**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 17TH SEPTEMBER, 2021 AT 10.33 AM
IN THE COUNCIL CHAMBER AT THE COUNCIL OFFICES, THORPE ROAD,
WEELEY, CO16 9AJ**

Present: Councillors Neil Stock OBE (Leader of the Council) (Chairman), Carlo Guglielmi (Deputy Leader of the Council & Corporate Finance and 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) (except items 43 - 48), Ivan Henderson (Leader of the Labour Group), Michael Bush (Deputy Leader of the Tendring Independents Group) and Ann Wiggins (Deputy Leader of Liberal Democrats Group)

Also Present: Councillor Gina Placey (Deputy Leader of the Tendring First Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Anastasia Simpson (Assistant Director (Partnerships)), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Matt Cattermole (Communications Assistant)

32. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G G I Scott (Leader of the Liberal Democrats Group) and M E Stephenson (Leader of the Tendring Independents Group).

33. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 25 June 2021, be approved as a correct record and be signed by the Chairman.

34. DECLARATIONS OF INTEREST

In relation to Agenda Item 13 - Report of the Partnerships Portfolio Holder – A.8 – North East Essex Health and Well-Being Alliance Update and acceptance of Funding from Health Partners – Councillors McWilliams and G V Guglielmi each declared a Personal Interest insofar as Councillor McWilliams had been appointed to serve as Tendring District Council's representative on the Governing Body of the East Suffolk and North

East Essex Foundation Trust and also insofar as Councillor G V Guglielmi had been appointed to serve as Essex County Council's representative on the aforesaid Governing Body.

35. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Government 'Reshuffle' of Ministerial Appointments

The Leader of the Council (Councillor Stock OBE) referred to the Prime Minister's recent 'reshuffle' of his Cabinet and other Ministerial appointments and especially the fact that the new Secretary of State for the Ministry for Housing, Communities and Local Government was the Rt. Hon. Michael Gove MP. Councillor Stock stated that it was a case of await to see if he would take a different approach to any of the policies affecting Councils such as devolution, local government reform and the reforms of the planning system.

Councillor Stock paid tribute to the work of the outgoing Secretary of State, Robert Jenrick MP and also responded to the views expressed by Councillors Allen, I J Henderson and G V Guglielmi on this matter.

36. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by members of the Cabinet on this occasion.

37. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - REFERENCE FROM COUNCIL - A.1 - GROUNDS MAINTENANCE SERVICE

Cabinet recalled that, at a meeting of the Council held on 13 July 2021 (Minute 50 referred), the following motion had been moved by Councillor I J Henderson, seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

"That this Council accepts that its ground maintenance service is failing the tourist economy of the Tendring District as the lack of regular grass cutting and weed clearance is resulting in a negative visual impact for those seeking to enjoy Tendring's Sunshine Coast.

It is further proposed that the necessary resources are immediately made available to ensure that Tendring's coastal resorts present a positive visual impact throughout the 2021 summer season and that a review of the grounds maintenance policy then takes place to ensure that this issue does not reoccur in future years."

Cabinet was also aware that Council Procedure Rule 12.5 (Referral of Motions) stated that:-

"Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion and reason as to whether such motion should be supported in its original format.*

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

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

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b)."

[***** In this instance the relevant Full Council meeting was due to be held on 30 November 2021.]

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor I J Henderson attended the meeting to answer any questions and/or points of clarification, if requested. At the invitation of the Chairman, Councillors I J Henderson and Allen reiterated the purpose of the motion.

It was noted that the motion expressed concern about the performance of the Council's open space and horticultural functions. A fuller outline of the extent of those functions plus other pertinent matters was set out in the 'Service Information' section of the Reference from Council (report A.1) which included:-

- Maintenance of over 800 different sites in the District, including open spaces, parks, recreation grounds (which included significant numbers of sports pitches), seafront gardens, highway verges, cemeteries and crematorium grounds;
- Floral bedding of over 250,000 plants each year;
- Arboriculture inspections and works to over 5,500 trees and woodland management of ancient woodlands and other woodland areas;
- The management of a diverse range of dynamic natural environment including the management of Hamford Water and Walton Backwaters and country parks;
- The grass verge, highway tree maintenance and highway weed spraying on behalf of Essex County Council (ECC) including as many as eight additional cuts over the two cuts per year funded by ECC;
- That the service had received awards for excellence across many of its service areas including sports pitch maintenance, garden shows, nature conservation, parks, seafront gardens and crematorium grounds;
- That the 2021 summer, or growing, season had been a particularly challenging year due to unusually wet and warm weather giving rise to growing conditions way above normal but despite this, the public had been understanding and in many areas such as cemeteries, complaints were down on previous years;
- That the open space / grounds maintenance service in Tendring had also continued to initiate new projects to improve public realm areas in Tendring, many of them in the Harwich and Dovercourt area, as well as developing new initiatives such as the expansion of the volunteer gardener team across Tendring; and
- That the service had also received many compliments from visitors and local residents on the quality of visitor areas.

Having considered Councillor Henderson's motion and in order for the Cabinet's opinion and recommendation to be reported back to Council:-

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

RESOLVED that Cabinet –

(a) recommends that the Council should not support the motion in its original format; and

(b) will not suggest to Council at this time that an amended motion be proposed but will consider this further at a future meeting.

38. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEES - A.2 - SCRUTINY OF THE TOURISM STRATEGY FOR TENDRING

Cabinet recalled that, at its meeting held on 21 May 2021, it had approved, inter alia, that the Tourism Strategy now be presented to the Resources and Services Overview & Scrutiny Committee ("the Committee"). This had followed public consultation on the proposed Strategy in 2020. That five year Tourism Strategy replaced the previous version for Tendring, which had expired in 2016.

The Committee, at its meeting held on 24 May 2021 (Minute 6 referred) had considered the salient points and statistics of the Strategy and had decided to recommend to it that:-

- *"consider the opportunities for working in partnership with local businesses prioritising such services as hotels/bed and breakfast operators to encourage visitors participating/attending or visiting events in the District to stay locally and use the services of those local businesses (potentially with discounts offered by those businesses);*

- *harness opportunities to those attracted to specific places/events locally to be supported to revisit by sharing other places/events locally including those using the book of the Holland Ferry, creating a dedicated visit Tendring website where the separate charms of the District can be brought together, using QR codes to encourage visits to such a website and to local heritage sites;*

- *take additional measures to improve the cleanliness of the District including messaging around "Respecting the district by using the area responsibly" through education encouragement and enforcement to ensure visitors are encouraged back rather than being putt-off by unsightly rubbish and over full bins;*

- *consider once again the previous recommendation of the Committee (minute 87 of 21 September 2020 refers) for consistent and common, highly visible branding of events and facilities provided/supported by the Council to ensure that those attending these events/facilities are made aware of the Council's role in producing/supporting the same;*

- *examine measures to offset the carbon footprint of the Clacton Air Show, which uses over 100,000 litres of Jet Fuel and generates 275 tonnes of CO2, including the*

options perused by the Bournemouth Air Festival whereby trees were planted for each tonne of carbon used at the Air Show; and

- *note the intention of the Portfolio Holder for Leisure & Tourism to consider promoting details of bridleways that traverse the District."*

Cabinet had before it the response of the Portfolio Holder for Leisure & Tourism thereto which was as follows:-

"I would like to thank the Committee for its views and where possible, suggestions will be built into the work programme for the delivery of the strategy. Further to this, I would suggest the Committee set up task and finish groups to look in detail at how some of the suggestions could be delivered in practice. In particular, the carbon offsetting of the Clacton Airshow and how further improvements can be made to improve cleanliness. I look forward to seeing the results of the in-depth scrutiny by the Committee in these areas and welcome further thorough scrutiny that results in an improved strategy."

Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee, together with the response thereto of the Portfolio Holder for Leisure & Tourism:-

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

RESOLVED that the Resources & Services Overview and Scrutiny Committee be thanked for the views submitted and that the comments of the Portfolio Holder in response thereto be endorsed.

39. LEADER OF THE COUNCIL'S ITEMS - A.3 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

The Cabinet gave consideration to a report of the Leader of the Council (A.3) which notified Members of recent urgent Executive Decision(s) 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, 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 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, 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 decisions 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 decisions taken as a matter of urgency had related to:-

Redevelopment of the Honeycroft site, Lawford [Published 20 July 2021]

Decision: *"That the Leader of the Council, acting on behalf of the Cabinet, hereby agrees that:*

1. *the Honeycroft site, Lawford be redeveloped with bungalows retained within the Council's housing stock and designated for letting to older persons;*

2. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised to make arrangements for a topographical survey of the site and to initiate discussions with a neighbouring land owner over a possible exchange of land;*

3. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised, (in accordance with the Cabinet's previous decision taken on 23rd April 2021 that delegated authority to him to continue a process of engagement with the SME sector to deliver Council housing in the District), to invite tenders on the basis of a design and build project to provide around 20 additional bungalows on the site;*

4. *the Corporate Director (Operations & Delivery), in consultation with the Housing Portfolio Holder, be authorised to submit a funding bid to the Homes England Affordable Homes Programme 2021 – 2026 for grant funding towards cost of the development; and*

5. *a budget of up to £50,000 be allocated from the HRA capital programme 2021-22 to fund necessary site surveys, legal expenses and other ancillary expenses."*

Clacton Leisure Centre Artificial Grass Pitch [Published 20 July 2021]

Decision: "That the Leader of the Council, acting on behalf of the Cabinet:

a) *approves the refurbishment of the Artificial Grass Pitch at Clacton Leisure Centre with a total capital cost of £668,751and delegates project delivery to the Assistant Director (Economic Growth & Leisure);*

b) *accepts the funding offer from the Football Foundation to the value of £343,751 towards the total project costs;*

c) *allocates the funding balance of £325,000 towards this project, from the agreement with Essex County Council for the land swap arrangement for a section of Vista Road Playing Field;*

d) *agrees that the project be included within the 2021/22 General Fund Capital Programme;*

e) *authorises the Assistant Director (Economic Growth and Leisure), in consultation with the Deputy Chief Executive & Monitoring Officer, to agree the terms and conditions of the funding agreement with the Football Foundation, as set out in the Appendix to the Leisure & Tourism Portfolio Holder's report;*

f) *notes that it had been intended if the Cabinet meeting had been able to take place that the aforementioned report would have been amended to be a joint report of the Leisure & Tourism Portfolio Holder and the Corporate Finance & Governance Portfolio Holder; and*

g) *agrees, that following the procurement process, the contract be awarded to Limonta Smith JV Ltd, for the installation of a new 3G artificial grass pitch at Clacton Leisure Centre."*

Having considered the contents of the report:

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

RESOLVED that –

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

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

40. LEADER OF THE COUNCIL'S ITEMS - A.4 - FREEPORT EAST UPDATE & BUSINESS RATES RETENTION

Cabinet had before it a report of the Leader of the Council (A.4) which provide it with an update on progress with Freeport East, including the Council's support of the principles of Business Rates Retention within the Freeport East Tax Site, and the next steps required prior to formal Freeport designation.

Cabinet recalled that, at their meeting held on 23 April 2021, it had received the initial Freeport East report, which had set out the purpose of Freeports and the process and roadmap the public / private sector partnership would follow to receive formal designation by Government. The report had also listed the following steps which would be followed to comply with the process set out by the Government:

- *completion of Governance Arrangements for the Freeport East Board;*
- *completion of a Business Case for Freeport East (two phase process submission of an Outline Business Case (OBC) and Full Business Case (FBC), setting out how seed capital funding will be spent and connecting this investment to the wider Freeport proposal and the delivery of the policy objectives)*; and
- *designation of the Tax Sites and Customs sites authorisation.*

Following consideration of the previous Freeport East report, Cabinet had decided, inter alia to:

"note and endorse that the Leader of the Council may be called upon to exercise his delegated powers under the Council's Constitution, to make urgent single Portfolio Holder decisions in relation to Freeport East, subject to undertaking consultation with the Working Group and reporting back to Cabinet thereafter."

It was reported that the process was now currently at the OBC stage, which responded to a format prescribed by the Government based on HM Treasury's five case model and 'the Green Book' and additional Setup Phase and Delivery Model Guidance for English Freeports issued by MHCLG. The OBC built on the commercial and operational proposals outlined in the partners' bid of February 2021 and had been prepared by East Suffolk Council and Hutchison Ports together with partners. The document also examined in more detail the impact Freeport East would have on the area's most challenged communities, and proposed transformational interventions that would assist in the economic growth and regeneration of the area. Due to the OBC being a commercially sensitive and confidential document, the details of this were set out in an accompanying confidential "Part B" report, namely item B.1 of the Report of the Leader of the Council.

Cabinet was informed that, although a formal decision was not required by Tendring District Council in relation to the OBC, the Government required a letter of support from each Local Authority for a Business Rates Retention Policy which was required as part of the process.

To that end a meeting of the Leader's Freeport East Portfolio Holder Working Party had taken place on 2 September 2021 to enable consultation with Members on the OBC and the principles of the Business Rates Retention Policy. The approach had received unanimous support to the Leader of the Council providing a letter of support in respect of the principles of the Business Rates Retention, which must accompany the OBC when submitted to Government.

Members were made aware that the OBC had been required to be submitted to Government by 10th September 2021 by East Suffolk Council as lead authority for Freeport East. Due to the Government's deadline it had been necessary for the Leader of the Council to make an urgent decision to provide the letter of support, on behalf of the Business Rates Authority for the area. That letter was attached to the Leader of the Council's report as Appendix A.

Cabinet was advised that, due to the wide ranging implications of the Full Business Case (FBC) (which would be the next stage of the process if Government approved the OBC), it was likely that this Council would be required to make formal decisions, once the document was completed.

Having considered the contents and implications to the Council and the District of the Leader of the Council's update report:-

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

RESOLVED that Cabinet -

(a) notes the contents of the report; and

(b) endorses the urgent decision taken by the Leader of the Council, on behalf of the Cabinet, to provide a letter of support for the principles in regard to Retained Business Rates generated within the Freeport East Tax Site, to accompany the Outline Business Case, as set out in Appendix A to item A.4 of the Report of the Leader of the Council.

41. CABINET MEMBERS' ITEMS - REPORT OF THE DEPUTY LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE - A.5 - SUBSIDY OF RENTS FOR COMMUNITY GROUPS ELIGIBLE FOR THE CAROS SCHEME FOR THE FINANCIAL YEAR 1 APRIL 2021 TO 31 MARCH 2022

Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.5) which enabled it to consider not charging rents for community groups eligible for, or within, the Community Assets Rent Offsetting Scheme (CAROS) for one year; including deferring the effect of any rent rises due to rent reviews or lease renewals in order to support them re-opening and starting to operate again.

Members were aware that community based groups and clubs had been forced to close during the pandemic, with many closed for over a year or their premises used for other purposes like covid-19 testing centres, meaning that their income had been significantly reduced. Most were now beginning to re-open, but had had to change the way they operated; order more equipment to keep their users safe; and limit the numbers that could attend events, all of which had impacted on their finances.

Cabinet was also aware that, as part of this Council's (TDC) Back to Business Strategy, providing assistance to those groups in order for them to get up and running again safely, would have a positive impact on many sectors of the community across the whole District. Over the past 2 years, people had been isolated from their communities, family, friends and social groups and by supporting already established community activities to get back on their feet safely, TDC would help its residents to re-connect with their local communities and support networks.

The Portfolio Holder was therefore proposing that rent for the financial year 1 April 2021 to 31 March 2022 was subsidised for all CAROS eligible groups in order for the money to be used to support their previous members returning and in gaining new members. In addition, any rent reviews or leases renewals that were due for CAROS eligible groups during this period would be suspended until 31 March 2022, meaning the rent would not

increase for the initial 12 month period in order to provide an opportunity for those groups to re-establish themselves.

Having considered the Portfolio Holder's report and the proposals contained therein:-

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

RESOLVED that Cabinet approves –

(a) that rents due from Clubs and Groups that are part of, or eligible to be part of, the CAROS scheme be written off for the 12 month period from the 1 April 2021 to 31 March 2022; and

(b) that implementation of any additional rent for such properties that becomes due in line with the completion of a rent review, or lease renewal, during, or in respect of, the period 1 April 2021 to 31 March 2022 be deferred until 31 March 2022.

42. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.6 - FINANCIAL OUTTURN 2020/21 AND PROPOSED ALLOCATION OF THE GENERAL FUND VARIANCE FOR THE YEAR

Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.6) which sought its approval of the allocation of the overall 2020/21 General Fund revenue variance and which also provided it with an update on the Council's financial performance in 2021/22.

Section 1 - Outturn for 2020/21

It was reported that the Portfolio Holder for Corporate Finance and Governance had agreed the overall outturn position for 2020/21 on 30 July 2021, with a high level summary of the General Fund revenue position as follows:

Variance for the year before carry forward requests	**(£16.427m)**
Less agreed carry forwards that meet the carry forward criteria	£14.352m
Variance for the year after agreed carry forwards	**(£2.075m)**
Carry Forward requests from services that did not meet carry forward criteria	£0.536m
Remaining Variance for the year	**(£1.539m)**

Note: The figures above exclude the revenue contribution to the capital programme, which was set out separately within the outturn report.

The variance for the year of £1.539m had been agreed by the Portfolio Holder for Corporate Finance and Governance on 30 July 2021 as part of the overall consideration of the outturn position for the year.

Members were informed that the £0.536m that had been requested by services to be carried forward at the end of the year had been subject to further review as the various items did not meet the associated qualifying criteria. As such they were in effect a 'bid' by services to retain a proportion of the overall favourable outturn variance of £2.075m before any further allocations were considered. The various items were set out in

Appendix A to the Portfolio Holder's report and it was therefore being proposed by the Portfolio Holder that of the items be agreed.

As a consequence of the above, the Portfolio Holder's report therefore presented for consideration the £0.536m requested to be carried forward by services and the allocation of the remaining variance for the year of £1.539m.

In addition, the Portfolio Holder for Corporate Finance and Governance had also agreed the following two recommendations that Cabinet were now requested to consider, namely:

- that the overall General Fund Outturn Variance for the year of £1.539m be used to support the essential works at the Weeley Crematorium; and

- that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget.

Cabinet was made aware that, in terms of the essential works at the crematorium, the cremators had become increasingly unreliable following the demise of the company who had supplied and fitted the existing cremators as well as providing on-going maintenance support via an associated contract. Following an independent assessment of the existing cremators, it was now recommended that a full replacement was the best and most cost effective option in order to ensure a reliable cremator service in future.

Section 2 - Financial Performance Update 2021/22

It was reported that a small number of in-year budget adjustments were set out in Appendix B to the Portfolio Holder's report, one of which reflected a proposed service level agreement being entered into with Essex County Council (ECC) to enable the Council to 'buy in' procurement services from them.

Cabinet was informed that the long term forecast continued to provide flexibility in terms of managing the various risks to the forecast and it was highlighted that £3.753m remained in the Forecast Risk Fund at the end of 2020/21, which was in-line with the planned position going into 2022/23 and beyond.

Members were made aware that the outturn report considered by the Portfolio Holder for Corporate Finance and Governance and referred to above, included a detailed summary of the various COVID 19 grants paid to the Council by the Government / ECC. Associated activities remained on-going in 2021/22 and a detailed update would be provided as part of the financial performance report for Quarter 2 that would be presented to Cabinet in November 2021.

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

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

RESOLVED - (1) That in respect of the Outturn Position for 2020/21, Cabinet:

(a) agrees that the total of £0.536m requested by services can be retained by them via the associated carry forward requests, as set out in Appendix A to item A.6 of the Report of the Corporate Finance & Governance Portfolio Holder; and

(b) after considering the recommendations of the Portfolio Holder for Corporate Finance and Governance, agrees:

(i) that subject to the approval of an associated Project Initiation Document / Business case, it is approved, in principle, that the necessary remedial works be carried out at the Weeley crematorium funded by using the overall General Fund Outturn Variance for the year of £1.539m;

(ii) that, subject to b(i) above, the approval of the Project Initiation Document / Business Case associated with the proposed remedial works at the Weeley Crematorium be delegated to the Portfolio Holder for Environment and Public Spaces and the Portfolio Holder for Corporate Finance and Governance; and

(iii) that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget.

(2) That, in respect of the Council's Financial Performance for 2021/22, Cabinet:

(a) notes the high level summary of the in-year position for 2021/22 to date and the long term forecast update for 2022/23 and beyond;

(b) agrees the proposed in-year adjustments to the budget, as set out in Appendix B to item A.6 of the Report of the Corporate Finance & Governance Portfolio Holder;

(c) agrees an exemption to the Council's procurement rules in order to enable a Service Level Agreement to be entered into with Essex County Council to enable the Council to 'buy in' various procurement services from them to support its day-to-day operational activities and the delivery of one-off projects, as necessary; and

(d) authorises the Assistant Director (Finance and IT) and the Deputy Chief Executive to agree the terms of the Service Level Agreement, in consultation with the Portfolio Holder for Corporate Finance and Governance.

- **CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.7 - TREASURY OUTTURN 2020/21**

Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.7) which reported the Council's treasury management activities and Prudential Indicators for 2020/21.

It was reported that borrowing and investments had been undertaken in accordance with the 2020/21 Annual Treasury Strategy that had been approved by the Leader of the Council on 24 April 2020 and that no external borrowing had been undertaken in 2020/21 for either the General Fund or Housing Revenue Account.

Summary of the Council's Borrowing Position:

Amount Outstanding at the end of March 2021	Average Interest Rate Paid in 2020/21	Total Interest paid in 2020/21
£0.151m (General Fund)	7.354%	£0.013m
£38.441m (HRA)	3.472%	£1.362m

Summary of the Council's Investment Position:

Value of Investments held at the end of March 2021	Average Interest rate on Investments 2020/21	Interest Earned on Investments 2020/21
£76.959m	0.287%	£0.300m

It was reported that the amount of interest earned from investments had decreased during the year due to the bank base rate remaining at 0.10% all year. Compared to historic interest figures, the 2020/21 return had remained low because of the continuing unprecedented low interest rates. Estimated income had been reduced during the year from the original estimate of £0.386 million to £0.290 million, with the outturn figure being £0.300 million as set out in the table above.

Cabinet was reminded that the Council continued to hold one property within its Commercial Investment Portfolio, which had a balance sheet value at 1 April 2020 of £2.155 million. This 'book value' had been reduced by the Council's appointed valuers to £1.985 million at the end of 2020/21. However, this was an 'accounting' valuation and not a direct value that could be achieved on the market if it was sold. In-line with the budget, rental income of £0.179 million had been earned on the property in 2020/21. This figure was lower than in previous years due to the schedule of payments moving from a quarterly to monthly payment with no effect on the overall annualised position.

Members were made aware that, during 2020/21 there were no Treasury Management Practice limits that had been exceeded. The treasury performance figures for the year were set out in Appendix A to the Portfolio Holder's report with the Prudential Indicators attached as Appendix B to that report.

Cabinet was advised that the COVID 19 pandemic would continue to have an impact in 2021/22 with no expectations of a rise in interest rates given that the economy would need to continue to recover and stabilise over the short to medium term.

Having considered the information provided in the Portfolio Holder's report and its appendices:-

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

RESOLVED that the Treasury Management performance position for 2020/21 be noted and that the Prudential and Treasury Indicators for 2020/21 be approved.

44. CABINET MEMBERS' REPORT - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.8 - NORTH EAST ESSEX HEALTH AND WELLBEING ALLIANCE UPDATE AND ACCEPTANCE OF FUNDING FROM HEALTH PARTNERS

Earlier on in the meeting Councillors McWilliams and G V Guglielmi had each declared a Personal Interest in this matter insofar as Councillor McWilliams had been appointed to serve as Tendring District Council's representative on the Governing Body of the East Suffolk and North East Essex Foundation Trust and also insofar as Councillor G V Guglielmi had been appointed to serve as Essex County Council's representative on the aforesaid Governing Body.

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.8) which provided it with an update on the North East Essex Health and Wellbeing Alliance and which also sought its approval to accept funding being offered to Tendring District Council from both the North East Essex Clinical Commissioning Group and the East Suffolk and North Essex Foundation Trust and the associated governance framework.

Members were aware that the North East Essex Health and Wellbeing Alliance (the Alliance"), brought together a range of partners consisting of the local NHS, Councils and voluntary and community organisations within Colchester and Tendring that were committed to working collaboratively in order to improve the health and well-being of local residents. All members of the Alliance had signed up to a memorandum of understanding (MOU).

Cabinet recalled that the Alliance sat underneath the Suffolk and North East Essex Integrated Care System (ICS) which brought partners together over a wider geographic foot print and was the Government's preferred option for organising health. However, whilst wider health commissioning decisions were undertaken at an ICS level and the ICS oversaw the operation of the Alliance there was a strong desire both at an Alliance and ICS level and supported by Government for subsidiarity so that wherever possible decisions were made locally.

Members were reminded that the North East Essex Clinical Commissioning Group (CCG) had been formally established on 1 April 2013. It was a clinically led organisation which comprised 32 GP practices across Colchester and Tendring. They were responsible for commissioning most health services for the people of North East Essex, including hospital care, community health services, mental health services, learning disability services and urgent and emergency care and primary care.

The CCG had developed an Alliance Committee which had a number of representatives from the Alliance sitting on it and which had the power to make local decisions. However, the CCG could not delegate its responsibilities and therefore voting rights on this Committee remained with the CCG.

It was reported that the current key work streams of the Alliance included the developing strategy work with a specific focus on inequality, integration and the development of the 'Live Well' domains and how this would be delivered through neighbourhood teams.

Cabinet was informed that in March 2021, the CCG had offered three separate funds to Tendring District Council in relation to delivering work around public health, namely:-

- £165,000 for the Healthy Housing Project (which added to a previous £165,000 to extend a project for providing mental health support to residents identified by staff for example when undertaking a housing inspection and providing wider housing and health support;
- £158,000 for community transport in Tendring; and

- £200,000 for addressing health inequalities in place.

It had been subsequently agreed that the community transport funding would be more suitably allocated directly by the CCG who wanted to ensure that the existing service provision continued.

Due to time pressures in March it had been agreed at Management Team level to accept the funding whilst acknowledging that MOUs had not been received for each of the projects and that, therefore, this Council had no obligations in respect of that funding.

Subsequently, in April 2021, the East Suffolk and North East Essex Foundation Trust (ESNEFT) had offered an extra £200,000 to Tendring District Council for health inequalities.

Cabinet was advised that draft MOUs had now been supplied however, it was understood that the governance framework for formally accepting the funding and that for each project the outcomes and spending proposals would be agreed with further formal decisions in the future.

Having considered all of the information contained in the Portfolio Holder's detailed report:-

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

RESOLVED that Cabinet –

(a) notes the current status of the North East Essex Health and Wellbeing Alliance and endorses the continued involvement of the Council within the partnership;

(b) approves the acceptance of £165,000 funding from the North East Essex Clinical Commissioning Group (CCG) for the healthy housing project in accordance with the governance framework, as set out in the draft Memorandum of Understanding (MOU), attached as Appendix 2 to item A.8 of the Report of the Portfolio Holder for Partnerships;

(c) approves the acceptance of £400,000 funding from the North East Essex CCG and the East Suffolk and North East Essex Foundation Trust for the addressing inequalities at place project in accordance with the governance framework, as set out in the draft MOU, attached as Appendix 3 to the Portfolio Holder's report;

(d) authorises the Assistant Director (Partnerships), in consultation with the Portfolio Holder for Partnerships, to agree the final MOUs;

(e) authorises the Assistant Director (Partnerships), in consultation with the Portfolio Holder for Partnerships, to agree the outcomes and spending proposals for each project, in consultation with this Council's Section 151 Officer and the Monitoring Officer, highlighting the implications for each within a published report;

(f) authorises the Assistant Director (Partnerships) to attend the Suffolk and North East Essex Integrated Care System Board; and

(g) authorises the Assistant Director (Partnerships) to attend the North East Essex Health and Well-being Alliance Board.

45. JOINT REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE, THE PORTFOLIO HOLDER FOR HOUSING - A.9 - FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY AND CONFIRMATION OF AUTHORITY FOR A PROPERTY BUY BACK

The Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder, the Housing Portfolio Holder and the Monitoring Officer (A.9) which sought its approval for the leasehold purchase of a two bedroom residential property in Walton-on-the-Naze to meet local housing needs. In addition, the Cabinet received the Monitoring Officer's report regarding an omission in respect of a recent purchase and gave consideration to confirming authorisation for a 'buy back' of a three bed house in Dovercourt.

Members were aware that the Council had a target to bring 200 additional homes into the council's 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 one of the matters in this report before Cabinet was a proposal to purchase a vacant two bedroom ex-Council flat that was currently for sale on the open market in Walton-on-the-Naze. The second decision being sought was Cabinet's confirmation of the purchase of a three bedroom house on Laurel Avenue in Dovercourt through a right of first refusal.

Members were reminded that, for a number of years the Council had had a strong demand for two bedroom flats. There were currently 11 families on the Housing Register seeking a two bedroom flat in the Walton-on-the-Naze area.

In respect of the Walton-on-the-Naze property, it met the criteria set out in the Housing Acquisitions and Development Strategy and therefore, in May 2021, Portfolio Holder approval had been obtained to initiate the Council's Property Dealing Procedure, in order to obtain an independent valuation of the property and to negotiate a price with the owners.

It was reported that an independent market valuation had now been obtained and negotiations with the owner had been completed satisfactorily, which would enable the purchase to be progressed to a conclusion. Purchasing this property would add an additional property to the Councils housing stock in the Housing Revenue Account in an area of high demand.

In respect of the Laurel Avenue property in Dovercourt, Portfolio Holder approval had been granted in October 2019 to initiate the Council's Property Dealing Procedure. A notice of a forthcoming decision by the Portfolio Holder to purchase the property had then been published on 11th December 2019. An independent valuation had also been obtained and the Portfolio Holder's decision report written by Officers and approved by the Council's Management Team.

However, Cabinet was advised that the Portfolio Holder's decision from October 2019 to initiate the Property Dealing Procedure for the property on Laurel Avenue in Dovercourt

had incorrectly been relied upon to provide the authority for the purchase of the property, although both the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder had confirmed that they had been aware of the proposed transaction and had supported it. The Council's Monitoring Officer was under a duty to report this omission to Cabinet in order for them to give consideration to granting authority for the purchase for housing purposes. Further information concerning this purchase was set out in the body of the joint report.

Having considered all of the information contained in the joint report and in order to enable these matters to progress to a satisfactory conclusion:-

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

RESOLVED that Cabinet –

(a) authorises, in principle, the terms of the freehold purchase of the property in Walton-on-the-Naze for inclusion into the Council's housing stock;

(b) subject to its later decision on terms as set out in the related private and confidential report to be considered later in the meeting, authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed, in consultation with the Deputy Chief Executive, in order to complete the purchase of the Walton-on-the-Naze property;

(c) notes the contents of the Monitoring Officer's report and, in response thereto, hereby formally approves the purchase of the residential property in Dovercourt for housing purposes; and

(d) acknowledges that internal control arrangements have been increased in order to ensure that such a transaction is not completed without the necessary approvals in place.

46. MANAGEMENT TEAM ITEMS

There were none on this occasion.

47. 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 Items 17 and 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.

48. LEADER OF THE COUNCIL'S ITEMS - B.1 - FREEPORT EAST UPDATE & BUSINESS RATES RETENTION

RESOLVED that Cabinet –

(a) supports the overall content of the Outline Business Case submitted for Freeport East, as set out in Appendix A to item B.1 of the Report of the Leader of the Council; and

(b) notes the comments of the Leader of the Council's Freeport East Portfolio Holder Working Party and supports the Leader of the Council in pursuing these issues through future discussions within the project.

49. CABINET MEMBERS' REPORT - JOINT REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE AND THE PORTFOLIO HOLDER FOR HOUSING - B.2 - TERMS FOR THE LEASEHOLD PURCHASE OF A RESIDENTIAL PROPERTY IN WALTON-ON-THE-NAZE

RESOLVED that Cabinet –

(a) approves the proposed terms for the leasehold purchase of the property in question in Walton-on-the-Naze; and

(b) authorises the Corporate Director (Operations and Delivery), in consultation with the Deputy Chief Executive, to enter into a contract and transfer deed to complete the purchase of the property on the terms proposed and subject to such other terms that he considers necessary.

The Meeting was declared closed at 12.06 pm

Chairman