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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 19TH FEBRUARY, 2021 AT 10.30 AM  
MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

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

**Group Leaders Present by Invitation:**

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independent Group), Ivan Henderson (Leader of the Labour Group) and Councillor Mark Stephenson (Leader of the Tendring Independents Group)

**Also Present:** Councillor Graham Steady (Deputy Leader of the Independent Group)

**In Attendance:** Ian Davidson (Chief Executive), 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)), Andy White (Assistant Director (Building and Public Realm)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Saira Mahboob (Senior Property Lawyer) and Keith Durran (Democratic Services Officer)

**128. APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted on this occasion.

**129. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 29 January 2021, be approved as a correct record and be signed by the Chairman.

**130. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time.

**131. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

Litter and other Detritus on the A120 & A133

The Leader of the Council (Councillor Stock OBE) referred to numerous communications that he had received regarding the appalling and unacceptable amount of litter and detritus that was currently strewn along the A120 and the A133. There was also a concern that some of this rubbish was being deposited by refuse collection vehicles as they transited to the waste collection facility on the A120.

Councillor Stock indicated that he would be writing to the Highways Agency to request that they did something to alleviate this situation.

**132. ANNOUNCEMENTS BY CABINET MEMBERS**

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

**133. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

**134. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE HEALTH PROVISION AND CARE RESPONSE**

Cabinet was aware that, at the meeting of the Community Leadership Overview and Scrutiny Committee held on 13 January 2021 (Minute 84 referred) that Committee had been provided with an overview of the issues around deprivation, health measures and the proposed integrated neighbourhood team for Tendring South. Also included within that overview was the issue was funding for primary care on the Clacton Hospital site and the operation of GP services from Kennedy House. That meeting had also considered the Covid-19 measures to control spread and identify those most at risk and how to protect them and to also consider the role of community groups and volunteers.

After deliberation the Committee had recommended to Cabinet that:-

- *the suggestion from the Chief Operating Officer for the North East Essex Clinical Commissioning Group (CCG) to create a forum across North East Essex that will allow Councillors to communicate the views of their constituents with the GP practice leads directly be supported and the CCG urged to implement this as soon as possible.*
- *the continued hard work of the North East Essex Clinical Commissioning Group and local NHS providers, Dr Gogarty and the Public Health team at Essex County Council as well as this Council's redeployed/redirected staff supporting those in need due to Covid-19 restrictions be recognised.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for Partnerships (Councillor McWilliams):-

*"The CCG are keen to create a forum across North East Essex for Councillors to be able to directly communicate the views of their constituents to GP practice leads and I warmly welcome this opportunity which I believe will allow our councillors to raise issues of concern and also understand the issues GPs face. It will also allow us to address together how we can support each other to achieve our shared aims. I am aware that our CCG wanted to progress this but I do understand in the current pandemic situation this has not been able to be delivered yet but look forward to future progress in this area".*

Having considered the recommendations submitted by the Community Leadership Overview & Scrutiny Committee together with the Portfolio Holder for Partnerships response thereto:

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

**RESOLVED** that the recommendations of the Community Leadership Overview and Scrutiny Committee be noted and the comments of the Partnerships Portfolio Holder, in response thereto, be endorsed.

**135. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.2 - SCRUTINY OF THE TENDRING MENTAL HEALTH HUB**

Cabinet was aware that, at the meeting of the Community Leadership Overview and Scrutiny Committee held on 30 November 2020, the Committee had been provided with an overview of the Mental Health Hub which had been launched by the Tendring branch of the Citizens' Advice Bureau in 2015 with support from Active Essex, Essex County Council, Essex's Police and Crime Commissioner and Tendring District Council. The hub, located in Clacton, offered an easy single point of entry for referrals from GPs, health professionals, police, and self-referrals. The idea of the hub was to carry out "holistic assessments" of people with mental ill health taking into account all the various factors behind their situation and point them in the right direction for help.

It had been also reported to the Committee that the hub was also staffed mainly by volunteers who had experience of mental ill-health issues, including problems with homelessness, social isolation or income, and helped to give them the confidence to go on to volunteer elsewhere. Volunteers also gained key personal skills, had social contact, and made friends. More than 20% of the volunteers had gone on to mainstream charities, while 12% had gone on to paid employment.

After deliberation the Committee had recommended to Cabinet that:

- *the suggestion from the Chief Officer at Tendring Citizen's Advice Bureau that the Mental Health Hub services/reach could be expanded if premises closer to the Town Centre in Clacton could be found be actively supported.*

The Committee had also formally recorded its support for the hard work carried out by the Citizens Advice Bureau, and its officer, staff and volunteers in delivering the Mental Health Hub in Clacton to address, in part, the challenges of mental health locally.

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for Partnerships:-

*"Thank you for your comments about the hard work of the Tendring Citizen's Advice Bureau. I understand that the Assistant Director, Buildings and Public Realm and Officers in the Regeneration Team have provided advice and guidance to Tendring's Citizen's Advice Bureau regarding alternative premises and sites across Clacton."*

Having considered the recommendation submitted by the Community Leadership Overview & Scrutiny Committee together with the Portfolio Holder for Partnerships response thereto:

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

**RESOLVED** that the recommendation of the Community Leadership Overview and Scrutiny Committee be noted and the comments of the Partnerships Portfolio Holder, in response thereto, be endorsed.

**136. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.3 - SCRUTINY OF HOUSING MATTERS**

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 1 February 2021, that Committee had been provided with a report in response to the enquiry scope set out in the Committee's Work Programme.

In respect of this item, that Committee heard how the housing acquisition strategy had been adopted by Cabinet in October 2020 which set out a framework around which the council owned housing stock would be increased to achieve a target of 200 additional homes.

Members of the Committee were informed that, when added to the housing stock held within the Council's Housing Revenue Account (HRA), the impacts of right to buy had to be taken into consideration and factored into the financial planning.

The total discount figure was essentially the financial loss to the HRA compared to the market value of the properties sold. Sales had peaked in 2017/18 and had now returned to a lower level. The addition of newer and more desirable properties to the Council's housing stock could have led to an increase in sales.

The current maximum discount was £84,200 or £112,300 if you lived in London.

Houses: Discounts started at 35% when you have been a public sector tenant for three years and the discount remained at 35% until five years spent as a public sector tenant. After year five, the discount went up by 1% for every year up until a maximum of 70% or £84,200 across England (excluding London) whichever was the lower.

Flats: Discounts started at 50% for three years as a public sector tenant and remained at 50% until five years spent as a public tenant. After year five, the discount went up by 2% for every year until a maximum of 70% or £84,200

Cost floor rule: Discounts could be reduced by the 'cost floor' rule. That may apply if the property had recently been purchased or built by a landlord or they had spent money on repairing or maintaining it. Discount could be reduced to nil if the cost floor was more than the value.

It was reported to the Committee that the cost floor period for council properties was either a 10 year period prior to receipt of the RTB application form or 15 years if the home was built or acquired by the Council after 2 April 2012.

That meant that a house bought through right to buy after year 15 could subject the HRA to a loss of over £80k.

Extending the cost floor to 30 years would alleviate that risk and put the Council onto a much lower risk position. Officers had discussed that with civil servants however it required a change of Government policy and legislation so at this time all decisions

around acquisitions and development had to be taken on the basis of the current 15 year cost floor.

The Committee welcomed the Portfolio for Housing and the Assistant Director for Housing and the Environment to the meeting and they were asked questions including on:

- The use of the 21 years lower limit for acquisitions of properties within the Housing Acquisitions Policy.
- The demand for, and supply of, affordable housing referenced in the Housing Acquisitions Policy.
- The level of Council housing that was unoccupied (“voids”) and the time between those properties being tenanted.
- The recently outsourced contract to prepare properties vacated by one tenant ready for the property to be tenanted again.
- The extent to which those on the housing waiting list were likely to be offered housing.
- The small housebuilding project that the Council was a pilot in.
- The accounting for housing acquisitions and improvements to transparency in the HRA around this.
- The use of section 106 Planning monies/gifted properties to acquire Council Housing.

During the consideration of this report the Committee had made the following recommendations to Cabinet:-

- *the quarterly Housing Revenue Account monitoring report (and the Out-turn HRA report) should include specific detail on the spend and funding for housing acquisitions to that point in the year and comparable data from previous years.*
- *the Small Housebuilding Scheme Pilot the Council was participating in continue to be given the full support of the Council as a tangible measure to getting local construction firms back working at capacity and helping to provide good quality homes for local people.*
- *representations be made, or continue to be made, to Government to adjust the Cost Floor Period for new Council Housing from 15 years to 30 years and thereby mitigate the risks to Council Housing supply from the “Right to Buy” and consequently positively contribute to the (re-) provision of Council Housing as an element of a vibrant mixed economy in housing.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for Housing:-

*“It is great to have the Committee’s support for our SME builder project, something that I am optimistic will enable us to deliver some new council homes – contributing to our 200 home target - whilst at the same time supporting local firms. There is also a strong alignment to the Council’s Back to Business initiative.*

*Quarterly reporting on our spending on housing acquisitions is something that I support and I am told this can be incorporated into the existing reporting process relatively easily.*

*The Right to Buy does present a risk to any house building or acquisition programme. With careful budgeting the risk can be minimised but an extension of the cost floor to 30 years would prove to be enormously helpful. I therefore welcome the support for making further representations to Government in that respect.”*

Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for Housing’s response thereto:

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

**RESOLVED** that the recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Housing Portfolio Holder, in response thereto, be endorsed.

**137. LEADER OF THE COUNCIL'S ITEMS - A.4 - BACK TO BUSINESS DELIVERY PLAN**

The Cabinet gave consideration to a report of the Leader of the Council (A.4) which requested it to adopt a Delivery Plan for their Back to Business agenda, to support the District’s recovery from the ongoing Covid-19 pandemic.

Cabinet was informed that to date the Council had processed vital grants to the value of around £38m to support the local economy, since the start of the Covid-19 pandemic. Building on a period of unprecedented engagement with local business, focus had now turned to supporting them to flourish through a range of measures targeted at fuelling the wider economic recovery.

Cabinet recalled that it had adopted the ‘Back to Business’ agenda at its meeting held on 13 November 2021, which set out how the Council would work across its range of services and portfolios to support the local economy, Tending businesses and residents in recovering from the Covid-19 pandemic.

Members were reminded that Cabinet had allocated £862,000 to the Back to Business agenda, in order to fund an action plan in support of this process, which was apportioned to the various projects listed in the delivery plan (Appendix A to the Leader’s report).

It was reported that the Back to Business agenda not only targeted interventions to support Tending businesses and our local economy, it also set out a number of measures targeted at improvements to the environment/quality of life and support for residents in recovering from the challenges of the pandemic. The three areas of focus were as follows:

*“STRIVE (support for our businesses)*

*Throughout the pandemic the Council has been working hard preparing for how we can support our economy through the challenges it undoubtedly faces. We have updated our economic development strategy and are concentrating resources to support the local recovery, whilst recognising it is Tending’s businesses that will deliver economic growth;*

THRIVE (support for our residents)

*Many residents of all ages have been adversely affected by the impact of the Covid-19 pandemic, whether through being furloughed, feeling isolated while shielding or being home-schooled during lockdown. We are looking at measures to support our residents through these difficult times, towards a positive future;*

LIVE (pride in our District)

*Alongside economic recovery, we will continue to focus on the importance of pride in where we live, celebrating our culture and heritage and improving quality of life. There has never been a more appropriate time to focus on all the things that make Tendring special."*

Cabinet was advised that due to the many uncertainties which remained after almost a year of national restrictions, a balance of the overall budget had been held in reserve and would be utilised for the Back to Business agenda as and when appropriate. To date £1.95m of external funding had been levered in to support the Back to Business approach. Further opportunities were actively being developed to increase monies levered in to support the District's recovery.

Having considered the contents of the report and its appendix:

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

**RESOLVED** that –

- a) the content of the Council's 'Back to Business' delivery plan be approved;
- b) where noted on the delivery plan, the approval of Project Initiation Documents (PID) be delegated to the appropriate Portfolio Holder; and
- c) if virements are required to realign the budget between projects, as set out in Appendix A to the Report of the Leader of the Council, authority for such virements be delegated to the Portfolio Holder for Corporate Finance & Governance, in consultation with the appropriate Portfolio Holder.

**138. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.5 - REVIEW OF THE COUNCIL'S CONSTITUTION**

The Cabinet gave consideration to a detailed report of the Corporate Finance & Governance Portfolio Holder (A.5) which sought its approval for the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

It was reported that the main proposals covered a number of miscellaneous amendments to the Council Procedure Rules, Article 10 of the Constitution and the Property Dealing Procedure in order to ensure the Council's Constitution remained effective, efficient and consistent at an operational level. The key changes to each of those documents were highlighted within the body of the Portfolio Holder's report.

A summary of the proposed changes compared to the existing Parts of the Constitution was provided under each heading in the Current Position section of the report and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it was in accordance with legislation, where necessary.

Having considered the contents of the report and its appendices:-

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

**RESOLVED** that Cabinet –

1. RECOMMENDS TO COUNCIL:

- (a) that the Council's Constitution be amended to reflect the proposed changes as set out in the Portfolio Holder's report and the appendices attached hereto;
- (b) that the previously approved provisions (i) and (ii), as set out below, should be discontinued:-
  - (i) *Members who were following the proceedings of a meeting via the public 'live stream' should inform Officers that they were doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings; and*
  - (ii) *in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes.*
- (c) that all changes come into effect on 28<sup>th</sup> April 2021 i.e. the day after the Annual Meeting of the Council.

2. RESOLVES that:

- (a) the Standards Committee be requested to examine whether a change to the Members' Code of Conduct is required in relation to Members' Declarations of Interest in virtual meetings and that, in the meantime, the Monitoring Officer be requested to issue a guidance note to Members to re-iterate that Members should adhere to Paragraph 9 of the Code and should withdraw from the meeting connection/link at the appropriate juncture; and
- (b) the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible.

**139. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.6 - FREEHOLD PURCHASE OF TWO BUNGALOWS IN CLACTON-ON-SEA**

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6) which sought its approval in



principle, for the freehold purchase of two two-bedroomed residential properties in Clacton from a developer in order to bring them into the Council's housing stock.

Members were aware that the Council had a target to bring 200 additional homes into the council housing stock in order to meet rising demands for high quality, affordable housing in the District. Those homes would be acquired or built via a range of approaches.

It was reported that a development of new housing in Clacton had presented the Council with an opportunity to purchase two brand new bungalows directly from the developer. The homes were designated as affordable homes, a requirement of the planning consent granted for the development, and as such were available to Council with a discount on the market value.

It was felt that this was an exciting opportunity to add two new homes to the council housing stock in order to meet the needs of two families currently on the Housing Register.

Cabinet was advised that these properties met the criteria set out in the Council's Housing Acquisitions and Development Strategy that had been approved in late 2020.

The terms of the purchase were set out in the related Part B report that was to be considered later in the meeting.

Having considered all of the information and advice contained in the Portfolio Holders' joint report:-

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

**RESOLVED** that Cabinet –

- (a) authorises, in principle, the freehold purchase of the two properties for inclusion into the Council's housing stock; and
- (b) authorises, in principle, the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the purchase of the properties (including the completion of all necessary statutory agreements prior to the completion of the purchase), 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.

**140. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.7 - MOTION BY COUNCILLOR PLACEY - PROPOSED DEVELOPMENT OF SURPLUS SITES FOR HOUSING OR DISPOSAL**

The Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.7) which provided it with additional information prepared in relation to the motion put forward by Councillor Placey to Full Council on 24 November 2020 and to enable it to make a recommendation to the Full Council meeting on 16 March 2021.

Cabinet recalled that, at its meeting held on 18 December 2020 (Minute 97 referred), it had considered the motion put forward by Councillor Placey to the meeting of the Full Council held on 24 November 2020 and which had then been referred to the Cabinet for its consideration. Council Placey's motion had stated that three potential sites for disposal (complete with planning permission) namely those at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and at Hilton Close Manningtree should be considered suitable for Council housing development in line with the Council's adopted Housing Strategy.

At that meeting Cabinet had resolved to thank Councillor Placey for her input; had noted a number of factors around disposals of pieces of land; and had requested a further report to this meeting with a view to presenting the outcome of Cabinet's deliberations on this matter to the meeting of the Full Council on 16 March 2021.

Having duly considered the further information and advice contained in the Portfolio Holders' joint report:-

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

**RESOLVED** that Cabinet –

- (a) again thanks Councillor Placey for her motion and, whilst welcoming its spirit proposes an amended motion to better achieve the desired outcomes;
- (b) notes and supports the ongoing work by Officers in relation to identifying potential sites for development or disposal; identifying potential purchases of dwellings on the market; and establishing processes and resources for the construction of new Council Housing;
- (c) instruct Officers to continue to investigate potential sites and acquisitions, wherever they may be located within the District, reporting to the Cabinet and Portfolio Holders in their exercise of executive functions and Scheme of Delegation;
- (d) determines that each report and decision should have regard to the adopted Housing Strategy and:
  - a. addressing housing need in the District and area concerned;
  - b. potential receipts to fund housing construction, acquisition or other Council priorities; and
  - c. the specific characteristics of the site and area under consideration including (but not limited to) the current use and contribution to Council Priorities, costs of operation, the proximity of other services and uses, the economic viability of development, and whether a transfer to another organisation in current form would better promote the Council's priorities.

**RECOMMENDS TO COUNCIL** that the following amended motion be adopted by Full Council, in accordance with the provisions of Council Procedure Rule 12.5:-

*“That the Council:*

- 
- i) *notes and supports the ongoing work by Officers in relation to identification of potential sites for development or disposal, identifying potential purchases of dwellings on the market and establishing processes and resources for the construction of new Council Housing; and*
  - ii) *notes the instruction from Cabinet to Officers to continue to investigate all potential sites and acquisitions, wherever they may be located within the District, reporting to the Cabinet and Portfolio Holders in accordance with their Executive functions and Scheme of Delegation including the various criteria outlined in the Cabinet's decision taken on 19 February 2021 including reference to housing, financial and other priorities and the specific characteristics of the sites and area under consideration and the identified needs of those areas."*

**141. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**142. EXCLUSION OF PRESS AND PUBLIC**

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 16 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.

**143. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD PURCHASE OF TWO BUNGALOWS IN CLACTON-ON-SEA**

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

**RESOLVED** that Cabinet –

- (a) approves acceptance of the transfer of the two bungalows to the Council as Affordable Housing Dwellings at the agreed purchase;
- (b) approves the use of one-for-one capital receipts and Section 106 affordable housing contributions to meet the total purchase price; and
- (c) authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the purchase of the properties on the agreed terms and subject to such other terms that he considers necessary.

The Meeting was declared closed at 11.18 am

**Chairman**