
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 9TH OCTOBER, 2020 AT 10.30 AM
MEETING WAS HELD IN ACCORDANCE WITH PROVISIONS OF SI 2020/392.**

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

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Peter Cawthron (Leader of the UKIP Group), Jayne Chapman (Leader of Independents Group), Ivan Henderson (Leader of Labour Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of Tendring Independents Group)

In Attendance: Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Democratic Services Officer), Karen Hades (IT Training Officer) and Matt Cattermole (Communications Assistant)

63. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

64. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 11 September 2020, be approved as a correct record and signed by the Chairman.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

66. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Temporary Closure of Walton-on-the-Naze Lifestyles Leisure Centre

The Leader of the Council (Councillor Stock OBE) referred to the temporary closure of the Walton-on-the-Naze Lifestyles leisure centre after a member of staff had tested positive for Covid-19 and read out the following statement:-

"I would like to send my warmest wishes to the member of staff involved and hope they have a full and speedy recovery. I am pleased to hear that, at the moment, they are feeling well.

We are promoting a Back to Business approach in Tendring, encouraging retailers, pubs, restaurants and the like to open up and support our community – while doing so in a Covid-secure way.

Tendring District Council has set an example with this through re-opening of our leisure centres, recognising they are important amenities for our residents to stay fit and well.

However, going Back to Business does not mean ignoring Coronavirus, and this is why we have taken the precautionary step of temporarily closing one of our facilities following an employee's positive Covid-19 test result while we deep clean and support staff to self-isolate.

This acts as a reminder to us all that we must continue to follow the national restrictions, frequently wash our hands, maintain social distancing and wear masks as required, as our staff member did.

We will of course keep the public up to date with any developments going forward. I can confirm that the deep cleaning process at Walton Lifestyles will begin tonight and continue across the weekend."

Successful Prosecution by the Council

Councillor Stock read out a further statement as follows:-

"You may recall that earlier this year a trial concluded where Tendring District Council prosecuted the director of a firm which provided box office services for our Princes Theatre between 2012 and 2017.

The director was charged with knowingly carrying on a business with intent to defraud creditors of that company; and relates to failing to ring-fence Princes Theatre receipts, which were then used to prop up an unsustainable business, without informing us.

This meant when an attempt to wind-up the company took place, we were owed more than £100,000.

The director was found guilty following a two-week trial earlier this year, and last week was sentenced. As part of the sentencing exercise an order was made for costs and compensation to the total of almost £145,000, in effect ordering the director to pay back as much of the money as his assets allow.

It is unfortunate that it came to this and that we could not resolve this with Eve during the meetings we held with him in early 2017. Instead we had to act to halt the liquidation of the company to protect our ability to recover the money owed.

I would like to add my thanks to our barrister, Miles Bennett, and the rest of our legal team for their hard work and diligence in bringing this prosecution to a successful conclusion. This action shows we will fight to protect our taxpayers' money and that small councils such as ours are not a pushover."

67. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by Cabinet Members on this occasion.

68. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no items referred to the Cabinet by the Council on this occasion.

69. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.1 - THE PLANNING WHITE PAPER – ‘PLANNING FOR THE FUTURE’

Cabinet was aware that, at its meeting held on 30 September 2020, the Planning Policy & Local Plan Committee had considered a report (and appendices) of the Corporate Director (Place and Economy) which had outlined proposals in the Government's consultation on the White Paper 'Planning for the Future' and which had sought its consideration of, comment on and agreement on a draft responses for recommendation to Cabinet.

Having considered and discussed the contents of the Corporate Director's report, the Committee had decided to recommend that the agreed draft response be forwarded to Cabinet for its approval as the Council's formal response to the questions within the Government's White Paper.

Cabinet was informed that members of the Committee had however asked if a small number of additional points could be incorporated into the response, namely around the need to conserve the natural environment and potential risks associated with borrowing against anticipated Infrastructure Levy receipts. The Chairman of the Planning Policy Committee (Councillor Turner) and the Assistant Director (Strategic Planning and Place) had undertaken to incorporate some additions to the wording of the draft response which were to be forwarded to the Cabinet for its consideration as early as possible ahead of this meeting.

Consequently, the Cabinet had before it some additions to the wording of the draft response which had been prepared by the Assistant Director (Strategic Planning & Place), in consultation with Councillor Turner. They related to: a) the absence of any consideration of impacts on the natural environment; and b) concern about the risks of Councils borrowing against anticipated levy receipts.

Members thanked the Committee and Officers for their dedicated hard work and due diligence in producing this response.

The Leader of the Council undertook to send a copy of the Council's response to the District's two Members of Parliament.

Having considered the Planning Policy and Local Plan Committee's draft response to the Government's White Paper:

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

RESOLVED that the Council's formal response to the Government's White Paper 'Planning for the Future', as placed before the Cabinet, be approved and submitted to the Government by the consultation deadline of 29 October 2020.

70. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

71. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.2 - HOUSING ACQUISITIONS & DEVELOPMENT POLICY

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.2) which sought its approval adoption of the Housing Acquisitions & Development Policy.

The Cabinet was aware that one of the key priorities in the Council's recently adopted Housing Strategy was to deliver a Housing Acquisitions & Development Policy in order to facilitate the delivery of additional council housing in the District. The policy set out the demand for housing in the District; the various mechanisms through which the Council could develop or acquire homes; and where the Council intended to deliver those homes. The policy also set out the criteria that must be followed before deciding to develop or acquire homes and the risks involved and how those risks could be mitigated.

It was reported that the Council had traditionally delivered housing through its Housing Revenue Account (HRA) and it was the largest provider of social housing in the District. The Council had and could deliver Council Housing via the HRA and there were a multitude of mechanisms which could be deployed to develop and acquire homes but homes delivered through the HRA or via the General Fund would be subject to the provisions of the Housing Act 1985 so tenants would therefore have the various rights (such as the Right to Buy) and obligations enshrined in that Act.

Members recognised that one of the key considerations and costs for any new build property was land and, in particular, the cost and location of such land. Members were aware that as one element of the Jaywick Sands housing led renewal process, the Council had purchased approximately 30ha of mainly green field land within the Jaywick Sands settlement. Clearly therefore, delivering the Council's ambition to deliver 100 new homes for local people in Jaywick Sands could be accommodated, notwithstanding technical and logistical challenges, on that land. However, the Council also held within the HRA parcels of land across the District, many of which were suitable for development and would provide opportunities for residents to be accommodated in areas across the District where there was currently no housing available. Many of those sites would provide challenges to bring them forward for development.

Whilst focusing on the Council's ambition to deliver two hundred additional homes it was also noted that the Council would bring into its stock a further approximately 180 new build homes when those were gifted to the Council under historic Section 106 agreements. Those gifted homes were in addition to the aspiration to deliver 200 Council homes. Members recalled that in response to a very low take up by Private Registered Providers of affordable housing units which were offered as part of Section 106 agreements (this followed following changes to rent controls in social housing), the Council had developed a unique gifting solution to bring forward affordable housing units but without placing an unsustainable financial burden on the Council. The gifting

solution was a time bound arrangement until financial circumstances changed and had now been withdrawn from use other than in exceptional circumstances.

The Cabinet was advised that the Council had been recognised as “Housing Business Ready” following an audit by the Housing and Finance Institute and it was considered essential to build upon the good foundations already established within the Council to influence the market and deliver new homes ourselves.

The proposed Acquisitions and Development Policy recognised that building new homes was only one way in which the Council could increase its housing stock. Given the need to deliver homes at relative pace it was likely that some existing homes would be bought from the private market or other social/affordable housing providers. The Council would therefore focus efforts on a number of delivery methods in order to maximise delivery.

The Cabinet was informed that the Policy did not make any changes to the existing constitutional arrangements around property acquisition and the Property Dealing Procedure although changes might be considered in future if it was believed that they would be beneficial.

Having considered the contents of the proposed Housing Acquisitions and Development Policy:-

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

RESOLVED that –

- (a) the Housing Acquisitions and Development Policy be adopted; and
- (b) the Housing Portfolio Holder be authorised to make updates or amendments to the Policy, if required, after its adoption.

72. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.3 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE HANOVER INN, 65 CHURCH STREET, HARWICH

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.3) which sought its determination whether The Hanover Inn, Harwich met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from Tendring CAMRA Branch as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government's non-statutory guidance defined an asset of community value as: "*Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future*". The Portfolio Holder's report provided an assessment of the nomination.

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

Taking the evidence provided into account it was the Portfolio Holder's recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices:-

It was moved by Councillor McWilliams, seconded by Councillor Broderick and:-

RESOLVED that The Hanover Inn, 65 Church Street, Harwich, Essex CO12 3DR does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council's list of Assets of Community Value.

73. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.4 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE ANCHOR INN, 1 ANCHOR LANE, HARWICH ROAD, MISTLEY

For the public record Councillor G V Guglielmi reminded Cabinet that the Anchor Inn was located within his Ward. He also confirmed that he had no other Interest in this item.

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.4) which sought its determination whether The Anchor Inn, Mistley met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Mistley Parish Council. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from Mistley Parish Council as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government's non-statutory guidance defined an asset of community value as: "Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has

recently done so and is likely to do so in the future". The Portfolio Holder's report provided an assessment of the nomination.

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

Taking the evidence provided into account it was the Portfolio Holder's recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices:-

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

RESOLVED that The Anchor Inn, 1 Anchor Lane, Harwich Road, Mistley, Essex CO11 1ND does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council's list of Assets of Community Value.

74. MANAGEMENT TEAM ITEMS

There were none on this occasion.

75. 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 14 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

76. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 11 SEPTEMBER 2020

It was **RESOLVED** that the exempt minute of the meeting of the Cabinet, held on Friday 11 September 2020, be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.19 am

Chairman