loss and negative impression created by the asset.

LEGAL

The Request for allocation of budget is in accordance with the Budget and Policy Framework, as set out in Part 5 of the Council's Constitution.

The facility will also continue to meet the requirements of the Disability Discrimination Act if a decision is taken not to refurbish the lift.

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.

Area or Ward Affected

Clacton Leisure Centre falls within St James Ward but its customer base is from a far wider catchment.

Health Inequalities

Poor health is intrinsically linked with sedentary lifestyles and improved high quality leisure facilities can support the wellbeing of local people.

Equality and Diversity

The facilities at Clacton Leisure Centre are accessible to all members of the community. It is widely used by customers with wide ranging disabilities and age ranges.

The heat and humidity has resulted in regular mechanical issues with the lift servicing the health suite, resulting in breakdowns, regular call outs and reactive maintenance expenditure. The lift circuit boards frequently become too damp to operate and have to be removed, dried and out and replaced. The lift is not currently operational and the building is adequately served by another lift located in the reception area. As the corrosive spa environment is never going to be an appropriate environment for a lift and an alternative is already available, it is recommended that this is removed.

Environmental Issues

Environmentally friendly adaptations will be incorporated into the refurbishment, which will ensure there is an 'invest to save' element to the project. This will include variable speed drives on the swimming pool pumps and changing lights to energy efficient LED's in the Health suite and swimming pool changing area.

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Further information in relation to this project can be found in the Cabinet report titled 'Clacton Leisure Centre Refurbishment' which was considered at their July meeting.

BACKGROUND PAPERS FOR THE DECISION
None.

APPENDICES
None

Project Management Scoping Document

Brief description of the proposal / concept

The purpose of this project is to fund asset improvement works to the swimming pool changing rooms and health suite areas at Clacton Leisure Centre, as the first phase of a wider strategy for the Council's Sports Facilities.

This project is for asset improvement works to the swimming pool changing rooms and health suite areas at Clacton Leisure Centre, as the first phase of a wider strategy for the Council's Sports Facilities. The swimming pool changing rooms and spa area at CLC are at the end of their maintenance lifecycle and are in need of refurbishment.

The Council's Sports Facilities are a discretionary service, but a valued community asset with Clacton Leisure Centre as largest site within the Council's Sports Facilities stock attracting around 420,000 visits each year.

In parallel with the Council's 10 year financial plan, an overarching Sports Facilities Strategy is being developed for consideration in the autumn to ensure the service meets customer demand, supports the work of the Sport England Local Delivery Pilots project and provides long term financial sustainability. That emerging strategy is unpinned by the essential asset improvement works set out in this scoping document to ensure the facility is not only operating with high standards of customer service, but importantly ensures long term customer growth supporting financial sustainability.

The Sports Facilities strategy will build on this initial proposed investment to address the loss of income at the site (£47K in 18/19). The following projects are under consideration to address this:

- Addressing demand for a bespoke spin studio
- Improving the viewing area on the wetside
- Changing the pool timetable to meet customer demand
- Implementation of Learn 2 Swim project to allow parents to book lessons online
- Review of membership packages
- Partnership working with Essex FA and Football Foundation to redevelop the All Weather Pitch into a 3G pitch
- Partnership working to develop redundant MUGA space into a facility that will increase income and participation (this could be provided by TDC or other providers)
- Potential development of the Ancillary Hall into a toddler play area

The guiding principle behind the new strategy is that centres will provide a quality offering at a reasonable price and each project will be evaluated to see if they can deliver a return on the investment required by addressing the shortfall in income and then bringing in saving that can contribute to the 10 year plan period.

Before these projects can be considered, this business case proposes that asset improvement works are prioritised to ensure that costs are under control and can be sustained into the next 10 years within existing budgets and a £50k per annum investment/sinking fund which could underwrite future capital costs to avoid the need for a future corporate investment. This is considered to be the first priority of a number of projects to be considered. Good quality changing facilities are the linchpin of providing a high quality service and improvements to this basic function are considered essential prior to progressing into other areas. Completing of this project at the Council's flagship facility, would ensure the foundations are applied before moving on to other priority projects.

The Wetside/Spa project has been prioritised over the other asset improvement projects listed in the forthcoming strategy as it would generate the highest return on investment compared to other major repair works (such as the All Weather Pitch). Other income generating projects could be built on the foundation stones laid by this project as this key asset improvement project contributes to protecting the current income level of £522K.

As an update to the project list presented before cabinet in July, this report brings forward the following proposal to accompany the improvement works:

Lower the temperature of the Spa pool to create a relaxation pool, allowing the programming of Parent & Baby swimming lessons

A full costing/revenue analysis has been prepared and it will be possible to bring this forward as soon as the project is completed. The detail of the proposal has been added to the finance section.

What council priority will the proposal support and how?

These asset improvement works, with energy efficient adaptations will assist the Council in its objective to achieve high quality facilities throughout the District, together with improving customer access to services. Enhancing sports facilities will also compliment work which is currently taking place on the Sport England Local Pilots project, which has recently attracted £10m of investment between Tendring, Colchester and Basildon.

Improving the quality of the leisure centre environment will in turn improve the customer experience at Clacton Leisure Centre. This refurbishment will provide a facility which users would expect from a modern leisure centre and contribute to the Council's 10 year strategy by driving down the subsidy through both increasing membership numbers and casual users, along with reducing expenditure on maintenance issues associated with the deterioration of the areas subject to this proposed refurbishment. The introduction of Parent and Baby lessons will also contribute towards reducing costs.

Finance

A review of historic expenditure at the Spa/Wetside area can be found in table 1 appendix A. It reveals that expenditure has increased by £39K since 2014/15 - an increase of 30% of total spend.

A major factor in this increase was the failure of the lift in 2015/16 which added £20K to costs and has added £8K to £10K ever since in repairs. The lift has failed again in 2019 so we would expect the higher level repair cost of £20K in 2019/20.

The project addresses this cost pressure by removing the lift entirely so all these costs can be avoided in future. This is preferable to replacing the lift (cost £60K) which would reduce repair costs but only for a period of about 3-4 years as the lifespan of a lift is shortened due to the extra humidity of the Spa area.

Another factor for the increase in costs has been roof repairs which were £10K in 18/19 and are expected to increase to £15K in 19/20 as the roof has deteriorated significantly.

A final contributor to additional costs is the need to keep the Spa at a temperature of 37 degrees which has meant an increase in faults in heating the Spa system which have added about £5K costs since 15/16. The project will remove these costs as it is intended to reduce the temperature to a standard pool temperature of 31 degrees.

Overall it is expected that the project would bring costs back to the level of 2014/15 i.e. a reduction of £39K on the current level. This benefit would be reduced in year 2 in comparison to the status quo option, i.e. continue a repair programme would alleviate extra costs for a year but see them return to be at the same level 3 (then decrease year 4 and continue a 'see-saw' pattern similar to the historic trend).

The reduction of £39K costs would make a significant contribution to removing the 2018/19 outturn over spend at Clacton Leisure Centre of £67K. Assuming this is eliminated following the works then over the remaining 8 years of the 10 year financial sustainability plan, that would equate to £536K of cost pressures avoided.

In addition to the extra building repairs costs, the poor impression created by the deterioration of spa/wetside area has contributed to a decline in the number of members of the Leisure Centre. Membership income had declined by £11K between 2017/18 and 2018/19. The project is expected to prevent further customer loss and maintain memberships at the current level of 1,331 This would help protect £522K of membership income.

Subsequent to the report taken to cabinet in July the manager at Clacton Leisure Centre has now also provided the information required to progress a project on the back of the Spa/wetside works - providing parent and baby swimming lessons in the new relaxation pool in the daytime. This is presented in table 2 of Appendix A.

The surpluses generated from this project could be put towards the savings strand of the 10 year financial strategy.

Based on the below table the project is expected to payback in 12.5 years with an average annual return on investment of 8%.

The project would be funded from the 2018/19 outturn under spend and as such would be 100% internally funded.

The project would cost £525K, it is intended that this is completed by the end of 2019. It should therefore (save a retention) be expected to have been fully paid for in the 2019/20 financial year.

Building works at a Leisure Facility would be expected to incur the cost and recover VAT

Estimated Savings									
Type	Saving Description		2020 /21	2021 /22	2022 /23	2023/ 24	2024 /25	2025 /26	2026 /27
Capital Receipt / Revenue			£000	£000	£000	£000	£000	£000	£000
Revenue	Avoidance of premises repairs cost pressure		39	20	39	20	39	20	39
Revenue	Parent & Baby Swimming lessons		6	9	12	12	12	12	12
TOTAL			45	29	51	32	51	32	51
What are the Key Financial / Non-Financial Risks Associated with the proposal and how will they be managed? e.g. reputation, safety, service delivery etc.									
Key Risks			Action Proposed to Manage the risk				Link to Corporate Risk Register		
Operational - project runs over time, budget or is of poor quality			A formal project board will manage the project and ensure information regarding key risks are received on a timely basis. A contingency has been added to the budget due to the additional risks associated with building projects of a complex nature which included mechanical and electrical works.				2 - Failure to deliver key projects		

Reputational - failure to manage operational risks leads to negative publicity of the council	As per operational risks this will be managed by the project board with input from the communications manager where appropriate.	3 - Reputational
Sensitivity of Parent & Baby Income to attendance levels decreasing - if capacity is at 50% then the saving would be reduced by £25K, payback would increase by 1 year and ROI reduce by 1%.	The risk is mostly mitigated by the fact that costs are mostly variable as classes can be cancelled if there is low attendance. The performance of the classes will need to be monitored post project to ensure the benefits of the savings are realised in line with the above table. If the savings are less then consideration will have to be made of different uses of the new relaxation/parent & baby pool to make up the shortfall.	2 - Failure to deliver key projects

Sustainability		
Long term impact - Positives / Negatives	Stakeholders - Internal / External / Both	Any ongoing costs after delivery
Positive - Maintain premises costs within existing budgets. The intention of the project is to avoid recourse to corporate funds in future. To ensure this the Leisure centre has a £60K building repairs budget per annum, it is expected that the centre will manage within a budget of this size after this investment. Since 2016/17 Leisure facilities have set aside £50K per annum. This could be used as a sinking fund so the next major upgrade in 10 years could be funded entirely from within the Leisure Centre budget.	Internal - Members/Officers and External - users of facility	General repairs within the existing budget - setting aside funding for next major investment
Positive - enhances narrative about Council going providing quality facilities for a reasonable price and moving away from 'private members club' narrative. Negative - can no longer charge high end prices.	Internal - Members/officers and External - users of facility	The pricing strategy will be determined in November 2019, this phase leads into that strategy by ensuring that memberships are kept at the current level and there are no further losses in memberships.
Positive - carbon reductions from use of invertors for pool pumps, energy efficient lighting and reducing the temperature of the spa pool. The savings are 10,133 kgCO2/kWh in gas and 5,295 kgCO2/kWh of electricity from the national grid	Internal - Members/officers and External - users of facility and local environmental activists	It is not anticipated that these measures will increase costs rather that they should remain within existing budget.

Deliverability

The project is scheduled to commence at the end of November and is envisaged to take 5 weeks to complete. The project team aspire to complete the refurbishment prior to the beginning of January, which is historically the busiest period of the year.

A cross service project team will oversee the management of this refurbishment and will include officers from Sport and Leisure, Finance and Building and Engineering Services. This group will be tasked with ensuring a high quality procurement process and delivering the project on time, within budget and to the highest possible standards. The group will meet regularly prior to the contract commencing, with the frequency increasing as work commences. The majority of the work is replacement and aesthetic improvement, so an Architect will not be used in this project.

The Council's procurement procedures will apply in this case and a tender exercise will be undertaken to award the contract. This will be evaluated by the cross service project team.

Outcomes

This asset improvement scheme covers the refurbishment of the swimming pool changing area and the Health Suite at Clacton Leisure Centre. The following improvements will be made:

Swimming Pool Changing Area Refurbishment deliverables:

- Open plan unisex shower area
- Removal of existing tiled floor and replace with Altro flooring
- Replacement of cubicles
- Replacement of Lockers
- Lighting
- Updating toilet areas

Health Suite Refurbishment deliverables:

- Alteration to existing toilets to create two new small changing rooms
 - Replacement of suspended ceiling and grid
 - Replacement AHU and ducting
 - Creation of viewing section in partition wall between Health Suite and pool
 - Replacement of sauna
 - Removal of existing lift
 - Redesign of toilets in Lifestyles to prevent water leakage into the ceiling area of the health suite.
- What is to be achieved and by when?
 - How would you monitor, report and record performance?

After the July Cabinet report allocating funds to this project was approved, a press release was issued to advise local people. Information has also been issued to customers with an update on the potential for refurbishment. A full communications plan including social media updates will be put in place throughout the duration of the project. This will keep residents and customers appraised on developments.

Other Financial/Non-Financial Outcomes

Achieves target payback periods by avoiding repair costs highlighted in finance section
Maintains membership at 1,331 by avoiding reputational damage from a deteriorating asset which is currently overpriced

Helps build into strategy of providing quality facilities at a reasonable price.

Increases swimming lesson offer to parents & baby's by offering up to 132 spaces for lessons

Ensures the sustainability of the asset in that repairs costs are kept within the existing facility repair budget and a sinking fund is provided to fund future capital investment to save the need for corporate investment.

Non-Financial Resources

Expertise for managing the project will be provided by the Sports Facilities Management Team, Financial Services and Building and Engineering Services. This will ensure there is cross service capacity for delivering the project, with the appropriate skill sets required.

Constitutional and Legal Powers

If approved, the contract will require procurement under the Council's contract procedure rules. This will involve appointing a main contractor with responsibility for completion of the works. The standard TDC contract will be used for form the agreement between the Council and the appointed contractor.

If this business case is approved, procurement and delivery of the project will be delegated to the Head of Sport and Leisure. The budget of £525,000 was allocated to this project in July, subject to approval of this business case. All procurement and project management will be subject to the Council's Constitution and Procurement Rules.

An internal project team from all the key appropriate services will be convened to oversee the management of this asset improvement scheme and regular briefings on progress will be provided to the Corporate Director for Operational Services and the Portfolio Holder for Leisure and Tourism.

The Request made for an allocation of budget in the July Cabinet Report is in accordance with the Budget and Policy Framework, as set out in Part 5 of the Council's Constitution.

The facility will also continue to meet the requirements of the Disability Discrimination Act if a decision is taken not to refurbish the lift.

The procurement of the contract will be undertaken in line with the Council's constitution under the authority of the Head of Sport and Leisure, if this business case is approved.

Is an impact assessment required? YES/NO
If yes please set out timetable for completing this

YES

An equality impact assessment has already been completed for this work and was assessed prior to any funding being allocated.

Are you planning on undertaking consultations?
YES/NO
If no please state the reason why; if yes please state who with and expected timetable

NO

This is an asset improvement scheme and there will be no fundamental changes to the layout of the building. This work is required to improve customer service, protect the Council's asset and decrease the costs associated with maintenance.

Appendix A - Tables to Support Finance Section

1. CLC Repairs Expenditure on the Spa/Wetside Area since 2014/15

	Year				
	2014 /15	2015 /16	2016 /17	2017 /18	2018 /19
Expenditure £000	8	37	24	31	47
Percentage of Total Repairs Expenditure	12%	41%	33%	42%	42%

2. Parent & Baby Lessons in the Relaxation Pool

	Year				
	2020/ 21	2021/ 22	2022 /23	2023 /24	2024/ 25
Total Capacity for Lessons no. of spaces per session	132	132	132	132	132
No. of Sessions per Annum	5	5	5	5	5
Charge per space (10 lessons) £	45	45	45	45	45
Estimated number of spaces taken up	55	88	110	110	110
Total Revenue p.a. £000	12	19	25	25	25
Less: Cost of Instructor	-6	-10	-13	-13	-13
Estimated Surplus	6	9	12	12	12

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

11 OCTOBER 2019

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE

A.3 FREEHOLD DISPOSAL OF LAND AT VISTA ROAD, CLACTON-ON-SEA AND FREEHOLD ACQUISITION OF LAND AT RUSH GREEN CLACTON-ON-SEA (Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

1. To consider objections and comments received in respect of the potential disposal of public open space and approve the principle of various property transactions and contractual arrangements required to facilitate the extension of the sixth form facility at Clacton County High School and improvement of public open space at Rush Green.

EXECUTIVE SUMMARY

Tendring District Council (“TDC”) owns the freehold of land including Clacton Leisure Centre and Vista Road Recreation Area. The land lies adjacent to Clacton County High School in Walton Road Clacton on Sea (“CCHS”). CCHS is an Academy school under the umbrella of Sigma Trust (“ST”)

TDC owns the freehold of land including Rush Green Bowl and Rush Green Recreation Area. The land lies adjacent to the Tendring Education Centre site formerly known as Bishops Park.

Essex County Council (“ECC”) has approached TDC with a proposal to expand and improve secondary education in Clacton and in the District by expanding CCHS to accommodate additional 11-16 year olds and by creating a new sixth form facility at the Tendring Education Centre site.

In order to meet space requirements ECC needs to expand the CCHS site to accommodate the additional pupils. ECC has requested that the area of land shown edged red at Appendix A is transferred from TDC to ECC with intent that it will be transferred to ST for the purpose of the extending the education facility, in a manner yet to be finalised.

The land in question is held by TDC as public open space and recreation land. A public notice has been published as required by section 123 of the Local Government Act 1972 advertising the intention to dispose of the land. Responses received at the time of printing are attached as Appendix D and consideration of these are set out in the body of the Report. Any subsequent responses received will be made available to Cabinet members at the meeting.

A number of public objections were raised within the responses, concerning the loss of open space. These have been balanced against the opportunity to provide enhanced education facility within Clacton.

Discussion to date between ECC and TDC officers has led to a proposal that includes:

1. TDC transferring the land identified off Vista Road, shown edged red in Appendix A to ECC;
2. ECC transferring the land identified off Jaywick Lane, shown edged red in Appendix B

to TDC;

3. TDC granting rights of access to ECC and ST for construction access, general access and installation and use of services in the car park and access roads adjoining the Leisure Centre and School sites;
4. ECC, TDC and ST would enter into a revised joint use agreement currently related to the football changing room but proposed to encompass:
 - a. Revision in relation to the changing room;
 - b. regulate the use and management of the car park and access;
 - c. facilitate public use of the area transferred to ECC at Vista Road outside of school hours;
 - d. facilitate the use, by ST during school hours, of the all-weather pitch owned by TDC.
5. ECC would transfer a sum of money to part fund the replacement of the all-weather pitch and fund the various improvement works at both of the locations as indicated on the plans save for the potential multi-purpose building which will be subject to separate TDC business case.
6. TDC would be obliged to procure and carry out all of the key improvements and would at its discretion use the remaining funds to carry out the other improvements indicated on the plans.

The existing all-weather pitch, parking and various other features at the sites are in need of some investment and refurbishment. The proposals enable TDC to assist with the facilitation of educational improvements as well as taking a more holistic view of the potential upgrading of facilities both at Vista Road and at Rush Green.

Further details of terms and amounts are set out in a report in part B of this agenda.

RECOMMENDATION(S)

That Cabinet:

1. **Considers objections and comments received, as set out in Appendix D, in respect of the potential disposal of public open space and 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;**
2. **Subject to the foregoing, approves the principle of:**
 - 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 to include grass and artificial pitch areas;**
 - e. **entering into an umbrella agreement with Essex County Council to**

encompass the foregoing to 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.

3. 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 considered necessary by the Corporate Director for Operational Services, subject to sufficiency of funding.
4. Delegates to the Deputy Chief Executive and Corporate Director for Operational Services, in consultation with the Portfolio Holder for Corporate Finance & Governance, authority to enter into the necessary legal agreements to deliver this project.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The potential transactions are pertinent to the following Council priorities:

• Deliver a quality living environment	• Engagement with the Community
• Make the most of our assets	• Effective partnership working
• Balance our budget	• First rate leisure facilities
• Facilitate improved qualification and skills attainment	

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The transfers of land at both Vista Road and Rush Green will be for a nominal £1.

Other transaction costs will be funded by ECC within the wider project fund.

The ongoing revenue cost reduction at Vista Road is likely to be small but broadly balanced by increased revenue cost at Rush Green.

It is proposed that the Cabinet uses its discretionary Power under the General Disposal Consent Order (England) 2003 in order to agree the disposal of the land at Vista Road without payment of a sum directly comprising Best Consideration Reasonably Obtainable.

The use of the order is allowable in support of the provision of increased and improved educational facilities and the contribution of them to the economic and social wellbeing of the area. Educational attainment has been identified as a challenge affecting the town and improving facilities will contribute to improved achievement and therefore to economic gain and social improvement.

ECC will provide a one off sum that will fund a number of improvement works at the sites. This fund partly represents works that TDC may have been required to undertake in future years in the natural course of events and will mitigate future running costs that would fall to TDC in any event.

TDC has made a separate grant application for funds for the renewal and upgrading of the all-weather pitch and at the time of writing the outcome of the bid is unannounced.

Further financial details and details of terms are set out in the report in Part B of this agenda.

Risk

Risk	Control/Mitigation
Planning permission for change of use is not granted	ECC to determine measures to maximise likelihood of approval.
Professional fees and other costs fall to TDC.	ECC has given an undertaking on initial costs and officers will ensure that further costs are secured through any legal agreement.
ECC/ Ministerial decision making	ECC to determine measures to maximise likelihood of approval.
Land initially identified for access at Jaywick Lane is unregistered.	ECC to resolve or provide alternative access land.

Additional financial risks are considered in the report in Part B of this agenda.

LEGAL
<p>In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.</p> <p>Section 120(1) of Local Government Act 1972 provides for the Council to acquire land either within or outside the District for any purpose within that or any other Act or for the benefit, improvement or development of the area.</p> <p>Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.</p> <p>The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.</p> <p>Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of open space land held by it without advertising its intention to do so in the local press. Any objections received must be taken into account within the decision making on the future of the land.</p> <p>Given the circumstances of the case Cabinet is called upon to consider:</p> <ol style="list-style-type: none"> 1. public objections. 2. acquisition and disposal terms, 3. applying the General Disposal Consent Order 4. entering into an umbrella agreement 5. Accepting funding from ECC and committing to procuring and completing various work and revising and extending joint use agreements affecting the site at Vista Road. <p>The full details of joint use, construction and access arrangements are not yet entirely defined and subject to Cabinet's decision in principal, it is proposed to delegate authority to enter into any supplementary or related legal agreements to the Deputy Chief Executive and Corporate</p>

Director for Operational Services in consultation with the Portfolio Holder for Corporate Finance & Governance. Each of these decisions will be recorded and published in accordance with the Council's decision making principles and Access to Information Procedures.

Due to commitment to the Council's existing property programme and capacity within the in-house legal team, it is likely that external legal resources will be required in entering into the range of agreements and transfers. The costs of this are to be met from within the funding to be provided by ECC.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of:

Equality and Diversity:

The proposed actions are unlikely to have any differential effect on any protected group. Notwithstanding the proposed disposal over 10Ha of public open space will remain at Vista Road

Health Inequalities and Crime and Disorder:

Both physical activity levels and educational attainment levels can be linked to health inequality and to crime and disorder. In this case the proposal from ECC/ST/CCHS is aimed at addressing educational need in the area. The proposed mitigation of the reduction in open space and the improvement of facilities are aimed at the enhancement of opportunity for physical activity and recreation.

Consultation and Public Engagement:

The proposed disposal of public open space has been advertised in line with the statutory requirement and responses received are to be considered by cabinet within this report.

Wards:

St Pauls and Bluehouse.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council owns the freehold of land including Clacton Leisure Centre and Vista Road Recreation Area. It has been used as public open space since acquisition in 1935.

The land lies adjacent to Clacton County High School.

The Council owns the freehold of land including Rush Green Bowl and Rush Green Recreation Area. The land is currently open space and recreational but has been used as landfill in the past. The land lies adjacent to the Bishops Park site.

Essex County Council has approached the District Council with a proposal to expand and improve secondary education in Clacton and in the District by expanding Clacton County High School to accommodate additional 11-16 year olds. The proposal includes the construction of additional buildings on the existing school site and additional recreational space beyond.

Additionally it is proposed to create a new sixth form facility at the Bishops Park site using existing buildings.

In order to meet space requirements at the school ECC needs to expand the CCHS site. In order to facilitate this ECC has requested that the area of land shown edged red at Appendix A is transferred to it.

Access at the CCHS site is restricted and for many years the Leisure Centre car park has

been used for pick up and drop off and for visitor parking. No agreement for such use has been in place.

It is likely that ECC will require access for construction purposes and additional easements for services to the potential new construction

The disposal area includes some features which will need to be relocated.

The existing TDC owned all-weather pitch is in need of renewal and upgrading. Some other features at the site are in need of repair and upgrading.

The existing changing pavilion to the North West of the current school site is subject to a joint user agreement.

The changing facilities at Rush Green have been recently upgraded but the paths and slopes around the site could benefit from upgrading and the nature of the soil challenges the maintenance of good quality playing surfaces.

ECC has proposed that in order to mitigate the loss of public open space an area of land to the West of Rush Green, edged red on the plan at Appendix B, complete with access off Jaywick Lane, edged purple on the plan at Appendix B is transferred to TDC.

Housing growth to the West of Clacton may factor in future local plan epochs and lead to additional recreation demand in that area.

The Portfolio Holder for Corporate Finance & Governance initiated the process in relation to the acquisition and disposal on 05 July 2019.

CURRENT POSITION

The land at Vista Road is part of the Town's public open space and recreation provision. Following the Portfolio Holder's decision in July 2019, officers advertised the potential disposal of public open space as statutorily required. Objections and comments received at the time of printing are attached at Appendix D. Any objections or comments received after printing but before the day of the Cabinet meeting will be made available to Cabinet Members at the meeting.

The principal thrust of objections lie in four themes:

1. Loss of amenity space
2. Distance to the mitigating Land at Rush Green
3. Space already within the School site
4. Disproportionate effect on older persons or people with mobility difficulties

ECC has considered options for the increasing and improvement of school capacity in the town as has selected this project as the best solution. The increasing number of pupils at the site requires an increase in recreational space to meet national standards. The availability of an all-weather pitch mitigates this but additional area is still required.

The loss of open space is a serious matter and relates to a previously identified shortfall on formal playing pitches. Over ten hectares of open space will remain available to the public at the site and the land disposed of will be available for formal booking outside of school hours.

The land at Rush Green is some distance from Vista Road but it is in an area likely to be subject to future housing growth, adjacent to existing playing pitches. As above, significant area of open space will remain at Vista Road.

The proposals include for the provision and refurbishment of paths at both locations which will improve the accessibility of the facilities at both.

In addition to the mitigating factors outlined the educational proposals are significant steps aimed at improving educational attainment within the Town and it is considered that overall

the benefits of the proposals outweigh the other effects.

Officers from TDC and ECC have negotiated a package of deals and measures, subject to Member approval and to contract, aimed at creating a mutually agreeable solution.

The proposed elements are:

- ECC would provide TDC with a fund to carry out various improvement works at both of the locations including the meeting of the TDC's legal, valuation and other professional costs. The locations of those works are indicated on the plans.
- TDC would be obliged to ECC to procure and complete all of the key improvements identified on the plans.
- TDC would use the residue of the fund to procure and complete the other works identified on the plans, subject to the fund being sufficient, and would use any further residue of the fund for other improvement on the sites the nature of which will be determined by TDC.
- The package also looks forward to a potential future TDC scheme to add a new flexible leisure building behind the current buildings where shown on the plan. This will be subject to a separate feasibility and business case.
- TDC would transfer the land at Vista Road, edged red on the plan at Appendix A, to ECC for the consideration of £1 and subject to the further terms as set out in the report in Part B of the agenda.
- The use of the General Disposal Consent Order is proposed in support of the provision of increased and improved educational facilities and the contribution of them to the economic and social wellbeing of the area. Educational attainment has been identified as a challenge affecting the town and improving facilities will contribute to improved achievement and therefore to economic gain and social improvement.
- ECC would transfer the land at Rush Green, edged red on the plan at Appendix B complete with the access land edged purple, or other access land to be agreed, to TDC for the consideration of £1 and subject to the further terms as set out in the report in Part B of the agenda.
- TDC will grant a works access licence to ECC or ECC's contractor on terms as set out in the report in Part B of the agenda.
- TDC will grant an easement for the laying and ongoing use of services reasonably required in the school expansion to ECC or ECC's successor/tenant on terms as set out in the report in Part B of the agenda.
- TDC and ST together with ECC if required will enter into revised and/or further joint use agreements as needed to:
 - define the ongoing use of the football changing room in revised circumstances,
 - provide for public access, bookable via the leisure centre, of the land transferred at Vista Road, outside of school hours but with exceptions either way if agreed between school and leisure centre.
 - provide for school use, of the all-weather pitch at Vista Road, during school hours but with exceptions either way if agreed between school and leisure centre.
 - provide a framework for the management and control of the car parking and access areas to be shared between the school and the leisure centre
- ECC TDC and ST to enter into such umbrella or supplemental agreements as may be

considered necessary on either side to give effect to the foregoing.

APPENDICES

Appendix A – Location Plan – Vista Road

Appendix B – Location Plan – Rush Green

Appendix C– Key to the works indicated on the plans

Appendix D – Objections and comments related to the disposal of public open space

BACKGROUND PAPERS

Consultation letter issued by the school

**TENDRING DISTRICT
COUNCIL**
ANDREW R WHITE
BSc MRICS
HEAD OF PROPERTY
SERVICES

Scale: 1:2000

Drawn By: A. White

Drawing No. & Revision

1

Item (See Plan)	Description
1	TDC to Transfer area shown edged red to Sigma Trust
2	Remove existing compound and disposal and clearance of other debris - within area 1
3	New 2.1m Steel weldmesh fence on matching posts incorporating 3 gates.
4	New 2.4m wide flexible bituminous concrete pathway with PC edgings
5	Repair, resurface and remark all parking and roadway Inc. drainage clearance and repair and minor revisions to landscape etc.
6	New pedestrian raised crossing route
7	Revise landscaping to reduce parking loss
8	Revise layout of parking to reduce parking loss
9	Revise patio to sports club to suit path route
10	New 2.4m wide flexible bituminous concrete pathway with PC edgings
11	Relocate petanque court
12	Safeguard/ make good cricket oval
13	Renew and relocate cricket nets
14	Potential future project to create new facility (subject to separate business case and decision)
15	Resurface and widen footway
16	New 3g pitch, fence, lighting signage and complete refurbishment of pitch.
17	Refurbishment of skate park
18	Refurbishment and resurfacing of tennis courts.
19	New 2.4m wide flexible bituminous concrete pathway with PC edgings
20	New compound area to include relocatable building, fencing and hard surface
21	Refurbish and extend children's play area
22	Existing Joint use Changing part funded by Football Foundation
23	Remove existing footway and landscape
26	Additional planting/landscaping
27	Signage shared by users
29	Land Transfer from ECC to TDC
30	New 2.1m Steel weldmesh fence on matching posts
31	Initial pitch improvements, goals etc.
32	Landscaping/planting TDC
33	Footpath improvement: Clearing and bark chippings
34	Signage
35	Flights of timber step with crushed stone treads and metal handrails

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14/8/19.

CO15 3HT

Dear Sir,

I understand that
Blackton County High School want
to build 10 new classrooms + a
4 court Sports Hall. To be able
to do this they want to take
some of the Recreation ground.

Sir, I beg you! do not allow
them to do this. The 'Rec' is
the only green space in that area.
It is very well used for many sports
and other activities - including a
lot of dog walkers.

To do this would mean the
loss of many well established trees

2.

We cannot afford to lose these trees - especially with the climate as it is at the moment. They are also 'home' to many birds and other wild life.

There is an area of land at the rear of the school's playing field, why cannot that be cleared for the school to use?

You say that an area of land will be added to Rush Green Recreation Ground, in my opinion it does not need it. It does not have the facilities of Vista Road. It is a beautiful place to walk & for children to play.

I do not understand why you cannot use this extra land to build the extra classrooms.

3/.

Also why cannot the extra children just use the Jaywick Lane school? It has everything in place there already. It is just a lovely building going to waste. Just think of all the money it would save!

I do hope Vista Road 'Rec' will not be ruined as it means a lot to the people who use it.

Yours sincerely,

Personal Information redacted AW

(Mrs.).

Andy White

From: Personal Information redacted AW @btinternet.com>
Sent: 16 August 2019 19:54
To: Assets
Subject: Disposal of Land - Vista Road Recreation

I, and quite a few of my neighbours who live on the Greenacres Estate are appalled to hear we are going to lose more open space on the above recreation ground. We are going to lose more trees so wildlife will suffer, when lets face it we need all the trees we can get to ward off all the acrid poisons that are in the air!!

Why does the school need more open space? I never see any students actually playing in the space there already as they have always got their eyes peeled on their mobile phones or Ipads. Lunchtimes are spent at the local mobile sandwich bar parked in Valleybridge Road so who will really use this open space??

Summer games are played once a year near the end of June and that's about it.

This space is used by a lot of local elderly people and mothers with very young pre school children, who lets face it will not be able to drive to Rush Green let alone walk to it so that's a bit of a farce!! We have already lost a few trees when the new Bungalows were recently built and which, to this day still remain empty as they are so expensive, so they are becoming a bit of a waste of space.

How about putting better facilities in place on the recreation ground for local people like a few benches to sit on. In the 11 years I have been walking my dog on the recreation ground I have only ever seen two benches on there.

WHY?? Some older people can not sit on the grass as they have difficulty getting up again. It is all very well saying you are making for the future generations but remember without the older generation these youngsters would not exist!!!

Let's remember the people who use it 7 days a week not just weekdays. Remember something else, it is the local people who keep it tidy as well. It is us locals who pick up all the rubbish left by the students when they walk back from the sandwich bar and discard all there empty chip cartons on the ground and also we clear up a lot of the mess left by football and rugby fans as what they leave behind can be poisonous to our dogs.

Lets hope these plans are scapped for all our sakes.

Personal Information redacted AW

Andy White

From: Personal Information redacted AW l.com>
Sent: 21 August 2019 09:25
To: Assets
Subject: CCHS - Vista Road Proposals

Dear Mr White

I am opposed to the above proposals.

1. The loss of amenity space in central Clacton (1.8 hectares) is not outweighed by the possible gain of some land, quantity unspecified, on the outskirts. For elderly residents without transport there are no benefits whatsoever.
2. The transformation of an irregularly shaped piece of land into an oblong is unwelcome.
3. CCHS has plenty of land already. There is also the neglected area at the northern end of their property - no doubt a wildlife area. In addition, if CCHS does not have sufficient land for sporting activities, I cannot see why CCHS cannot share part of the recreation ground with other users - as already happens on some school sports days.

I am also disappointed about the quality of your plan and documentation. For example, who are Sigma Trust to whom the land is being given?

As the professional responsible for this plan it is not reassuring to note errors. For example, Points A and B on the Vista Road plan are not shown on the itemised description - presumably they correspond to numbers 3 and 4.

Yours sincerely

Personal Information redacted AW

Andy White

From: Personal Information redacted AW
Sent: 21 August 2019 12:03
To: Andy White
Subject: Disposal of land at Vista Rd Recreation Ground.

I object to the disposal of the above Public Space to Clacton County High. This is well used space which also accommodates the schools Sports Days. At the far end of the schools sports field is an overgrown never used piece of land which along with part of their playing field could be used to accommodate the proposed classrooms. Part of the recreation ground has already been sold off for housing and to suggest 'an anticipated piece of land at Rush Green' would somehow compensate for selling this land does not even consider that vast difference of mileage between the two areas as they are not even in the same vicinity. This has been a Public Space for for a very long time and it is slowly being made smaller and smaller. The schools grounds could easily accommodate the classrooms without any more impact of this stealthy erosion of space and anymore impact of wildlife.

Personal Information redacted AW

Andy White

From: [Personal Information redacted AW]@nail.com>
Sent: 22 August 2019 16:07
To: Assets
Subject: Potential disposal of land held for open space purposes at 'vista Road Clacton on sea

Re the map sent to us .clacton leisure centre orientation plan :-w e are very concerned that we know nothing about Clacton County High Schools intentions re the land (1) that abuts our property [Personal Information redacted AW]
Clacton CO15 6LG

Very concerned for the future of the old established trees surrounding the CCCHS existing boundary. They must remain at all costs and we need confirmation of this issue.

We know only of T D C plan, are you gifting it to CCHS or are they buying the designated area?

We only have half a story at present and need full facts plus a communication from CCHS they need to communicate with the property owners that will be effected by this proposal, As our property is on the boundary we are entitled to this information as soon as possible before we lodge any objections

[Personal Information redacted AW] dham Crescent Clacton
on Sea CO15 6LG

Layla Davey

From: Personal data Redacted AW [redacted]@internet.com>
Sent: 28 August 2019 10:09
To: Assets
Cc: Cllr. Sue Honeywood
Subject: Objection to disposal of open space land - Vista Road

Dear Mr White,

I write to formally object in the strongest possible terms to the proposal to dispose of public open space at the Vista Road recreation ground.

The site is currently used by numerous groups, dog walkers, groups playing ad hoc games of football, rounders etc, fitness training and families doing various activities.

At present there is sufficient space for these groups to enjoy their activity without coming into conflict with each other.

Taking out of public use the substantial amount of land proposed will reduce the land available with the real potential for conflict between the various users.

When the football and rugby season commences, even less space will be available, leaving the cricket pitch as the only open area.

Already an area of land in the fields has been sold off by the council, where 8 bungalows sit empty a year on.

Your document states the school require more playing field space. I walk in the field on a daily basis and must say the current school playing field is well under used.

The school do at present use the Vista Road field without any issues, why the need to deny a greater number of people the use of what is ever decreasing open space.

Finally for Essex County Council to propose giving some land at Rush Green to offset the loss in Vista Road is of absolutely no use to the people in this area.

Yours sincerely,

Personal Data Redacted AW [redacted]

CO156LG

Layla Davey

From: Personal data Redacted AW
Sent: 02 September 2019 18:54
To: Assets
Subject: Proposed development of open space land at Vista Road.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr.White.

I have recently learned of a proposed development to Clacton High School which will extend its premises into the open space land at Vista Road , used daily by many members of the public. As far as I am aware no public announcement of this development has been made and therefore I can only assume that the decision has already been taken. However, I would like to take this opportunity to register my opposition to this when it appears that available land at the school is under used. The worry is also concerning the affect that any increase in traffic flow could have on the small side roads close to the school.

I understand that there is a proposal to add land to the recreation ground at Rush Green to compensate, but this is so far away from Vista Road that I think it makes little sense, I cannot see that many people will use the Rush Green ground as an alternative and for non-drivers it will be impossible.

Yours hopefully

Personal data Redacted AW Drive).

Layla Davey

From: Personal data Redacted AW [redacted]@k.net>
Sent: 03 September 2019 11:49
To: Assets
Subject: FAO, Andrew R White re: Potential disposal of land held for open space purposes at Vista Road, Clacton-on-Sea.

Dear Mr White,

Yet again the local residents and regular users of the recreation ground have been given no consideration in this proposal. There have been no public notices put up in the area concerned. Yes there was an article in the local paper in July and a very small public notice in the back of the local paper in August, but not everybody reads the local paper and not everybody has access to a computer. Having found a letter on the CCHS website from Neil Gallagher, Executive Headteacher, addressed to the the parents / carers, I was interested to note the following sentence 'The public consultation on the Vista Road land transfer will take place at the end of July, and residents will be encouraged to give their opinions.' I have spoken to many people who knew nothing of this proposal. Several groups take football training in this area and even they are unaware of the situation. I understand that you are only obliged to place two public notices in the local paper but in the circumstances I feel that the consultation period should be extended and full information be posted clearly in several areas of the recreation ground. It would also be useful if the council would send individual copies of the information to local residents.

On a personal level, as a dog owner, the recreation ground was a big factor in my choosing to live in this locality. The school was far enough away to have little impact on me. The potential for that will change. Wyndham Crescent is a quiet residential road with a predominantly retired population. It is a concern that with three access gates being located on the boundary of the proposed footpath (4), there will be an influx of 'school run' traffic using Wyndham Crescent as a parking / drop off area and rat run. This situation already exists in Boley Drive, Walton Road, Avondale Road and College Road, we don't want it here.

We have already lost a considerably large part of the recreation ground to the erection of eight bungalows which none of the local residents and users of the recreation ground wanted and which are proving very hard to sell. It is a shame the council did not have any foresight regarding the needs of the school before they sold this land.

The proposed area in question is used **daily** by the general public. It is not only used as a sports facility. Families go there, unaccompanied children play over there, dog walkers can allow their dogs to run around there. This part of the field is 'safe' because it has no access to a busy road. On 'match' days, although football matches are played in this area, contrary to the main part of the recreation ground, it is also often the only area where no football / rugby / cricket matches are being played. This is of benefit to those of us who are using the recreation ground for non sporting activities. Given that the school is not open all day, all the year round, this area would be under used, as the current field area of the school is now. Until a couple of weeks ago, an area of the school field backing on to Wyndham Crescent and Boley Drive, had been allowed to be completely overgrown with weeds. This area could be utilised by the school to provide extra space for their sporting activities. The school sports field is not being used for sport by all the pupils at the same time. At lunch / break time, with the exception of a minority, the pupils are sitting down, not using it for sport. These are teenagers, not young children running about all the time. The school currently shares use of the proposed area with the general public and we respect their presence by not interfering. Why can't this coexistence carry on?

There are a considerably large number of mature trees and shrubs bordering three sides of this area. The trees and the wildlife for which they provide shelter, are vital to the environment. Adults, children and dogs love to see the antics of the squirrels. We must not see these trees disposed of to provide extra field space

for the school. In a letter to parents/ carers, Chris Taylor, Head of School, is attempting to instill social awareness in his pupils by attempting to reduce single use plastic bottles at the school. He hopes'.....our students will begin to consider other local, national and global issues for change.' How irresponsible and what an awful example to set these young people if we lose those trees, shrubs and wildlife.

The proposal to add land to the recreation ground at Rush Green to compensate for losing the area at Vista Road, shows how ignorant the council is of who is actually using this open space. **Local** people are using their **local** facility. Unaccompanied children would not be able to go to Rush Green. People like myself who don't drive would not be able to go to Rush Green. Families who take their children to Vista Road on foot, yes there are still some about, would not be able to go to Rush Green. Additionally, there are people who go to Vista Road by car, from the Rush Green area because they don't feel safe using that facility. I had given thought to the school considering relocating the entire upper school to the Tendring Education Centre, but reconsidered this on the basis that local children are going to their local school and that whilst sixth formers might be happy to travel further afield to benefit their education, their younger counterparts might not feel the same way. However, perhaps this may still be an idea to consider.

Walking past the rear of the school adjacent to the exit road from the leisure centre, there are several single storey buildings. Surely this space would be better utilised to provide extra classroom space by creating multi storey buildings. There would be no impact on properties in Vista Road / Walton Road given that the main school building is already two storeys high.

With regard to removing the existing footpath (23) and landscaping the area, what is the point? Strange as it may seem, although it effectively leads to nowhere when walking up from Valley Road, people do actually use it to access the field / use it as a shortcut through to the other side of the leisure centre. Many of these being the schoolchildren themselves as well as those with children in buggies and cyclists. In fact, it would be useful to have a designated path traversing the length of the field from Valley Road to the leisure centre car park, especially in the wet weather. Also, judging by what I see on a daily basis, I'm sure that many people would be grateful to see a path leading up from Valley Road alongside the railway line to meet up with the existing path which terminates at the railway bridge. Landscaping seems pointless when the council doesn't bother to properly maintain the borders of the path now. Most of the time it is a mass of overgrown brambles, stinging nettles, weeds and grass which is allowed to go to seed (the latter being particularly painful and potentially fatal to the local pet and wildlife population).

In addition to losing the large area of field, there will be space lost where the petanque court and cricket nets would be relocated. These areas are particularly favourite places for the teenagers / young adults to sit and socialise. The hedging around the cricket nets is also a haven for birds and wildlife.

The improvements to the leisure centre seem to be based on whether the school acquires the extra land. The improvements are fine, I have no argument with those, but this must not be at the expense of losing our open space. People who use the recreation ground do not necessarily use the leisure centre. Chris Taylor of the CCHS seems to be under the impression that the improved facilities at the leisure centre will benefit '... **all of the community**'. Not so! People who use the recreation ground do not necessarily use the leisure centre and many people use neither. **You are depriving the very people who you claim to be benefitting. As it stands the open space is accessible to all at any time. Once enclosed within the school, those children who are using it now, out of school, time would no longer be able to access it.**

Where will it end, will the rugby club decide they want to fence off their pitches.? If so, we will lose even more open space.

Please reconsider the proposal. Look to assessing the single storey buildings and make them multi storey. Please protect the flora and fauna as it exists now.

Personal data Redacted
AW

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Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

JOINT REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE AND THE PORTFOLIO HOLDER FOR HOUSING

11th OCTOBER 2019

A.4 FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY

(Report prepared by Matthew Wicks & Tim R Clarke)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval from Cabinet for the freehold purchase of a residential property in Tendring

EXECUTIVE SUMMARY

The Council is investigating the best way to support a family living with complex disabilities who are threatened with homelessness and have applied to join the Housing Register. The most appropriate option appears to be to purchase their current property which is one that was purchased from the Council a number of years ago through the Right to Buy scheme.

Due to the sensitive nature of the case and the desire to protect the confidentiality of the residents, details of the location are only set out in the Part B report.

Full details of the purchase can be found in Part B of this Report.

RECOMMENDATION(S)

That Cabinet authorises the freehold purchase of the property in principle, subject to its decision on terms and authorising the Corporate Director (Operational Corporate Services) to enter in to a contract and transfer deed to complete the purchase of the property all as set out in the report in Part B of this agenda.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Our priorities include providing decent affordable housing and to ensure all our residents live in high quality housing which meets local needs.

The purchase of this property will ensure the provision of an affordable home that adapted to suit their specific needs.

To manage public money effectively meaning value for money principles are embedded in the delivery of all our services. The freehold purchase of this property is likely to save the costs associated with the family becoming homeless.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources Page 61

The purchase of properties carries a financial cost but would bring an additional dwelling/s into the Housing Revenue Account that could immediately begin generating a return.

The purchase will be 30% funded from capital receipts that have been generated from previous Right to Buy sales and in order to comply with capital receipt pooling regulations 70% will be funded from the Housing Revenue Account (HRA) New Build and Acquisitions fund.

Risk

Officers have not identified any significant risk associated with the proposals.

LEGAL

In coming to decisions in relation to the management or procurement of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the District.

Section 17 of the Housing Act 1985 provides the principal power for the acquisition of land for housing purposes, including land as a site for the erection of houses; this includes the power to acquire land for the purposes of disposing of the land to a person who intends to provide housing accommodation on it.

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.

Area or Ward Affected

Dovercourt area

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council is working with a family who are threatened with homelessness due to mortgage arrears but who also have a need for an adapted property. It is likely that the Council will be in a position where it needs to find suitable accommodation in order to prevent or relieve homelessness.

For a number of years the Council has had a very strong demand for this size of property which have been adapted to assist tenants with disabilities. Turnover of tenancies is very slow and it is very unlikely that a property suitable for this family will become available.

The property currently occupied by the family was purchased from the Council a number of years ago through the Right to Buy scheme. Taking a broad and pragmatic view of what are very unusual and complex circumstances an effective option is for the Council explore the purchase of their current property that is already undergoing adaptations via a Disabled Facilities Grant. This would bring a further adapted property into the housing stock whilst discharging a statutory homelessness duty.

The family have been accepted onto the councils Housing Register and are in a high priority banding that would qualify them for a property such as this were it to become available. It is therefore proposed that the family become tenants on completion of the sale.

CURRENT POSITION
<p>The Housing Manager and the Development & Building Manager have visited the property and are agreed that it is suitable to bring back into the Council's housing stock.</p> <p>A Chartered Surveyor valuation has been obtained and a purchase price agreed.</p>

BACKGROUND PAPERS FOR THE DECISION
<p>None</p>

APPENDICES
<p>None</p>

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