
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 13TH NOVEMBER, 2020 AT 10.33 AM
MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392.**

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

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group), Mark Stephenson (Leader of the Tendring Independents Group) and Graham Steady (Deputy Leader of the Independent Group)

Also Present: Councillors Peter Cawthron and Alan Coley

In Attendance: Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Michael Carran (Assistant Director (Economic Growth and Leisure)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Russell Cole (Community Engagement Manager), Keith Durrant (Democratic Services Officer), Matt Cattermole (Communications Assistant) and Luke Rosier (IT Officer)

77. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Chapman (Leader of the Independent Group).

78. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 9 October 2020, be approved as a correct record and signed by the Chairman.

79. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

80. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Pandemic –Support for Local Businesses

The Leader of the Council (Councillor Stock OBE) made the following announcement:-

“Our businesses will be key to the recovery from the present pandemic. However, we are in really challenging times and so we want to reassure our businesses that we will do as much as we can to support them through this difficult time.

Therefore, I am really pleased to announce that the forms for businesses to be able to apply for the various grant schemes recently announced by the Government will be available as early as possible next week. Officers have been working hard this week to get their heads around the significant amount of information and guidance that the Government have published so far to date. There will be support grants available for a range of businesses to assist them through this time and details will be on our website very shortly.

Coming out of COVID, as a council, we will also be there for our residents and to support our businesses further by putting on events such as Celebrating Tendring. This will include celebrating the 150th anniversary of Clacton and the postponed celebration of the Mayflower 400. We want to be ready to welcome people back to our towns, seafronts and historic sites.”

81. ANNOUNCEMENTS BY CABINET MEMBERS

Clacton-on-Sea – 150th Anniversary

The Leisure & Tourism Portfolio Holder (Councillor Porter) referred to the fact that next year would mark the 150th anniversary of the establishment of Clacton-on-Sea as a coastal resort in 1871.

He was pleased to inform Cabinet that the Council had been awarded £250,000 from the National Lottery Heritage Fund to assist in producing the commemorative events including the establishment of a new heritage trail.

Councillor Porter also encouraged local businesses to participate in this celebration.

New Tendring Community Fund

The Partnerships Portfolio Holder (Councillor McWilliams) informed Cabinet that the Council was currently in the process of reviewing the criteria for the new Tendring Community Fund in order to aid support to local community groups. Further announcements on this matter would be made in due course.

82. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

83. 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

Cabinet was aware that, on 14 October 2020, the Planning Policy & Local Plan Committee had considered a comprehensive report (and appendices) of the Corporate

Director: Place and Economy which had contained details of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the associated Supplementary Planning Document (SPD) and Partnership Agreement.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices, the Committee had decided to agree that the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the associated Supplementary Planning Document (SPD) and Partnership Agreement be forwarded to Cabinet for formal approval.

In addition to that decision, the Committee had further resolved that it be suggested to Cabinet that:

- 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.

It was proposed by Officers that, with Cabinet's agreement, those matters would be explored through the RAMS Steering Group which was attended by Officers from Tendring District Council and other Essex Authorities.

Furthermore, the Council was now in receipt of an updated version of the 'Partnership Agreement' which superseded, without materially altering, the version that had been attached as Appendix 4 to the Committee report. Cabinet was asked therefore to consider and approve the updated version.

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

It was moved by Councillor Stock OBE, seconded by Councillor Broderick and:-

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.*

84. LEADER OF THE COUNCIL'S ITEMS - A.2 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

The Cabinet gave consideration to a report of the Leader of the Council (A.2) which notified Members of a recent urgent Executive Decision taken by the Leader of the Council on behalf of the Cabinet.

The Cabinet recalled that, as part of the Council's response to the COVID-19 public health emergency the Council's Monitoring Officer had produced a formal "Note on Decision Making Business Continuity Arrangements" which had set out the ways in which the normal operational business of the Council could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer's formal Note, as issued on 20 March 2020, had contained the following information and advice:

"The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

a. Following a resolution of the Cabinet (subject to the Constitution), or

b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

Therefore, following consultation with the Leader of the Council, it was recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- reports that would have been considered by Cabinet are emailed to the Group Leaders;*
- a period of five working days would be provided for Group Leaders to email any comments/questions etc. to the relevant Portfolio Holder, Leader and officer(s) identified;*
- responses to comments/questions would be supplied to the Group Leaders;*
- this information will be taken into account by the Leader prior to making his formal decision;*
- a formal decision will be published recording the matters taken into account;*
- at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

Whilst it was anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, with Group Leaders' comments being sought prior to decisions being made, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed."

The Monitoring Officer had considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

It was reported that in making the decision in question the Leader of the Council had exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

Members were reminded that the decision taken as a matter of urgency had related to:-

Approval of NHS Track and Trace Support Payment Schemes [Published 9 October 2020]

Decision: (a) To agree two Track and Trace Support Payment Schemes - one being a Standard Scheme and one being a Discretionary Scheme in line with associated Government Guidance; and

(b) To authorise the Council's Section 151 Officer to take the necessary actions to implement and administer the schemes and to make technical changes to them to ensure they remain in line with any changes in Government guidance.

Having considered the contents of the report:

It was moved by Councillor Stock OBE, moved by Councillor McWilliams and:

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.

85. LEADER OF THE COUNCIL'S ITEMS - A.3 - ADOPTION OF A CLIMATE CHANGE ACTION PLAN 2020-2023

During the consideration of this item Councillor I J Henderson declared for the public record that he was a member of Essex County Council's Climate Change Commission.

The Cabinet gave consideration to a report of the Leader of the Council (A.3) which recommended the adoption of a climate change action plan.

Members were aware that, on 9 August 2019, the Council had declared a climate emergency with a commitment to the Council's operations becoming carbon neutral by 2030 and community leadership activities pursued in order to influence and encourage others across Tendring to strive towards carbon neutrality for the District as a whole.

That declaration had committed the Council to a number of actions including the setting up of a Members' working group, the calculation of the Council's carbon emissions and the development of a climate change action plan.

It was reported that all of those actions had now been undertaken and an action plan, covering three years to the end of 2023, was ready for initial approval by Cabinet and ultimately adoption by Full Council as part of the Council's policy framework.

With the permission of the Chairman, the Chairman of the Climate Change Members' Working Group (Councillor Coley) addressed the Cabinet on the subject matter of this item.

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:-

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

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.

NOTE: The Leader of the Council undertook to arrange a meeting at which he, Councillor Coley and the Chief Executive would discuss how to further progress the Action Plan.

86. LEADER OF THE COUNCIL'S ITEMS - A.4 - BACK TO BUSINESS

The Cabinet gave consideration to a report of the Leader of the Council (A.4) which sought its adoption of a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic and its agreement to a number of short term actions in advance of a wider delivery plan being adopted.

Members were fully aware that Covid-19 had significantly changed the way in which the public worked and lived their lives, as well as impacting on both the national and local Tending economy. In its role as a community leader, the Council was committed to supporting the District's recovery towards a brighter future.

It was reported that the 'Back to Business' process would be targeted at improvements to the District's environment/quality of life and support for its residents, businesses and wider local economy in order to recover from the challenges of the Covid-19 pandemic. The plan would also focus on the Council and its services adapting to the challenges of the pandemic and long term planning for how services would operate moving forward.

Cabinet was informed that, following Greater Essex moving into the Tier 2 'High Alert' level for Covid and the subsequent announcement of a national lockdown, this plan and the impending delivery plan, was intended to complement the business support schemes provided through Government and Essex County Council. It would be a continually evolving agenda which would adapt to the challenges faced by the District's businesses and residents alike.

Members were advised that this Back to Business plan set out the Council's approach to supporting the District's recovery from Covid-19 and included a number of short term projects, in advance of a wider action plan being brought forward to Cabinet. It is recognised that a successful recovery would only be achieved through a collective approach, both within the Council's range of portfolios and with local businesses, partners and stakeholders.

Cabinet was made aware that in order to ensure the Council had sufficient resources to support the delivery of its range of Back to Business actions and projects, it was proposed that a dedicated resource would be provided to deliver this plan. This resource would be tasked with bringing forward a wider Back to Business delivery plan, with a number of deliverable projects and actions. This would reflect feedback from the council's Resources and Services Overview and Scrutiny Committee and the responses from Members following the associated All Member Briefing and subsequent requests from the Portfolio Holder for Corporate Finance and Governance.

The Corporate Finance & Governance Portfolio Holder made the following statement:-

"The Covid-19 pandemic has significantly changed the way we work and live our lives, as well as impacting on the national and our local Tending economy.

This Back to Business plan is targeted at supporting the District's recovery; and we are going to work right across our range of Council Portfolios to support business and residents in bouncing back from the challenges they face.

Although there are a number of short term projects included in this report which we will look to take forward as soon as practically possible, a full delivery plan will follow with a wide range of projects and actions. In our role as community leaders, we will work with business, partners and stakeholders to ensure there is something in this agenda for everyone in our community.

We will put in place adequate resources to ensure that the delivery plan will be properly co-ordinated, and most importantly that the actions will be delivered in a timely manner.

Alongside economic recovery, we will continue to focus on the importance of pride in where we live and improving everyone's quality of life, as far as we possibly can. The short term projects in this report demonstrate the range of schemes we will bring forward to impact on our economy and residents. From providing disadvantaged young people with redundant Council IT equipment and revising our purchasing rules to keep

more of our money in the local economy - through to refurbishing the Clacton Skate Park and allocating additional funding to organisations offering mental health services to young people.

This plan will work alongside our existing Corporate Priorities, which has already seen:

- 1. the delivery of 10 brand new houses in Jaywick Sands;*
- 2. the progress of the Tendring Colchester Border project, which has received Government blessing to the tune of £99million for a new link road and a rapid transport system;*
- 3. our digital connectivity huge progress has enabled the best part of all of our staff to work remotely, as well as all of our democratic services;*
- 4. our restructured Planning Services have constantly delivered income ahead of profile for the past 4 quarters, even though COVID got in the way;*
- 5. we have delivered a balanced budget for the past few years with almost unanimous assent from all our Members;*
- 6. later on our agenda we will be agreeing new measures to boost our enforcement functions;*
- 7. we have already made a start on the next phase of the Cliff Stabilisation works, having already completed the section close to the Pier;*
- 8. in the previous agenda item I talked about the £114k increase in income from our recycling, thanks to the new Waste contract;*
- 9. a few minutes ago we agreed a Climate Change Action Plan;*
- 10. Honeycroft is about to be demolished which will pave the way to build more new council houses on the site;*
- 11. and while the world has gone mad, our office transformation programme has continued throughout the pandemic with only a few weeks of stoppage in March and April*
- 12. And we have now heard that ECC will finance the design work for the Manningtree Underpass*

There has never been a more appropriate time to focus on all the things that make Tendring special and I look forward to working with my Cabinet colleagues to take this Back to Business agenda forward.”

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

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

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.

87. 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

The Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.5) which sought to provide it with an overview of the Council's financial position against the budget as at the end of September 2020 and which presented it with an updated long term forecast.

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 September 2020; and
- 2) an updated long term financial forecast.

1) In respect of the in-year financial position at the end of September 2020:

It was reported that this report was the first detailed financial performance report for 2020/21 but it built on the report presented to Cabinet in May 2020, which had provided a timely assessment of the impact of COVID 19 on the Council's financial position.

Cabinet was informed that the position to the end of September 2020, as set out in more detail within the report's appendices, showed that overall the General Fund Revenue Account was underspent against the profiled budget by £6.858m (£4.137m of which related to the timing of expenditure from COVID funding received from the Government). It was acknowledged that other expenditure or income trends might still be emerging with the position also largely reflecting the timing of other general expenditure and/or income budgets. However, any significant issues arising to date had been highlighted and comments provided as necessary within the Portfolio Holder's report.

Members were made aware that in respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the report, there were no major issues that had been identified to date.

Cabinet was reminded that any emerging issues would be monitored and updates provided in future reports which would include their consideration as part of updating the long term financial forecast.

Members were advised that some necessary changes to the 2020/21 budget had been identified which were set out in Appendix H to the Portfolio Holder's report. The same appendix also set out the necessary changes to the budget to reflect the impact of COVID 19, the costs of which to date had been met by the general financial support provided by the Government.

It was reported that the net impact of the budget adjustments would be moved to, or from, the Forecast Risk Fund. At the end of the second quarter, it had been possible to make a small contribution to the fund of £41k, which supported the requirement set out in the long term forecast of identifying in-year savings of £500k each year.

Cabinet was informed that a half year treasury management review had been carried out with an associated recommendation to Members to temporarily increase the aggregate limit of funds that could be placed overnight with the Council's bankers for the period that the offices would be closed over the Christmas break.

It was proposed by the Portfolio Holder to continue to be a member of the Essex Business Rates Pool if it remained advantageous to do so and if the opportunity was still made available by the Government in 2021/22.

2) In respect of the updated long term financial forecast:

Members were advised that the forecast had been reviewed and updated at the end of September 2020 and reflected an early assessment of the impact of COVID 19. The updated forecast was set out in Appendix I to the report.

It was reported that the savings target for 2021/22 had been removed from the forecast with work resuming on this line of the budget as part of the medium / longer term recovery in response to COVID 19.

Cabinet was informed that work remained on-going in consultation with the various Services across the Council in order to identify unavoidable cost pressures, which would be assessed for inclusion or otherwise in the detailed budget report that would be presented to Cabinet in December 2020.

It was considered that, overall, the revised forecast could still provide an effective method of managing financial risk but that the annual deficit or surplus position for each year of the forecast had been amended. However, the medium to long term impact from the COVID 19 crisis remained unclear and it was therefore important to highlight that the money set aside in the Forecast Risk fund should not be seen as overly cautious as sensitivity testing indicated that the fund could be depleted within as little as three years if a number of factors arose during the same period.

Members were reminded 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. However, it was felt important to continue to deliver against this plan as it continued to provide a credible alternative to the more traditional short term approach, which would require significant savings to be identified in 2021/22.

Cabinet was advised that in terms of delivering against the forecast for 2021/22 and beyond, work remained on-going across the various strands set out in Appendix I.

The Corporate Finance & Governance Portfolio Holder made the following statement:-

“The approach we have taken to financial reporting continues to provide a comprehensive view of both the in-year position against the budget and the development of the long term forecast.

With that in mind I won't go through the report in too much detail but rather highlight some important points.

Unsurprisingly the first point is reflecting on the impact from COVID 19.

We considered a report back in May that set out the initial impact, which was fairly positive in terms of our financial position.

This remains relatively stable, and the figures in front of us do take account of the latest period of national restrictions that we are currently in the middle of.

One of the underlying factors supporting what seems on paper a satisfactory position is the support that the Government are providing which includes:

- 1. General financial support, where the first tranches of funding have been allocated within the budget as set out in Appendix H.*
- 2. Providing a sales, fees and charges compensation scheme that recognises losses in income in areas of the budget such as leisure facilities.*

The report includes reference to recycling credit income which is ahead of the profiled position by £114k at the end of September. It is fair to say that the new waste and recycling service was always designed around increasing recycling rates so this is no surprise, and fully justifies the decision that was taken at the time when the contract was renewed.

In terms of collection performance for Council Tax and Business Rates, some key figures are set out in the report. At the present time it is expected that these can be managed within the overall collection fund position for the year and the long term forecast, but it is worth noting that these are respectively 3.38% and 4.55% behind. If however the collection rate worsens, there may be a negative impact on Tendring's share of the Council Tax Sharing Agreement, which although it has shrunk in recent years, it still is a considerable income line in our Budget.

Although more detailed information is set out in the report, I must mention the support that we have provided to businesses since April. This has included administering mandatory schemes set out by the Government but also our own local discretionary scheme. Through various phases of this grant scheme we have been able to support a range of different businesses across the district including those that missed out on the mandatory schemes – examples of which include those working from home, supply chain businesses supporting the retail, hospitality and leisure sectors and those with rateable values above £51k who play an equally important part in our local economy.

As highlighted earlier on, we are now administering 4 new business support schemes over the coming weeks to help our businesses through these difficult times.

The second half of the report sets out the most up to date longer term forecast which also reflects the impact of COVID 19. A true picture of the impact so far cannot be really assessed until the end of the financial year next April.

Although information is provided in the report against the various lines of the forecast, it is worth highlighting a couple of points.

The first is the savings target. The forecast now reflects my earlier commitment to relax the target for 2021/22 to enable the Council to focus on its response to COVID 19 and its priorities, such as the Back to Business initiative, and how to best support our Tending Businesses. However we still need to make up for this in later years but the way we set up our Financial Strategy allows us the flexibility to do so, thus giving some breathing space.

The second is the forecast risk fund – as set out in the report, if there is a long term impact from COVID 19, and a number of things go against us, the fund could be used up in just three years. If that was the case we would have to revert back to the more traditional approach we have tried to avoid of taking a short term view of the budget, which requires significant savings to be identified on a yearly basis, and then real possibility of service cuts.

We need to avoid this, so the money set aside in the fund should not be seen as too cautious at this stage, or a ready available pot, it therefore needs to be protected, at least in the short term to see how the economy responds to COVID 19.

In terms of the Council having to respond to COVID 19, projects and initiatives may not have been able to be progressed as quickly as hoped this year.

However with this in mind I have asked Officers to identify the additional resources we need to deliver the range of projects we have already identified and included in the budget. Let's not forget that our commitments are cash backed with money in the bank rather than just promises that are dependent on being able to afford them at some time in the future.

Work is now underway to identify the additional capacity we need which could include a mix of skills such as surveyors, engineers, project managers or administrators for example. This work is being undertaken by an external provider to avoid having to ask our Officers to accommodate it within their existing workloads

Although we are in a seemingly encouraging place, the short to medium term impact of COVID 19, both nationally and locally remains very unclear, including the shape and speed of economy recovery, and the current spike in infections, deaths and hospital admissions, which have prompted the current lockdown is obviously the biggest threat to this recovery.

Further updates will be provided as part of developing the long term forecast and the detailed budget over the remainder of the year with the next key milestone being in December when we will see the latest budget forecast for 2021/22.

Finally, Mr Chairman, it is also timely to provide an update on the 4 items agreed as part of the budget back in February as follows:

- 1. £100k was agreed to recruit a housing early intervention officer for 3 years – we have now had an Officer in post for a few months now to support this important part of the housing service.*
- 2. £44k was agreed to recruit two fixed term posts to support improvements to the overall appearance of the district – these posts were filled earlier in the year and work is now going on across the district.*
- 3. £249k was agreed to support enforcement activities within the district – a number of strands of work are now under way led by the Community Engagement Team and include a focus on anti-social behaviour supported by additional office capacity, directly on the ground, to provide on-going case management and to proactively pursue prosecutions.*
- 4. £500k was agreed to establish a Tendring Community Fund - £48k was used to support the members small scheme with work underway to bring relevant members together to explore options to maximise the benefit from using remaining funding.*

I will end by extending my thanks to the financial team who have waded through some almost impossible deadlines imposed by government relating to the grants paid out early in the year, and in the past two weeks for translating into plain English the further four business grant schemes to support our local economy.”

Having considered the comprehensive report and appendices of the Portfolio Holder:-

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

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.

88. 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

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.6) which sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2021/22 (LCTS) (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2021/22; and
- Annual MRP Policy Statement for 2021/22.

It was reported that given the on-going impact on residents from welfare reforms, including universal credit, it was proposed to continue with the principle of providing some financial stability to Tendring claimants, which was even more important this year given the impact of COVID-19. Therefore it was proposed to keep the 2021/22 LCTS scheme the same as this year. The current scheme provided for a maximum discount of 80% for working age claimants.

Cabinet was informed that the associated exceptional hardship policy had also been subject to annual review and it was not proposed to make any changes from the scheme operating this year and so it would remain available to support eligible claimants.

In respect of discretionary council tax discounts and exemptions, it was also proposed to continue with the same level of discounts this year with no changes therefore proposed for 2021/22.

Members were made aware that the impact of COVID-19 had also delayed the implementation of levying the maximum council tax 'premium' on long term empty properties (originally planned from 1 April 2021) and the consideration of a council tax discount for young people leaving care. However, it was still proposed to implement the maximum council tax 'premium' on long term empty properties but from a revised date of April 2022, and Officers would be asked to write to all those property owners likely to be affected as early as possible in 2021/22 in order to provide them with adequate time to respond to this potential change.

In respect of implementing a council tax discount for young people leaving care, it was proposed to develop a policy alongside the budget for 2021/22 rather than wait until the general review of discounts was undertaken again in November next year. It was also proposed to back date the policy to April 2020 so no one would lose out due to the delay caused by COVID-19.

The Annual Minimum Revenue Provision Policy Statement had also been reviewed for 2021/22 with no changes proposed.

Cabinet was advised that if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council on 24 November 2020, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and not available until late in the budget cycle.

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

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

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;

- (v) 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
- (vi) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out in Appendix D to the Joint Report, be approved.

89. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.7 - FIXED PENALTY NOTICES - SETTING FINES

The Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.7) which sought its approval for a new set of Fixed Penalty Notices in relation to certain offences and fines.

It was reported that a review of the Council's Fixed Penalty Notices had been undertaken and a new set of refreshed Fixed Penalty Notices (FPNs) was now proposed using current legislation to format certain offences and to set the fines associated with them.

Cabinet was made aware that the set of offences detailed in the Portfolio Holder's report was set apart from the FPN process used by the Civil Environment team within the Public Realm department where principally those notices were used against parking infringements within carparks owned by this Council.

Members were informed that the offences considered in this current review were largely person and problem related, and were not always linked to a motor vehicle. Often wider considerations such as checking with other agencies to establish if warnings had previously been given, needed to be made as part of the decision making process in those set of offences, thus needing a more local, less automated approach.

Cabinet was reminded that the Anti-Social Behaviour legislation had been updated in 2014 and could be used in managing a whole range of issues ranging from neighbour disputes through to instances of persistent nuisance caused by the fly tipping of rubbish.

Members recalled that, in 2015, a set of Tendring District Council and Essex Police Fixed Penalty Notices had been produced. Over time their use had diminished. Supplementary systems including a suitable I.T platform was now accessible and was a useful component in management, providing an inventory of occurrences, and a repository of management decisions often needed prior to taking the step to issuing an enforcement ticket.

Having duly considered the proposed new set of Fixed Penalty Notices:-

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

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.

90. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & PUBLIC SPACE PORTFOLIO HOLDER - A.8 - FUTURE PORT HEALTH ARRANGEMENTS AT TENDRING PORTS

The Cabinet gave consideration to a report of the Environment & Public Space Portfolio Holder (A.8) which both updated it on the Border Operating Model from 31st December 2020 and also sought its approval for a joint arrangement with Suffolk Coastal Port Health Authority in respect of the provision of imported food controls at Tendring ports.

Members were aware that from 2300 hrs on 31st December 2020 the European Union (EU) transition period would end and a new Border Operating Model would commence.

It was reported that currently, the imported food control related operations at Tendring ports was carried out by Suffolk Coastal Port Health Authority (SCPHA) on behalf of the Tendring Port Health Authority. This was a low scale service as the majority of incoming goods were from the EU and were not subjected to any checks or inspection regime.

Cabinet was informed that the new Border Operating Model would introduce a requirement for goods entering the UK from the EU to be subjected to monitoring, checking and sampling as was currently the case for goods from the rest of the world. The volume of goods from the EU requiring checks was unknown and currently based on estimates provided from central Government. Therefore, a substantially increased port health function, primarily at Harwich, was necessary. From July 2021 the UK Government currently estimated that up to 22,334 import consignments would contain products subject to port health controls whereas currently only around 23 met the criteria.

Members were made aware that, as to whether physical checks would need to undertaken for all imports or only carried out on a proportionate risk based approach was unknown at the current time as the necessary policy and guidance was still awaited from central Government.

The current arrangements with SCPHA were therefore required to be up-scaled accordingly.

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

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

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.

91. MANAGEMENT TEAM ITEMS

There were none on this occasion.

The Meeting was declared closed at 12.16 pm

Chairman