

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	Yes

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.1 - Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Consultation Exercise, Final SPD and Partnership Agreement

Decision:

RESOLVED that the Cabinet –

- (a) approves the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy; the associated Supplementary Planning Document and the revised Partnership Agreement, as submitted; and
- (b) agrees that the two recommendations submitted by the Planning Policy and Local Plan Committee in relation to the Warden service and Essex Coastal Path signage (as repeated below) be explored further by Officers through the RAMS Steering Group:
 - (1) *the Warden service being proposed as part of the RAMS strategy should be used to augment the Council's existing wardens services - utilising funding from this Council's contributions into the RAMS central funding pot; and*
 - (2) *the bodies responsible for the provision and maintenance of signage for the Essex Coastal Path being permitted to apply for funding for such works from the RAMS central funding pot.*

Reasons for Decision:

Having considered the recommendations and proposals put forward by the Planning Policy & Local Plan Committee.

Alternative Options Considered:

Not to proceed along the lines put forward by the Committee.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Gary Guiver, Assistant Director (Strategic Planning and Place)

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.2 - Executive Decision(s) taken as a matter of Urgency

Decision:

RESOLVED that –

(a) the contents of the report be noted; and

(b) the urgent decision taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.

Reasons for Decision:

Having considered the contents of the report.

Alternative Options Considered:

Not to endorse the decision taken.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Lisa Hastings, Assistant Director (Governance) & Monitoring Officer

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.3 - Adoption of a Climate Change Action Plan 2020-2023

Decision:

RESOLVED that Cabinet:

- a) notes the work undertaken by the Climate Change Members' Working Group to date;
- b) agrees and endorses that the Climate Change Action Plan 2020-2023 be adopted by Full Council and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council shall now include the Climate Change Action Plan; and
- c) authorises the Chief Executive to put the necessary arrangements in place in order to deliver the Action Plan and projects arising from it.

RECOMMENDED TO COUNCIL that the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council shall now include the Climate Change Action Plan.

Reasons for Decision:

Having considered the contents of the Leader's report and its appendix and in order to enable the Action Plan to be submitted to Full Council for adoption.

Alternative Options Considered:

Not to approve the Plan or to approve instead an amended Plan.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.4 - Back to Business

Decision:

RESOLVED that Cabinet -

- (a) agrees the contents of the Council's 'Back to Business' agenda;
- (b) allocates £862,000 from the Back to Business budget and authorises the Portfolio Holder for Corporate Finance and Governance to do the following:
 - i. Explore options to provide dedicated resources to manage the Council's Back to Business agenda;
 - ii. Subject to a Project Initiation Document being approved by the Portfolio Holder for Corporate Finance and Governance and the appropriate procurement rules being followed, to explore options for the refurbishment of Clacton Skate Park;
 - iii. Update the Council's procurement rules to ensure more of the Council's spending stays within the local economy;
 - iv. Within the parameters of the Council's financial regulations, make arrangements for a framework to be developed to provide redundant Council IT equipment to disadvantaged young people; and
 - v. Explore options to allocate additional funding towards local organisations providing mental health services to young people.
- (c) gives thanks and acknowledges those Members who participated in the consultation on the approach and who had contributed a number of the projects and actions that were now being taken forward.

Reasons for Decision:

Having considered the contents of the Leader's report and in order to allow this matter to be progressed further.

Alternative Options Considered:

Not to endorse the proposed approach.

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

None

Consultation with Ward Member:

Yes

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer, Michael Carran, Assistant Director (Economic Growth and Leisure)

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.5 - Financial Performance Report - In-Year Performance against the Budget at end of the Second Quarter 2020/21 and Long Term Financial Forecast Update

Decision:

RESOLVED –

- (1) That in respect of the financial performance against the budget at the end of September 2020 -
 - (a) the position be noted;
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to the Portfolio Holder's report, be agreed;
 - (c) the Corporate Director (Place and Economy), in consultation with the Portfolio Holder for Leisure and Tourism, be agreed to amend leisure membership fees in response to the national lock down period and the resumption of a phased approach to reopening up leisure facilities later in the year;
 - (d) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas break; and
 - (e) the Council continues to be a member of the Essex Business Rates Pool in 2021/22 if it remains financially advantageous to do so.
- (2) That in respect of the Updated Long Term Forecast -
 - (a) the updated forecast be agreed and that the Resources and Services Overview and Scrutiny Committee be consulted on the latest position.

Reasons for Decision:

Having considered the comprehensive report and appendices of the Portfolio Holder.

Alternative Options Considered:

Not to approve the proposed actions.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder - A.6 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions / Discounts for 2021/22 and Annual Minimum Revenue Provision Policy Statement 2021/22

Decision:

RESOLVED that Cabinet –

- (a) agrees that the LCTS scheme for 2021/22 remains the same as the current year,
- (b) agrees the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the Joint Report;
- (c) requests Officers to undertake the necessary work to develop a council tax discount policy for young people leaving care, for consideration alongside the budget for 2021/22;
- (d) agrees that the discretionary Council Tax exemptions and discounts remain unchanged in 2021/22; and
- (e) agrees the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22.

RECOMMENDED TO COUNCIL that -

- (i) the Local Council Tax Support Scheme 2021/22 (LCTS), as set out as Appendix A to the Joint Report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;
- (iii) the locally determined council tax discounts, as set out in Appendix C to the Joint Report, be approved;
- (iv) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;
- (iv) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions; and
- (v) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out

in Appendix D to the Joint Report, be approved.

Reasons for Decision:

Having considered the proposals submitted by the Cabinet and in order to enable these matters to be forwarded onto Full Council for final adoption.

Alternative Options Considered:

Not to approve the proposed actions.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.7 - Fixed Penalty Notices - Setting Fines

Decision:

RESOLVED that Cabinet –

- (a) supports the use of enforcement powers where necessary and formally adopts the associated fines for the set of offences and the Fixed Penalty Notices, as set out in Appendix A to the Portfolio Holder's report; and going forward
- (b) authorises the Portfolio Holder with the delegated responsibility for Corporate Enforcement, in consultation with Officers, to revise the fees for Fixed Penalty Notices upon future reviews.

Reasons for Decision:

Having duly considered the proposed new set of Fixed Penalty Notices.

Alternative Options Considered:

To not approve the proposed new set of Fixed Penalty Notices.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Russell Cole, Community Engagement Manager

Date:	Decision Maker:	Subject to Call-in*
13 November 2020	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Environment & Public Space Portfolio Holder - A.8 - Future Port Health Arrangements at Tendring Ports

Decision:

RESOLVED that Cabinet –

- a) notes the anticipated increase in demand for Tendring Port Health Authority following the end of the EU exit Transition Period based on current assumptions;
- b) acknowledges the continuation of the joint arrangements with East Suffolk Council and Suffolk Coastal Port Health Authority and that a new legal agreement is necessary;
- c) notes the reliance of Regulation 12(7) of the Public Contract Regulations 2015 to enter into a direct joint arrangement with East Suffolk Council and Suffolk Coastal Port Health Authority for the shared aim of delivering Port Health Authority functions and the public interest in doing so;
- d) authorises the exemption to the Council's Procurement Procedure Rules to allow a direct agreement to be entered into;
- e) agrees that until further reviewed by the Portfolio Holder for Environment & Public Space the Fees and Charges for the Port Health Authority functions should be set in line with those published by Suffolk Coastal Port Health Authority or those suggested by the Government in due course, whichever are the highest;
- f) approves the delegation of the necessary Port Health Authority functions to Suffolk Coastal Port Health Authority, which will be recorded within the Council's Scheme of Delegation and clearly set out within the legal agreement; and
- g) authorises the Corporate Director (Operations & Delivery) to negotiate the final terms and conditions of the legal agreement, in consultation with the Portfolio Holder for Environment & Public Space and the Council's Section 151 Officer and the Monitoring Officer.

Reasons for Decision:

Having duly considered the information contained in the Portfolio Holder's update.

Alternative Options Considered:

Not to approve the proposed actions.

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

None

Consultation with Ward Member:

None

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

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