



CABINET

DATE: Friday, 18 December 2020
TIME: 10.30 am
VENUE: Meeting will be held in accordance with Statutory Instrument 2020/392. Link to live stream will be available via <https://www.tendringdc.gov.uk/livemeetings>

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Deputy Leader; 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

Most Council meetings are open to the public and press.

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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 Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686584.

DATE OF PUBLICATION: TUESDAY, 8 DECEMBER 2020

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 - 18)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 13 November 2020.

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 - A.1 - Development Sites for Council Housing (Pages 19 - 22)**

To report to Cabinet a motion submitted at the meeting of the Council held on 24 November 2020.

7 **Matters Referred to the Cabinet by a Committee - A.2 - Scrutiny of the Waste and Recycling Collection Service (Pages 23 - 26)**

To enable the Cabinet to consider comments and recommendations made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's waste and recycling collection service.

8 **Matters Referred to the Cabinet by a Committee - A.3 - Scrutiny of the Leisure Provision by the Council in the District (Pages 27 - 30)**

To enable the Cabinet to consider comments and recommendations made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's provision of leisure services.

9 **Matters Referred to the Cabinet by a Committee - A.4 - Scrutiny of the Financial Performance Report: In-Year Performance against the Budget at the end of the Second Quarter 2020/21 and Long Term Financial Forecast Update (Pages 31 - 32)**

To enable the Cabinet to consider recommendations made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's financial performance as at the end of the second quarter together with the update of the financial forecast.

10 Leader of the Council's Items - A.5 - Executive Decision(s) taken as a matter of Urgency (Pages 33 - 36)

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

11 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.6 - Future Booking of Temporary Accommodation Hostel in Clacton-on-Sea (Pages 37 - 44)

To seek agreement from Cabinet for the future use, by way of a licence to occupy, of a hostel in Clacton-on-Sea in which to provide temporary homeless accommodation.

12 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.7 - Determination of a Nomination to Register an Asset of Community Value: The Manor Public House, Rectory Road, Great Holland, Frinton-on-Sea (Pages 45 - 58)

To determine whether The Manor Public House meets 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 The Manor Reborn – an unincorporated body with more than 21 members registered to vote in the Tendring District. No other criteria are pertinent.

13 Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - A.8 - Freehold Sale of a Residential Property (Pages 59 - 60)

To seek approval from Cabinet to agree the revised terms for the freehold sale of a five bedroom residential property in Harwich requiring substantial structural and maintenance work.

14 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.9 - Updated Financial Forecast and Initial Budget Proposals 2021/22

To enable Cabinet to consider the updated financial forecast and proposed position for 2021/22 for consultation with the Resources and Services Overview and Scrutiny Committee.

(THE PORTFOLIO HOLDER'S REPORT WILL BE "TO FOLLOW ON" IN DUE COURSE)

15 Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder - A.10 - Housing Revenue Account Estimates 2021/22

To set out and seek approval of the following for consultation with the Resources and Services Overview and Scrutiny Committee:

- An HRA Budget for 2021/22 including the movement in HRA Balances;
- The level of fees and charges for 2021/22; and
- The HRA Capital Programme.

(THE PORTFOLIO HOLDERS' JOINT REPORT WILL BE "TO FOLLOW ON" IN DUE COURSE)

16 Management Team Items

There are none on this occasion.

17 Exclusion of Press and Public

The Cabinet is asked to consider passing 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 Item 18 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."

18 Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder - B.1 - Terms for the Freehold Sale of a Residential Property (Pages 61 - 62)

To approve revised terms for the freehold sale of a residential property in Harwich to a named individual.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held at 10.30 am on Friday, 29 January 2021.

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 No. 18 is likely to be considered in private for the following reason:

The item 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 - Joint Report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder - B.1 - Terms for the Freehold Sale of a Residential Property

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**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 Tending 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 be 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

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

18 DECEMBER 2020

REFERENCE FROM COUNCIL

A.1 DEVELOPMENT SITES FOR COUNCIL HOUSING

(Report prepared by Damian Williams, Andy White and Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Cabinet a motion submitted at the meeting of the Council held on 24 November 2020.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Placey to the meeting of the Council held on 24 November 2020 relating to development sites for Council Housing and which was referred to the Cabinet by the Chairman of the Council for further consideration, in accordance with the provisions of Council Procedure Rule 12.4.

RECOMMENDATION

That, following the explanation of the motion, the Cabinet decides whether to recommend, or not, that the Council should support the motion in its original format.

If the Cabinet decides to advise the Council that in its opinion the motion should not be supported in its original format it may, in addition, suggest to Council that an amended motion be proposed.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At a meeting of the Council held on 24 November 2020, the following motion was moved by Councillor Placey and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, stood referred to the Cabinet for further consideration:

- “(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning permission for housing developments on those sites in order to maximise the income from such disposals; and*

(b) That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”

CURRENT POSITION

In accordance with Council Procedure Rule 12.6 Councillor Placey has been invited to attend the meeting to answer any questions and/or points of clarification, if requested.

FURTHER INFORMATION BY WAY OF BACKGROUND AND CONTEXT

LEGAL

The Council motion refers to three sites. None of these sites has yet been disposed of and no formal decision has been made in relation to any disposal. All of the sites are owned within the Council's General Fund and are currently used as small pieces of open space.

In coming to decisions in relation to the 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.

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.

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.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

Similarly, where land may be owned within the Housing Revenue account, Section 32 of the Housing Act 1985 together with the General Housing Consent 2013 gives the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 that has not been developed.

Decisions regarding the disposal of property are identified as executive functions and the matter is accordingly referred to Cabinet for consideration.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Disposal of land within either general fund or HRA generates capital receipts that can support the capital programmes and priorities in each of the areas. Receipts in HRA remain in HRA and vice versa unless transfer is approved by due process.

Transfer of property between HRA and GF is possible by way of a formal appropriation of the land for the alternative purpose and would be matched by a balancing accounting adjustment.

Overall the Council has ambition to invest in both HRA and GF that exceeds available funds.

Risk

Both development and disposal have risks attached. Officers will seek to manage risks in whichever course of action is determined upon.

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

Council housing and other priorities are generally intended to have suppressing effects on crime and disorder.

Equality and Diversity

Council housing and other priorities are generally intended to have positive effects on equality and diversity

Health Inequalities

Council housing and other priorities are generally intended to have equalising effects on health inequalities

Consultation and Public Engagement

Consultation within planning applications has taken place with regard to two of the sites. The third site will be similarly treated. In all cases further consultation pursuant to LGA72 s123 prior to any decision on development or disposal.

Carbon Neutrality.

The areas are probably broadly carbon neutral at present with any carbon absorption by vegetation mitigated by maintenance equipment emissions. In cases of Council development properties will meet all current standards and an approach to Carbon neutrality is evolving in line with the Council's climate declaration.

Area or Ward Affected

Cann Hall; Brightlingsea; and Manningtree, Mistley, Lt Bentley and Tendring. Potential effect on other sites in other wards.

Service Matters

Planning Applications/Permissions

Outline planning permission has been granted for residential development at Crome Road and Dover Road. An application is in preparation for development at Hilton Close. In each case indicative work indicates potential for one dwelling, possibly two at Crome Road, at each of the sites.

Strategies

The Housing Strategy identifies the potential to construct additional housing within the HRA as part of the response to the target for 200 additional homes.

The Property Strategy identifies the desire to dispose of smaller and ineffective sites and to invest in play areas and larger open spaces. It also promotes identification, acquisition and development of sites for Council Housing.

The three sites mentioned were identified as part of a review of general fund sites carried out pursuant to the Property Strategy objectives. Additionally Property and Housing Team officers are working together on a series of sites in the HRA to bring forward.

It is a corporate priority to construct Council Housing. Capacity is being built to follow the completion of starter homes at Jaywick Sands with further construction projects. It is likely that as the capacity of the team builds it will be necessary to take a balanced view on sites to develop and sites to dispose of. Such a balanced approach would also allow attention to both housing and other capital programme projects and the funding of them.

It is proposed that each site should be considered on its own merits in terms of options for disposal or development. Very generally the various factors tend towards the retention of larger sites, sites in HRA and locations linked to existing housing sites similarly practicalities and the need to address other priorities and funding tends towards the disposal of smaller and isolated sites.

Accordingly it is suggested that officers should consider all options for each site identified and outline the factors and reasoning behind recommendations when each of the sites is brought forward for decision on whether to dispose or develop.

BACKGROUND PAPERS FOR THE DECISION

- Housing Strategy
- Property Strategy

APPENDICES

None.

CABINET

18 DECEMBER 2020

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.2 SCRUTINY OF THE WASTE AND RECYCLING COLLECTION SERVICE

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 86 refers) the Committee was provided with an overview of the Council's Waste and Recycling Collection Service.

Future ambitions of the service to further improve the recycling rates:

Members heard that the last of the main delivery of approximately 58,000 wheeled bins had been completed by the end of August 2019 and as such the wheeled bin service had been in operation for just over a year. The report of the Portfolio Holder for Environment & Public Space placed before Cabinet on the 16th February 2018 anticipated that the fortnightly collection of residual waste from a wheeled bin service would reduce the amount of waste sent to landfill by an estimated 16% (4,500 tonnes) whilst increasing recycling by an estimated 3,100 tonnes and increasing the recycling rate by an estimated 8%.

The latest audited data supplied by ECC for the period of April 2019 to March 2020 had reported a reduction of waste sent to landfill by 7363 tonnes, increasing recycling by 2899 tonnes and increasing the recycling rate from the 2018/19 figure of 27.4% to a 2019/20 figure of 36.6%; an increase of 9.2%.

Those figures not only met or exceeded the predicted ambitions of the new service, the new waste service had not become fully operational until the last week in August 2019, this indicated that with the first 5 months data based either fully or partially on the old weekly collection service, that the future performance of the fortnightly collection service would continue to over achieve the initial targets set for the service.

The Recycling Officer had recently overseen the installation of a new bring site, located at ASDA in Clacton resulting in the installation of 6 additional glass banks, which had helped support and increase the network of bring sites across the District. Additionally the community bring site in Brigtingsea had seen a larger capacity tetrapak bank installed to help meet demand.

The Street Scene team had recently taken on a new technical administrator; the purpose of that position would be to provide additional administrative support to the team, which when combined with the increased use by residents and customers of the Authority's on line My Tending portal reporting tool, would further improve our responses to enquiries and complaints and critically, would free up the Recycling Officer to prioritise their workload in promoting and enhancing recycling within Tending.

As highlighted above the team continued to work and build upon the foundations of the new waste service, continued to deliver wheeled bins, installed and provided additional bring sites and ensured all new build properties were provided with a full waste and recycling

container set in a timely manner; those efforts could be reflected in the recycling data for September 2019 up to and including the end of April 2020; for that 8 month period which solely reflected the fortnightly collection service had recorded a recycling rate of 39.80%; an increase of 12.4% compared to 2018/19.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

After much deliberation the Committee **COMMENTED AND RECOMMENDED TO CABINET** that:

1. that the recommendation from 17 February 2020 about waste minimisation information to residents (perhaps in the annual council tax leaflet) is repeated;
2. that the Cabinet be invited to set the aspiration for this Council over the next four years to reach the mean level of recycling for all local authority districts in the East;
3. that (further to (2)) the aspirations information presented to the meeting be assessed and an action plan be developed to take relevant ones forward in the short, medium and long term aimed at achieving the aspiration referenced. This action plan to be submitted to this Committee;
4. that work with primary schools on waste reduction, minimisation and recycling should start at the first practical opportunity and details of involvement be passed to the relevant ward councillors in advance of such work commencing and explore possibility of funding for schools to support recycling; and
5. that details of all bring sites be submitted to the Committee detailing the recycling available, the extent of use as far as it is known, the collection frequency and the plans for improving them, the range of recycling to be made available to extend that provision and address any excess of use over capacity for it and the signage at those sites to be clear that side waste should not be left.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

"I would like to thank the Chair and the Committee for their recommendations and I too share their ambitions and future aspirations for the waste and recycling services provided to the residents of Tendring by this authority.

The officers continue to work tirelessly not only to improve and enhance our network of bring sites but to deliver projects over the period of the current contract which will provide residents with new opportunities to recycle more and reduce the amount of waste sent to Landfill.

I also look forward to the appropriate time when they can engage with primary school students in promoting the key messages of waste reduction and recycling, a key message which hopefully once installed in to them at an early age will stay with them throughout their adulthood and perhaps even share with their parents.

In relation to the aspiration to reach the mean level of recycling as compared against all local authorities in the East, with so many different waste and recycling arrangements in place, as Portfolio Holder we must ensure that any comparisons made to other authorities

is based on a like for like basis and in doing so will provide us with a true and meaning comparison.”

Recommendations to Cabinet

That the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Environment and Public Spaces Portfolio Holder, in response thereto, be endorsed.

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CABINET

18 DECEMBER 2020

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.3 SCRUTINY OF THE LEISURE PROVISION BY THE COUNCIL IN THE DISTRICT

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 87 refers) the Committee was provided with an overview of the Leisure Provision by the Council in the District.

The Committee was updated on a number of items on the Sport and Leisure work programme. The Assistant Director for Economic Growth and Leisure (Mike Carran) provided this background report.

UPDATES ON THE WORK PROGRAMME FOR THE COMMITTEE

a) The emerging District-wide Leisure Strategy as previously reported to it – progress with the development of the Strategy

Members were informed that the Sports Facilities Strategy had been due to be presented for consideration by Cabinet earlier in the year. One of the key focusses of that plan was a wholesale review of pricing and recommendations for a change in direction, based on an external review of the local fitness market and an evaluation of the number of the volume and value of pre-paid members. Due to the pandemic, that strategy had been postponed and was likely to be brought forward for consideration early in 2021.

b) The refurbishment of the Clacton Leisure Centre – to review arrangements for the refurbishment since they were last presented to the Committee.

The Committee heard that in July 2019, Cabinet had committed a budget for the refurbishment of the swimming pool changing rooms and health suite areas at Clacton Leisure Centre.

A tender process for those works was postponed earlier in the year due to the forced closure of the Sports Facilities. A full specification had been prepared by a specialist organisation acting on behalf of the Council and was then in a position to be advertised to prospective contractors. This Architectural Design and Contract Administration company would also act on behalf of the Council during the evaluation of tenders and throughout the construction phase.

Followed by the receipt and evaluation of the subsequent submissions, it was anticipated that the work would be undertaken at the end of the year, which was historically the quietest period.

c) The sale of land to Clacton County High School, community access to the pitches on that land, management of that community access and the conditional works on the existing 3G pitches at the Leisure Centre – progress/timescales.

The Committee was informed that the transfer of land to Clacton County High School (CCHS) had yet to be concluded and the final agreements were not at that time, in place.

In anticipation of its conclusion however, agreement had been reached with the school and Essex County Council (ECC) on arrangements for community use.

Grass Pitch

The grass pitch which was marked out on the 'new' school land, would remain available for community use outside of school hours. That would be booked through the same process as all other grass sports pitches under the management of the Council.

Artificial Grass Pitch

Officers had been working with the Essex Football Association and the Football Foundation (FF) to develop a 3G strategy for the District. Essentially, a 3G pitch was artificial grass suitable for football. A refurbishment of the current sand filled pitch into a 3G was part of the agreement with ECC/CCHS.

Working with the FF opened the door to the potential of external funding and a planning application for the refurbishment of the Clacton Leisure Centre pitch had been submitted. That was an essential requirement prior to a funding application being submitted.

d) The refurbishment of the Skate Park at the Leisure Centre – plans and timescales.

Members heard that Clacton Skate Park had opened in 2004 and had historically fallen under the management of the Clacton Leisure Centre team. The park was the only one in the Clacton area and was originally designed for both skate boards and BMX users. It was extremely well used and valued by young people and there was indicative evidence that it had significantly reduced anti-social skate board activity in the town centre and residential areas.

The following options were currently being considered.

Repair the Main Ramp & ancillary works

This is the most economical and short term option, which would allow the park to re-open in a fairly short space of time. It would include the required groundworks.

There are also outstanding works required to the wider park, following an inspection by a play inspection company. A budget cost for this work would be in the region of £60k.

Upgrade the Main Ramp to a concrete concept design

Two alternative proposals were requested last year, which would involve installing a new main ramp designed from concrete. This is a modern approach to skate park design, which is lower maintenance and less subject to vandalism.

A budget cost for this work would be in the region of £120-£160k.

Wider upgrade of the Skate Park

This would involve a wider refurbishment of the park to a concrete design, on top of the main ramp. The exact cost would be subject to the scope identified, as the park has a large footprint.

A budget cost for this work would be in the region of £220k.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

After much deliberation the Committee **COMMENTED** and **RECOMMENDED TO CABINET** that:

1. the Committee notes the intentions of a sports and leisure strategy to be considered in early 2021. While the Committee would want a strategy as early as possible it believes that the additional time will ensure that the strategy can address the issues facing the District, including encouraging people to regress from being fairly active, to active and from inactive to fairly active and with provisions for those with disabilities. The Committee would welcome the early sight of the emerging strategy and the associated action plans to support delivery of that strategy. The strategy itself, should rightly address the position beyond COVID.
2. the intentions for the redevelopment of Clacton Leisure Centre has been shelved for the end of this calendar year and the Cabinet is reminded that this Committee has previously requested that the consultation with users should be undertaken and detailed examination of the costs of the works be undertaken to secure value for money and a positive contribution of the Council's aims of reducing its carbon foot print.
3. that proposals around Back 2 Business of Clacton's Skate Park to be refurbished, to be pursued and that the associated lessons from the site in Dovercourt delivered to the Harwich Town Council, be harnessed including funding for it.
4. the previous issue, of the vital importance of consistent and common branding identified by this Committee on 13 August 2020 in respect of tourism, should also be applied to leisure services to help promote the area and its facilities to residents and visitors.
5. all tenders for improvements to the leisure facilities contain a specific recommendation in respect of energy efficiency costs and savings and the long term impact of the carbon foot print of Tendring District Council.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

"The Portfolio Holder for Leisure and Tourism welcomes the comments of the Resources and Services Overview and Scrutiny Committee. The emerging Sports Facilities strategy has rightly been postponed until there is a stable operating position for our Leisure Facilities and robust, long term decisions can be made. The strategy will be subject to consultation with the committee as well as wider partners and stakeholders.

The planned Leisure Centre refurbishment has been carefully prepared by appropriately skilled and experienced professionals and the specification of works will be robust and invite proposals for carbon reduction.

The Committee will have noted the refurbishment of Clacton Skate Park was incorporated in the short term plans for the Council's Back to Business report. Officers will now work with park users to take the project forward and meet the aspirations of local people.

The Council has set out its objectives for branding in the draft Tourism Strategy, which will be finally considered in the New Year, following a period of consultation."

Recommendations to Cabinet

That the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Leisure and Tourism Portfolio Holder, in response thereto, be endorsed.

CABINET

18 DECEMBER 2020

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.4 SCRUTINY OF THE FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE SECOND QUARTER 2020/21 AND LONG TERM FINANCIAL FORECAST UPDATE

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 16 November 2020 (Minute 97 refers) the Committee was provided with an overview of the Financial Performance report of the Council's financial position against the budget as at the end of September 2020 as well as an updated long term financial forecast.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

During the consideration of this report the Committee made the following:-

RECOMMENDATIONS TO CABINET:

1. That Cabinet be recommend to record the sincere appreciation for the sterling work of the revenue and benefits team and the Section 151 officer in rapidly developing and deploying grant schemes for businesses to help maintain the economic fabric of the District in these difficult times for those businesses.
2. That consideration be given when reporting on the in-year position on the budget to include reference to the comparable position from the previous year.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

"I thank the RSOS Committee for their comments; I actually recognised the sterling work by both, the Financial and Benefits and Revenue teams for the sterling work they have rendered to all of us, Members, Residents and Businesses alike, in my speech at the last Cabinet meeting on 13th November, when I presented the Financial Performance Report.

I would further add that it goes without saying that the work and effort undertaken by Officers across the whole Council in response to COVID19 has been incredible, which also includes Members. This has been placed on public record several times over the last few months.

In respect of point 2, the Committee are able to independently request what information they think they need to support their overview and scrutiny role

regardless of whether or not it is included within reports to Cabinet. However, any request for additional information needs to balance its value with the level of Officer time required to produce and maintain it, especially given the complex nature of local authority accounting.”

Recommendations to Cabinet

That the recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

18 DECEMBER 2020

REPORT OF THE LEADER OF THE COUNCIL

A.5 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY
 (Report prepared by Ian Ford, Committee Services Manager)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

EXECUTIVE SUMMARY

In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

RECOMMENDATIONS

- (a) That the contents of the report be noted; and**
- (b) That the urgent decision(s) taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.**

PART 2 – SUPPORTING INFORMATION

BACKGROUND

As part of the Council’s response to the COVID-10 public health emergency the Council’s Monitoring Officer produced a formal “Note on Decision Making Business Continuity Arrangements” which set out the ways in which the normal operational business 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 included, inter alia, 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 is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- *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 is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”

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

In making the decision(s) in question the Leader of the Council 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].

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Tendring Local Restrictions Support Grant Scheme (OPEN) [Published 20 November 2020]

Decision: (a) To approve a Local Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance and IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

(2) Tendring Additional Restrictions Support Grant Scheme (ARG) [Published 30 November 2020]

Decision: (a) To approve an Additional Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance and IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

BACKGROUND PAPERS

Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.
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Executive Decisions taken by the Leader of the Council published on 20 and 30 November 2020.
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APPENDICES

None.

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

18 DECEMBER 2020

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

A.6 FUTURE BOOKING OF TEMPORARY ACCOMMODATION HOSTEL IN CLACTON-ON-SEA

(Report prepared by Tim Clarke)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek agreement from Cabinet for the future use, by way of a licence to occupy, of a hostel in Clacton in which to provide temporary homeless accommodation.

EXECUTIVE SUMMARY

The Council has made use of a hostel in Clacton for temporary accommodation since 2018. Due to the accumulating value of the arrangement Cabinet approval is required in order to enter into a future agreement.

Homelessness applications, temporary accommodation placements and consequently spending have been increasing over recent years, a trend that shows no sign of reversing. Currently temporary accommodation is sourced externally via this hostel, a small House in Multiple Occupation and other hotel and bed and breakfast establishments.

In June 2020, Cabinet approved the repurposing of Spendells House in Walton to temporary accommodation and that scheme is expected to be ready during the latter part of 2021.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) notes the ongoing increase in temporary accommodation placements across the district and significant associated costs;
- b) authorises the Corporate Director (Operations and Delivery) in consultation with the Portfolio Holder for Housing to enter into a twelve month “licence to occupy” arrangement in respect of 13 Beach Road, Clacton from January 2021; and,
- c) subject to the availability of Government grant funding, value for money considerations and continuing need authorises, in principle, the Corporate Director (Operations & Delivery) in consultation with the Portfolio Holder for Housing to extend the twelve month “licence to occupy” year on year thereafter.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decisions will contribute to the following priorities in the Corporate Plan 2020-2024:

Delivering High Quality Services – The appraisal has focussed on ensuring the provision of good quality and appropriate housing that meets local needs. In this instance there is a need for a secure and consistent supply of temporary accommodation.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Temporary accommodation placements for homeless households have increased over recent years. In 2013/14 temporary accommodation placements cost the Council **£0.022m** whereas by 2019/20 the cost had increased to **£0.527m**. Unless the Council uses its own housing stock the cost of temporary accommodation over that covered by Housing Benefit subsidy is met by the General Fund.

The table below shows the level of gross spend on temporary accommodation in recent years.

Year	Spend
2013/14	£22,368
2014/15	£71,382
2015/16	£103,308
2016/17	£204,028
2017/18	£335,947
2018/19	£459,265
2019/20	£527,000

With homelessness levels showing no signs of reducing (both nationally and locally) temporary accommodation costs can only be reduced by the Council using its own housing stock or securing less expensive accommodation than that it can currently secure. Hostel type accommodation such as 13 Beach Road is regarded as a short term solution for each individual case, while their circumstances are being assessed.

The introduction of Spendells House is estimated to reduce temporary accommodation expenditure by £112k annually across a five year period. This reduction in expenditure is derived from the decreased use of more expensive bed and breakfast provision. Given the rising homelessness figures Spendells will not provide sufficient temporary accommodation provision on its own and as such other accommodation will still be required. Hostel provision such as that at 13 Beach Road provides a lower cost option than making use of commercial hotels and B&Bs.

Since 2019 the annual fee for the exclusive booking of the 14 rooms at 13 Beach Road has been £200k. To put this into context against two other hotels in Clacton that are used by the Council and where an equivalent number of rooms could be booked the cost would be either £219k or £264k based on the current rates paid. This hotel accommodation does not offer the benefit of dedicated management support or kitchen facilities for the use of residents as is provided at Beach Road. There would also be planning and HMO licensing implications for their owners if the predominant use of those establishments were to be for homelessness placements.

Obtaining a professional valuation in respect of this arrangement as would normally be the case in respect of a property transaction has not been possible. The uniqueness of the arrangement has meant no chartered surveying firms have offered to undertake the work. A suggestion from one was simply to compare to commercial hotel rates. Using that suggestion the figures above demonstrate that this arrangement is cheaper than a typical hotel booking.

Housing benefit subsidy means that the actual cost to the Council of Beach Road is around £117,631 per annum (the actual subsidy depends on the number of nights stayed by individual occupants). It is proposed that this be funded from the Council's annual Homelessness Reduction Grant and Flexible Homelessness Support Grants which total £0.666m in 2020/21. Allocations of these grants for 2021/22 have yet to be announced but are expected to be of similar value.

In terms of prioritising budgets, the underlying aim is to match on-going fixed costs (such as those that will be associated with operating Spendells as temporary housing units) with the ongoing base budget. The flip side would therefore require the use of temporary income, such as the grant from the Government to fund temporary initiatives or those can be flexed (such as existing block booking arrangements) to respond to changes in demand and supply. Operating homelessness budgets in this way will therefore provide confidence around being able to meet future on-going obligations and therefore reducing potential future cost pressures.

The owner of Beach Road has offered the property to the Council from January 2021 at £200,000 per annum with an annual increase after the first year in line with the Retail Prices Index. The option of a longer term than twelve months at a time as desired by the owner has not been pursued by officers due to longer term uncertainties around Government grant funding and homelessness levels.

Risk

There are risks associated with the proposals:

Financial – The primary risk associated with this proposal is financial. Whilst by no means cheap overall, the arrangement is most effective when all the rooms can be occupied and therefore housing Benefit subsidy maximised. Over the time the property has been used that has usually been the case. Should homelessness reduce then there could be a situation where not all rooms are occupied. This risk is mitigated by flexibly booking other hotel accommodation so that occupation of Beach Road can be kept as high as possible. With current levels of demand officers consider this risk to be low.

Continued Need - Research in this area concludes that the need for temporary accommodation is unlikely to reduce. A report published by Shelter in August 2017 entitled *Homelessness projections: Core homelessness in Great Britain* suggested that if current policies remain unchanged the most acute forms of homelessness are likely to continue rising.

During the week commencing 23rd November there were 68 properties for rent within a five mile radius of Clacton and 16 around the Harwich area. To put those figures into context during that week there were 378 open homelessness applications. Of these applications, 96 have recently been assessed as being homeless and 83 have been assessed as being threatened with homelessness in the next 56 days. Rising rents in this area, with a forecast three per cent rise every year for the next five years, combined with landlords selling property means that supply will become more restricted. An article in

"*This is Money*" published in May 2019 reported on a wide ranging study of almost 2,500 landlords by the Residential Landlords Association. It found that a quarter of private landlords are looking to sell at least one property over the next year.

The impacts of the COVID-19 pandemic on homelessness and the wider housing market are perhaps yet to be truly felt. Research undertaken by the District Councils Network in the Summer of 2020 suggested that up to 500,000 additional households could be made homeless as a consequence of the pandemic.

Overall officers are confident that the rooms at Beach Road will be fully utilised and without a major policy shift or increase in affordable housing supply it appears unlikely that the need for temporary accommodation will reduce to an extent that the property is not needed in the next two years. The position will be reviewed then, in light of the level of demand at that time and with the benefit of Spendells House being up and running.

LEGAL

Under Part VII of the 1996 Housing Act (as amended) the Council has a duty to provide temporary accommodation to households who are homeless and have an apparent 'priority need' for accommodation according to the legislation.

13 Beach Road is a property that has lawful planning use for the purpose for which the Council is booking it and has a current House in Multiple Occupation Licence.

The booking of temporary accommodation for homelessness purposes is exempt from normal procurement legislation but given the value of this arrangement the Council's Monitoring Officer has advised that Cabinet approves the future booking of this property.

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 – The property is located within the Pier Ward in Clacton.

Equality and Diversity – An equality impact assessment has not highlighted any equalities issues.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Homelessness levels

The Council has a statutory duty as the Local Housing Authority to provide assistance to people who are homeless or threatened with homelessness.

The Council has for many years adopted a pro-active preventative approach to reducing homelessness. However, the last five years has seen a national increase in homelessness that has also been the experience in Tendring.

Year	Homelessness applications
2013/14	87
2014/15	137
2015/16	159
2016/17	288
2017/18	308
2018/19	704
2019/20	739

The Homelessness Reduction Act 2017 (HRA17) came into force in April 2018 with the aim of reducing homelessness. The act increased duties on local authorities to assess an applicant's needs and to prevent and relieve homelessness by:

- Improving advice and information about homelessness and the prevention of homelessness;
- Extending the period of threatened with homelessness from 28 days to 56 days. An applicant is now assessed as threatened with homelessness if they are likely to become homeless within 56 days.
- Introducing new duties to prevent and relieve homelessness for all eligible people, regardless of priority need and intentionality.
- Introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation.
- Encouraging public bodies to work together to prevent and relieve homelessness through a duty to refer.

Despite the extra advice and duties brought in by the Homelessness Reduction Act, the lack of affordable housing and private rented properties mean that the use of temporary accommodation has increased.

In both 2018/19 and 2019/20 the Council received over 700 homelessness applications which is a significant increase from previous years. The main reason for this is the fact that the definition of threatened homelessness is now triggered at 56 days as opposed to 28 days.

For each homelessness application the Council's duty is to assess each applicant's situation and provide a personal housing plan if they are homeless or threatened with homelessness. The aim of the plan is to help keep the person in their current home or support them to find somewhere else to live. Officers work with the person for up to eight weeks if they are threatened with homelessness and for a further eight weeks once they

are homeless. If the person is still homeless after eight weeks, the Council will then make a main duty decision which will determine what further help we have to provide. This decision is based on whether they have a priority need and the reasons for which they have become homeless.

The Council has a duty to provide temporary accommodation at the point in which we have reason to believe that an applicant may be homeless, eligible for assistance and has a priority need. This accommodation is provided until they either find settled accommodation or a main duty decision is made. If the main duty decision is that a person has a priority need and is homeless through no fault of their own, then they will have to stay in temporary accommodation until longer-term housing is secured.

The table below shows the number of households placed into emergency accommodation each year from 2013 until 2020. This highlights the increasing demand on temporary accommodation with placements increasing by 50% from 2017/18 to 2019/20 and the average length of stay in temporary accommodation increasing.

Year	No. of placements into emergency accommodation	Average no. of days in placement
2013/14	44	17
2014/15	57	24
2015/16	91	23
2016/17	154	24
2017/18	182	31
2018/19	232	37
2019/20	273	44

In previous years it was possible to assist applicants to find alternative accommodation before they actually became homeless and therefore not so many were placed in temporary accommodation.

It is becoming more difficult to gain access to the private rented sector as a significant number of landlords are refusing to house people in receipt of benefits or require guarantors and rent in advance. This makes preventing people becoming homeless by arranging alternative accommodation in the private rented sector challenging. The impact of welfare reform changes, the freezing of the Local Housing Allowance rates and the roll-out of Universal Credit are seeing more people threatened with homelessness.

Current temporary accommodation provision

The Council's spending on using private sector properties for temporary accommodation provision has been rising steadily over recent years. The Council does not have any control over the number of households presenting as homeless and has a statutory duty to provide temporary accommodation in many cases. This type of accommodation is usually provided via local bed and breakfast establishments and through block booking arrangements with two property owners in Clacton. In 2019/20 the Council spent £0.527m on temporary accommodation, which is met through the General Fund.

The property at Beach Road provides 14 rooms and costs £200,000 per annum. This accommodation is mainly for single people/couples. We are therefore still reliant on bed and breakfast establishments to provide temporary accommodation for families.

The conversion of Spendells House in Walton, as approved by Cabinet in June 2020, will

provide much needed family accommodation when the conversion works are completed late in 2021. The 30 rooms at Spendells House will enable other nightly bed and breakfast bookings to be reviewed and potentially mitigated.

Officers are conscious that current temporary accommodation provision is predominantly located in Clacton. This will change when Spendells House moves the main accommodation base to Walton although the remaining B&Bs and the Beach Road hostel will remain in Clacton. This will leave Harwich and other areas without local provision so an area of work will be to identify how low cost, effective temporary accommodation can be sourced in other parts of the District based on evidence of local need.

Other benefits from using 13 Beach Road

In the years leading up to 2018 when the Council entered into a licence to occupy the property it had been used as a hostel for a variety of people including those released from prison. The Council did not have any control over who occupied the property and the nature of some of those individuals who did resulted in the property being associated with significant levels of anti-social behaviour in the neighbourhood. This adversely impacted on statutory agencies including the Council, the Police and healthcare services. It is fair to say that those problems have not been present since the Council took control over who lives there. If the Council were to stop using the accommodation it is possible that the owner would return to using the property as he previously did, resulting in a rise in ASB problems or offer it to other councils for use as temporary accommodation.

BACKGROUND PAPERS FOR THE DECISION
None

APPENDICES
None

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Key Decision Required:	No	In the Forward Plan:	Yes
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CABINET

18 DECEMBER 2020

REPORT OF THE PORTFOLIO HOLDER FOR PARTNERSHIPS

- A.7 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MANOR, RECTORY ROAD, GREAT HOLLAND, FRINTON-ON-SEA, ESSEX CO13 0JP** (Report prepared by Andy White and Gill Burden)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To determine whether The Manor meets the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by The Manor Reborn – an unincorporated body with more than 21 members registered to vote in the Tendring district. No other criteria are pertinent.

EXECUTIVE SUMMARY
<p>A valid nomination to register an asset of community value has been received for The Manor as shown identified in the plan included within Appendix A.</p> <p>If a local authority receives a valid nomination, it must determine whether the land or building nominated meets 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.</p> <p>The Government’s non statutory guidance defines 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 Report provides an assessment of the nomination.</p> <p>The Cabinet should 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.</p> <p>Taking the evidence provided into account it is recommended that the building nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.</p>

RECOMMENDATION(S)
That Cabinet determines that The Manor Rectory Road Great Holland FRINTON ON SEA Essex CO13 0JP meets the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and that the asset be added to the Council’s list of Assets of Community Value.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of Council priorities.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation.

Risk

The Manor was still trading pre COVID 19 and provided takeaway food and a community shop during a period of the first lockdown but did not re-open as a public house when restrictions were eased. Consequently there is substantial risk that the property cannot be sold at a price acceptable to the owners as a trading premises.

The Property is currently on the market and there is a high chance that listing will result in the need to compensate the current owners.

There is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

LEGAL

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:

- (1) A building or other land in a local authority's area is land of community value if in the opinion of the authority —
 - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.

The Assets of Community Value (England) Regulations 2012 (“the Regulations”) provide procedural detail to give effect to the assets of community value scheme. An earlier report on this subject set out a proposed procedure for dealing with the nomination of Assets of Community Value in accordance with the Regulations and Officers have adhered to the procedure and it is now proposed that Cabinet considers the nomination in accordance with the procedure.

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.

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of implications. The Act and Regulations are intended to increase public engagement.

Area or Ward Affected

Thorpe Beaumont and Great Holland

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and
- (b) that there can continue to be a non-ancillary use, which will further the social wellbeing or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);

- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups,
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The table below, based on guidance produced by the Public Law Partnership sets out an overview of what the Act and Regulations intend to constitute as an Asset of Community Value”.

The Act intends to apply to Land and Buildings Where:

1. The main use of the land or building **furtheres the social wellbeing or social interests of the local community** at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;
2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community *some years ago*** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

In their Guidance Public Law Partnership provide some helpful interpretation of these terms:

“This could apply to a broader set of activities and not just cultural, recreational and sport interests as provided by the Act. Working with local communities it could include: any land or building where the main purpose is for the provision of public services for education, health and wellbeing or community safety e.g. nurseries, schools, children's centres, health centres, surgeries, hospitals, day care centres, and residential care homes. Sport,

recreation & culture e.g. parks and open green spaces, sports and leisure centres, libraries, theatres, museums and heritage sites, cinemas, swimming pools. Community services e.g. community centres, youth centres, and public toilets. Any economic use which also provides important local social benefits e.g. village shops, pubs, markets.

“What does it mean “realistic to think that this can continue into the near future”? For the use which is **currently ongoing**, the working assumption should be that the present use can continue into the future, unless the local authority is able to identify evidence that is unlikely to be the case. In other words where the asset is presently in social use there should be a **presumption of continued viability**, unless clear evidence suggests otherwise. For a **social use which has lapsed** and needs to be re-established the local authority will need to take a view on the realism of re-establishing this. A new approach can help to re-establish services that were previously not viable.

Whilst COVID-19 restrictions including socially distancing are having a huge impact on the ability of pubs to function safely and viably, the ACV Legislation does not currently address recent COVID-19 restrictions. Therefore when considering if the nominated asset meets the criteria only the issued legislative guidance can be applied.

CURRENT POSITION

The Nomination Form has been submitted by The Manor Reborn (attached at Appendix A), and contains at B4 and B5 reasons why the nominators consider that the building is of community value and how the land could be acquired and used in the future.

The nomination states that the building could be used to further the social wellbeing and interests of the local community in various ways. The nominating body states they would provide café facilities, special events for the elderly, charity fundraising events, quizzes, music nights and darts teams. It also states the possibility of a shop and or Post Office. It states that without the Public House none of that is possible. There is a Village Hall within 100 metres of the public house.

The nomination states The Manor Reborn intends to set up a Community Benefit Society and offer shares in addition to seeking advice and guidance from The Plunkett Foundation and CAMRA.

In accordance with the Regulations the landowner has been notified and have had discussions with officers but as yet have not formally asked for representation to be included. In addition the owners are co-operating with the nominating body and have allowed valuations of the premises and provided accounts to be viewed. If a formal response is received before the Cabinet meeting this will be included at the time.

Noting that the property has been for sale for some time Officers have written to the nominator asking what progress has been made previously in respect of securing finance to purchase The Manor and they responded they had been unaware the property was being marketed as a going concern.

It is recommended that the building does meet the criteria set out in Section 88 (2) (a) of the Act:

there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community

The Nomination request is being sought with the stated intention of continuing the main use which furthers the social wellbeing or interests of the local community.

Taking the above into account it is recommended that the matter for consideration is whether the building nominated does meet the criteria set out in Section 88 (2) (b) of the Localism Act 2011, specifically:

it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

A Planning applications have been made for the conversion of the building into a private dwelling. In the current climate it seems unlikely that a purchaser will pay the current asking price for the premises if the application is refused. Accordingly the result of a refusal may be that the price has to be lowered to a level at which some use within the current planning status becomes viable. Conversely it would appear that approval would potentially result in a higher value that could make such use unviable.

At the time of writing no planning decision has been published and the building may not be converted. Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

It may be that a planning permission or successful appeal would be a material change of circumstances that prompts a listing review.

BACKGROUND PAPERS FOR THE DECISION

**Non-statutory advice note for local authorities produced by DCLG
Community Right to Bid – October 2012**

APPENDICES

Appendix A – Nomination Form (Redacted)

A: You and your organisation

Your Name: REDACTED
Your Organisation (full official name): The Manor Reborn
Your position in the organisation: Member of the steering group
Organisation address (including postcode): c/o The Village Hall Manor Road Great Holland Essex CO13 0JT
Daytime telephone no.: REDACTED
Email address: REDACTED
How and when can we contact you?*: Preferably email in your working hours. Alternatively, telephone or mail OK.

*other correspondence address or preferred way or time for us to contact you

Type of organisation

Description	Put a cross X against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body	X	
Company limited by guarantee		
Industrial and provident society		

Unincorporated bodies only:

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Tendring District or an adjoining authority. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Tendring, please confirm which area that is.

Currently 44 members, all living in Great Holland. More than 21 are registered to vote in the Tendring District.

Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Tendring District Council or a neighbouring local authority. Please explain what your organisation's local connection is.

The Manor Reborn is a group of Great Holland residents endeavouring to save our only village pub from permanent closure and possible conversion to a dwelling. It is possible that people from outside the village will join our group.

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Tendring or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

There are currently no funds and there is no desire or requirement to make any surplus, just to cover, or contribute to, costs. If any contributions are made to help towards costs, any amounts unspent when a conclusion is reached will be put towards the setup and running costs of the venture (if successful) or given to a village resource e.g. the village hall (if unsuccessful).

A7 More about your organisation

What are the main aims and activities of your organisation?

To find and execute a means to save our sole village pub, The Manor, from permanent closure.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	X

Part B: About the land or building(s) you are

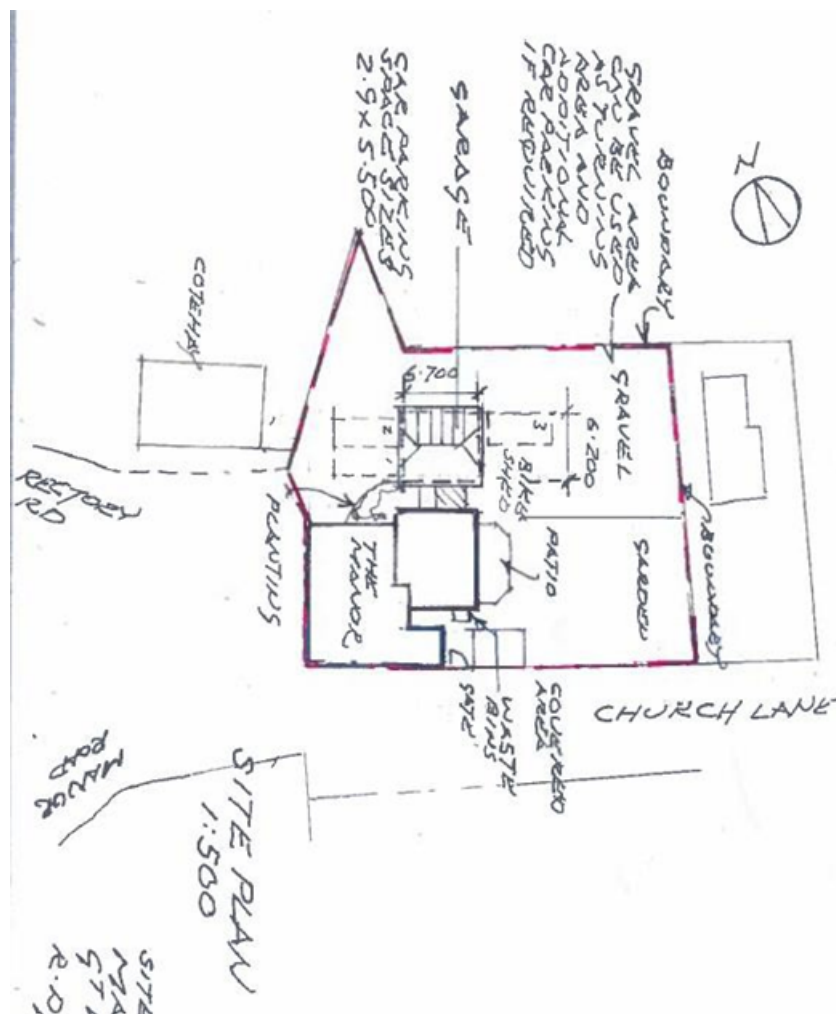
nominating B1 Description and address

What it is (eg. pub, local shop)
Public house
Name of premises (eg. Royal Oak / Littletown stores)
The Manor
Address including postcode (if known)
Rectory Road, Great Holland CO13 0JP

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.



(AS PER PLANNING APPLICATION 20/00949/FUL)

B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	REDACTED	<i>Same as B1.</i>
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	REDACTED	REDACTED
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	N/A	

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

Yes! The Manor (formerly The Ship) has been a pub for more than 250 years. In that time it has provided sanctuary, support, entertainment, village cohesion, employment and a counter to isolation and stress. (People have commented on how they could go in on their own and feel comfortable).

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

Yes! All the benefits listed above.

We may be able to provide café facilities during the day, special events for the elderly, charity fundraising events, quizzes, music nights, darts teams etc. If the pub isn't there, we can't do any of these. Also the village is growing – how do new residents meet people if there are no amenities?

Additionally, it may be possible to add a shop and/or PO as we no longer have these in the village.

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

B5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

We would propose to set up a Community Benefit Society and offer shares, with a minimum and maximum investment. There may be a small return on the shares if there are sufficient surplus funds to allow it in any year. ('Sufficient' would need to be defined so as to allow the venture to keep some reserves.) It may be necessary to finance any shortfall with a grant, loan or mortgage, or a combination of these.

Evidently we would need advice as to how to set up and run this ownership plan legally. There are organisations such as The Plunkett Foundation and CAMRA with a great deal of experience in this field and willingness to support groups in our position. We are in contact with both organisations, as well as other community pubs.

If finances allow, we envisage having a professional manager with volunteer staff, and paid staff if and when the business allows. Otherwise, it will be run by volunteers.

We will of course get as much information as we can, both specific to The Manor and general to this type of business, so we can produce budgets and forecasts and check that the business is viable before people commit their money. In the village we have working and retired tradespeople and professional people from the fields of fitting, hospitality, finance, IT, law and project management who have offered to give their services.

Section C: Submitting this nomination C1

What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

REDACTED

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

18 DECEMBER 2020

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

A.8 FREEHOLD SALE OF A RESIDENTIAL PROPERTY

(Report prepared by Matthew Wicks)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval from Cabinet to agree the revised terms for the freehold sale of a five bedroom residential property in Harwich requiring substantial structural and maintenance work.

EXECUTIVE SUMMARY

In December 2019 Cabinet made the decision to dispose of a five bedroom residential property in Harwich requiring substantial structural repairs and maintenance work.

Following a structural engineers report on the condition of the property, commissioned by the prospective purchaser, a revised selling price has been negotiated reflecting the structural repairs identified as necessary. The revised terms are set out in the Part B report.

The funds from the sale of the property will be reinvested with the purchase of a traditional ex-Council in Harwich / Dovercourt.

RECOMMENDATION(S)

That Cabinet authorises, in principle, the revised terms for the freehold sale of the property and also authorises, in principle, the Corporate Director for Operations and Delivery to enter in to a contract and transfer deed to complete the sale of the property, subject to the Cabinet’s decision to be taken later in the meeting (following the exclusion of the press and public) in respect of the related Part B report.

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.

To manage public money effectively meaning value for money principles are embedded in the delivery of all our services.

Regenerating the District and improving deprived areas.

A capital receipt to the Housing Revenue Account offers potential to contribute to the investment in acquiring an additional, more suitable property in the Harwich area.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The house is currently vacant and has not been let since the last tenant moved out in April 2019. Due to the nature and age of the house the maintenance and running costs are high and selling the property will avoid the Council having to spend upwards of £50,000 in capital works to solve dampness and structural problems. The use of the receipts could be added to funds already held from Right to Buy and/or S106 receipts and used to bring a more suitable additional dwelling/s into

the Housing Revenue Account that could immediately begin generating a return.

Risk

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

LEGAL

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.

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.

Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.

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.

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

Harwich & Kingsway

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The property is in need of substantial structural and maintenance work. The design and style of the property is not typical of local authority housing and as such it has always been a difficult property to find tenants for. It has therefore been identified as surplus to requirements.

The property was marketed with a national Estate Agent for a number of weeks and numerous offers were received. All potential purchasers were asked to make best and final offers and the highest bid was accepted and agreed by Cabinet in December 2019. Following an initial basic survey the purchasers' mortgage lender has insisted on a full structural survey. The survey has identified significant structural movement and as such the buyer has reduced his offer. The revised offer does however still fall in the middle of the valuation range for the building.

CURRENT POSITION

The revised offer has been provisionally accepted subject to the decision recommended in this report.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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