
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 17TH DECEMBER, 2021 AT 10.30 AM
ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council) (Chairman), Carlo Guglielmi (Deputy Leader; Corporate Finance & Governance Portfolio Holder) (except item 97), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships 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 102 - 109), Ivan Henderson (Leader of the Labour Group), Mark Stephenson (Leader of the Tendring Independents Group), Colin Winfield (Leader of the Holland-on-Sea Group) and Ann Wiggins (Deputy Leader of Liberal Democrats Group)

Also Present: Councillors Mick Barry and Graham Steady (Deputy Leader of the Independent Group) (both except items 102 – 109)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Interim Corporate Director (Projects Delivery)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Matt Cattermole (Communications Assistant)

89. CHAIRMAN'S WELCOME

The Chairman welcomed everyone to this the last meeting of the Cabinet in 2021. He also took the opportunity to wish a happy birthday to Councillor Mark Stephenson.

The Chairman also reminded everyone present that a performance of this year's Christmas Pantomime was taking place at the same time in the Princes Theatre which a large number of school children were attending. There would therefore be a significant amount of background "noises off".

90. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Gary Scott (Leader of the Liberal Democrats Group).

91. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 12 November 2021, be approved as a correct record and be signed by the Chairman.

92. DECLARATIONS OF INTEREST

Councillor G V Guglielmi declared a Personal Interest in relation to Agenda Item 8 - Leader of the Council's Items – A.2 – Freehold Disposal of Redundant Office Site at Weeley and informed the Cabinet that he would withdraw from the meeting at the appropriate juncture and take no part in its consideration and decision making on this matter.

Councillor I J Henderson declared a Personal Interest in relation to Agenda Item 11 - Report of the Leisure & Tourism Portfolio Holder – A.5 – The Future of Joint Use Sports Facilities. He also stated that he had been granted a Dispensation by the Council's Monitoring Officer in order to allow him to speak on this matter.

93. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements made by the Leader of the Council on this occasion.

94. ANNOUNCEMENTS BY CABINET MEMBERS**Cyber Security Issues**

The Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi) informed Cabinet that the Council was responding to a major international cybersecurity alert and that, with the exception of Careline operations, all IT services were currently off-line. Officers were working hard to rectify and restore those services as soon as possible and he apologised for the inconvenience caused to all those affected.

Cabinet noted the foregoing.

95. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

96. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE REPORT FROM RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - TENDRING DISTRICT COUNCIL ENFORCEMENT

Cabinet was aware that, at its meeting held on 1 November 2021 (Minute 33 referred) the Resources and Services Overview & Scrutiny Committee ("the Committee") had scrutinised enforcement throughout the Council.

After a detailed discussion the Committee had **RECOMMENDED** to Cabinet:-

- 1. the protection of trees on land to be developed be considered with the view to seeking to prevent a loss of trees in sites that are approved for development,*
- 2. Essex County Council be requested to plant a tree for each highway or other tree removed by it as close as possible to the site of the removed tree,*
- 3. the Council looks at the reintroduction of Perspex lamp post signs to reinforce the message about not dog fouling and the penalty for those that all their dogs to foul in conjunction with ward Councillors,*

4. *the Council discuss again the relative advantage of deploying covert cameras as part of enforcement, particularly for those specific areas where there is reoffending, in order to identify those offenders,*
5. *the legal position be considered on the responsibility of those who sell fast food for litter that comes from the packaging provided by those who sell fast food,*
6. *the reasoning why there have been no FPN's issued in respect of breaches of the PSPO, dog fouling, fly-tipping and littering be shared with the Committee, and*
7. *the Council uses social media and the press to make a push to highlight our Community Ambassadors, ASB case officer and Town Centre Officer, the powers they have and the tickets, fines they can issue.*

The Cabinet had before it the response of the Environment & Public Space Portfolio Holder thereto as follows:-

"As the portfolio holder under whose remit most of the recommendations fall I acknowledge that they are all issues that contribute to the corporate plan priority of Effective Enforcement and Regulation. I shall therefore be discussing the recommendations with the relevant officers such that should they be accepted by Cabinet we can either implement or explore further with other agencies as appropriate."

Having considered the recommendations of the Resources and Services Overview & Scrutiny Committee, together with the response of the Environment & Public Space Portfolio Holder thereto:-

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Environment & Public Space Portfolio Holder thereto be endorsed.

97. LEADER OF THE COUNCIL'S ITEMS - A.2 - FREEHOLD DISPOSAL OF REDUNDANT OFFICE SITE AT WEELEY

Earlier on in the meeting Councillor G V Guglielmi had declared a Personal Interest in relation to this item. He thereupon withdraw from the meeting at this juncture and took no part in Cabinet's consideration and decision making on this matter.

Cabinet gave consideration to a report of the Leader of the Council (A.2) in order to decide whether its decision of 16th December 2016 to sell the Council's office site at Weeley, once vacated, was still the best use of the site in achieving the goals of the Council, or whether the site should be used to deliver new homes including new, high quality Council Housing and hence to:

- (a) appropriate the land at the Council's office site at Weeley for planning purposes, which would facilitate the carrying out of housing development; and
- (b) agree to the principle of disposing of part of the site, at best consideration, for development to be secured on the whole site, including the part to be retained by the Council.

Cabinet was aware that the disposal of the Council's office site at Weeley ("the Weeley site") was a key part of the Council's Office Transformation programme. Disposal of the Weeley site would reduce ongoing revenue costs and would reduce the Council's emissions.

The Cabinet had agreed "Basic Rationalisation" as the preferred option for Office Transformation proposals at its meeting held on 16 December 2016, which had included selling the Weeley site. The Chief Executive had then signed off a business case based on the option agreed by Cabinet on 14 September 2017.

The essence of those business case proposals was to improve efficiency services and facilities by:

- Facilitating flexible working;
- Making more services and information available electronically;
- Extending buildings at Barnes House and refurbishing other offices at Pier Avenue and at the Town Hall; and
- Disposing of facilities at Westleigh House, Clay Hall and the Weeley site.

The Office Transformation project was primarily aimed at service improvement and ongoing revenue savings.

Members were informed that the bulk of those measures were now in place with the final phase of the project at the Town Hall nearly completed and the remodelling of the Council's office building in Pier Avenue had been completed.

In preparation for the vacation of the Weeley site, officers had invited bids for the disposal of the site from two identified potential "Special Purchasers".

Cabinet was advised that the RICS Valuation – Global Standards of 31 January 2020 defined a Special Purchaser as: "*A particular buyer for whom a particular asset has a special value because of advantages arising from its ownership that would not be available to other buyers in a market.*" Special Value was defined as: "*An amount that reflects particular attributes of an asset that are only of value to a special purchaser.*"

The potential Special Purchasers identified had been:

- a builder/developer with controlling interests in land adjoining the site on three sides (the fourth was adopted highway); and
- the housing partnership set up by Essex County Council with the objective of working with other public bodies in order to facilitate efficiency in the public estate and the creation of additional housing within Essex.

In order to validate whether offers from the potential Special Purchasers represented "Special Value", officers and the Council's appointed professional valuer, had carried out additional soft market testing. In addition, one of the original bidders had made an improved offer.

In this case, the bids received had included alternatives to cash consideration in the form of the retention by the Council of some homes to be constructed on the site. The consideration of any proposals would involve not taking a capital receipt for the General

Fund, but to allow homes to be constructed for the benefit of the Housing Revenue Account.

It was felt that the soft market testing had demonstrated that open marketing or disposing at auction was potentially advisable if the Council were to seek an entirely financial consideration for the site. Alternatively, the Council could appropriate land for any purpose for which the Council was authorised. Consequently, the Weeley site could be appropriated for planning purposes, which would facilitate the carrying out of development which was likely to contribute to the economic, social or environmental well-being of the area, or which was required in the interests of the proper planning of the area in which the land was situated.

Cabinet was reminded that this site had been allocated for housing within Section 2 of the Local Plan, which the Planning Inspector had recently confirmed was sound and could be adopted. Delivering additional Council homes was a priority established through the Council's approved Corporate Plan and Housing Strategy. The Council had been undertaking the transformation and relocation of its services delivered from the Weeley site for some time, accelerated through the pandemic with many services being delivered on-line and remotely, therefore the public need within the locality for the existing use had reduced considerably with the offices being closed to the public for over 20 months. The criteria for planning purposes was therefore clearly met.

Once appropriated, it was recommended that, subject to planning permission being obtained, part of the land should be disposed for private residential development, with part being retained and developed as council housing. Such an arrangement must ensure the Council received "best consideration", and therefore detailed heads of terms would need to be negotiated and legal agreements entered into in order to ensure the necessary development delivered the Council's priorities. Once endorsed by Cabinet, the Leader of the Council would make the necessary decisions, in consultation with the Portfolio Holder for Housing and Officers, within the principles established within this report.

In addition, prior to the occupation of the Council housing, it would be necessary for Cabinet to appropriate the land for housing purposes and at that time, the relevant accounting requirements could be undertaken following the requisite decisions.

Having duly considered all of the information and advice contained in the Leader of the Council's report and in order to enable this matter to be progressed to a satisfactory conclusion:-

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

RESOLVED that Cabinet –

- (a) agrees that the Council's office site at Weeley, once vacated by the Authority, is no longer required for the purposes for which it is currently held and should be used instead for development to deliver new homes including new, high quality Council Housing;
- (b) formally appropriates the land including the Council's office site at Weeley for planning purposes, which will facilitate the carrying out of housing development;

- (c) agrees to the principle of disposing of part of the site, at best consideration, and subject to planning permission, for development to be secured on the whole site, including the part retained by the Council;
- (d) acknowledges that any legal agreement for redevelopment of the land will require specified works relating to the construction of Council housing and therefore, grants an exemption under the Council's Procurement Procedure Rules for the procurement of such construction works; and
- (e) subject to best consideration being demonstrated / secured and meeting the requirements set out within the Housing Acquisitions and Development Policy, the Leader of the Council, in consultation with the Portfolio Holder for Housing, the Corporate Director (Operations and Delivery), the Section 151 Officer and the Monitoring Officer, be authorised to make the necessary decisions to enable the Heads of Terms to be agreed, the necessary consents to be obtained and legal agreements to be entered into within the principles established within this report.

98. LEADER OF THE COUNCIL'S ITEMS - A.3 - FURTHERING THE COMMITMENT TO THE COUNCIL'S CORPORATE PLAN 2020-24 - DEVELOPING HIGHLIGHT PRIORITY ACTIONS FOR 2022/23

Cabinet gave consideration to a report of the Leader of the Council (A.3) which set out the Leader of the Council's and Portfolio Holder's initial thoughts for the highlighted priorities for year three (2022/23) of the Corporate Plan term.

Cabinet recalled that the Council's strategic direction was set out in its Corporate Plan which had been adopted unanimously by Full Council on 21 January 2020 (Minute 78 referred) and which covered the period 2020-24. That strategic direction itself sought to reflect the issues that mattered most to local people, the national requirements from Government and the challenges that faced the District over that time period.

The themes of the 2020/24 Corporate Plan were:

- *Delivering High Quality Services*
- *Building Sustainable Communities for the Future*
- *Strong Finance and Governance*
- *Community Leadership through Partnerships*
- *A Growing and Inclusive Economy*

The Corporate Plan itself was set out at Appendix A to the Leader's report.

Cabinet was aware that it established each year its priority actions to deliver against the Corporate Plan and thereby ensure that the ambition of that Plan was central to its work. The priority actions did not cover every separate element of the ambition of the four year Corporate Plan; nor were they intended to indicate that other projects, schemes or activities were not being pursued. They were though intended to reflect imperatives across the Council and for the District and actions that it was right to focus on in this year.

Members were reminded that when the Corporate Plan had been adopted it could not have been predicted that the world, including the UK, would be severely impacted by the Coronavirus pandemic. It was in the face of the pandemic that this Council had

responded to the particular challenges that had emerged. Whilst that had impacted on the work of the Council, including individual schemes, activities and projects, progress against the Corporate Plan priorities had continued.

The highlight priorities for 2021/22 were set out at Appendix B to the Leader's report for Members' reference purposes only.

It was against this backdrop of the Covid-19 pandemic that the Cabinet intended to make further steps to deliver the intentions of the Corporate Plan.

Members were informed that the initial highlight priorities for 2022/23 had been prepared following consultation with individual Portfolio Holders and the Leader of the Council and these were set out at Appendix C to this report for Cabinet's collective consideration.

Finalised proposals for the highlight priorities for 2022/23 and milestones would be considered by Cabinet on 28 January 2022. Prior to that, views on the highlight priorities were invited and would be reported to that meeting.

Having duly considered the highlight priorities for 2022/23 and milestones as contained in Appendix C to the Leader of the Council's report:-

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

RESOLVED that -

- (a) the initial highlight priorities for 2022/23, as set out at Appendix C to item A.3 of the Report of the Leader of the Council, be approved for the purposes of a consultation;
- (b) all Councillors, other partners and the public be invited to consider the initial priorities referred to in (a) above; and
- (c) the outcome of the consultation referred to in (b) above be reported to Cabinet on 28 January 2022 in order that Cabinet can formally adopt its finalised key priority actions for 2022/23.

99. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.4 - UPDATED FINANCIAL FORECAST AND INITIAL BUDGET PROPOSALS 2022/23

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.4) which sought its approval for the updated financial forecast and proposed budget position for 2022/23 to be submitted for consultation with the Resources and Services Overview and Scrutiny Committee, which was required under the Budget and Policy Framework Procedure Rules within the Council's Constitution.

Members were aware that a 'live' 10-year financial forecast was maintained and reported to them throughout the year. The most up-to-date position in December each year was translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee.

As part of maintaining a 'live' forecast, this current report 'built' on the last position that had been presented to Cabinet on 12 November 2021.

It was reported that, despite the challenging financial and economic environment, confidence in the long term approach to the forecast remained, which was supported by the forecast risk fund. The Council had maintained a prudent and sustainable approach to its long term plan and had continued to 'live within its means', which had to date enabled it to respond to exceptional issues such as the COVID 19 pandemic without the need to make short term / adverse decisions that could have affected the provision of front-line services.

Cabinet was made aware that there were a number of emerging cost pressures that were currently reflected in the forecast, and that this report also highlighted a number of items that were planned to be mitigated via one-off funding or via the use of existing reserves / budgets to underwrite their overall risk to the forecast.

Members were informed that cost pressures to date largely reflected unavoidable items. Given the pressures on the 'base' budget, it was proposed to consider 'optional' cost pressures via a separate process that would include the development of a Corporate Investment Plan that would seek to prioritise further investment from available funding such as the reprioritisation of existing budgets or from additional funding that might become available from the Government.

Cabinet was advised that on-going savings of just over £0.200m had been identified as part of the early phase of developing a zero based approach to budget setting. This was behind the target of £0.450m, which highlighted the importance of quickly developing this framework during 2022 in order to identify the required level of savings over the remaining life of the forecast.

Members were further advised that, at this stage of the budget process, there was a net deficit of £1.488m forecast in 2022/23, an improvement of £0.154m compared with the £1.642m deficit reported to Cabinet on 12 November 2021. Therefore, the forecast remained within the financial boundaries set out in the long-term plan.

It was envisaged that, although subject to potential changes over the remaining budget-setting period, the current forecasted deficit of £1.488m would be met by drawing money down from the Forecast Risk Fund.

It was reported that a review of reserves had also been undertaken, which had highlighted the need to hold a number of reserves to support key actions / activities as part of the Council's overall prudent and sustainable approach to managing its finances. However, a number of reserves would remain under review as part of the development of the budget and the new Corporate Investment Plan.

Cabinet's attention was drawn to the fact that, at the time of finalising the Portfolio Holder's report, the Local Government Finance Settlement for 2022/23 had yet to be announced. If announced in time, any changes emerging from the settlement would be reported to Cabinet in January 2022 when it considered its final budget proposals for recommending to Full Council in February 2022. The budget included a council tax levy increase of £5, with this level of increase expected to be confirmed as allowable as part of the finance settlement announcements. No revenue support grant had been included in the budget for 2022/23, but similarly to the late announcement last year, the

Government could provide some funding again for next year, especially when reflecting on the on-going financial impact of COVID 19 on Local Authorities.

With the above in mind, the final position for 2022/23 was likely to be more positive than the £1.488m currently reported, especially as the final expected income position for business rates had also yet to be finalised.

Once the final position for 2022/23 was determined, the remaining years of the 10-year forecast would be revised, set against the budget position for 2022/23 and would be reported to Members later on in the budget setting process.

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

“This report provides the most up-to-date forecast and ‘builds’ on the position we considered back on 12 November. I now have three positives to report since that date, which are:-

- (1) the underlying Council Tax position, which continues to recover, with an increase in both the property base and collection fund surplus for 2022/23. In terms of the property base, this is driven primarily by an increase in raw property numbers, which have increased by over 900. Taking this favourable council tax position into account, there is now an extra £390,000 of income that has been included in the forecast compared to the figure reported in November;*
- (2) although business rate income figures have not yet been included, we will do so in January when they are finalised, and we are optimistic that these should provide an improved position to the current forecast; and*
- (3) we are still waiting for the Local Government Settlement to be confirmed, but we remain hopeful that the Government will continue to provide underlying support to Councils, especially with the continuing impact from COVID-19.*

Hopefully these two latter points should enable us to reduce the estimated deficit further for 2022/23.

In terms of savings, we have identified just over £200,000 against the target of £450,000. It is therefore important that we continue to draw out savings and efficiencies over the later years of the forecast.

In terms of cost pressures, we have managed to limit on-going cost pressures to roughly the figure of £250,000 already built into the long-term plan. However, there are some additional cost pressures that may emerge next year but, at the moment, we think we can manage them within the overall budget and underwrite the associated risks via existing budgets.

We have been sensible and prudent over recent years and not exposed the Council to unnecessary risks that others have – some local authorities are now wrestling with the consequences of taking a less prudent approach.

The report also sets out a review of reserves, which hopefully provides some context to why they are held and dispels the myth that we are sitting on significant uncommitted

reserves – as set out in the report, they all play an important part of supporting the wider financial position of the Council.

The long-term approach continues to provide the flexibility we need and prevents short-term “knee-jerk” reactions and gives us the time to make well-informed and considered decisions.

It is also worth highlighting that the Resources and Services Overview & Scrutiny Committee were unable to review the Quarter 2 financial performance position at their most recent meeting on 13 December. However, I understand that they will be bringing a number of financial issues together, including the report we are considering today as part of their wider budget review activities in January, and I look forward to receiving their comments.”

Having duly considered all of the information and advice contained in the Corporate Finance & Governance Portfolio Holder’s report and in order to enable the updated financial forecast and proposed budget position for 2022/23 to be submitted for consultation with the Resources and Services Overview and Scrutiny Committee in accordance with the requirements of the Council’s Budget and Policy Framework Procedure Rules:-

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

RESOLVED that Cabinet –

- (a) approves the updated Financial Forecast and proposed position for 2022/23 as set out in the Corporate Finance & Governance Portfolio Holder’s report and the appendices thereto; and
- (b) requests the Resources and Services Overview and Scrutiny Committee’s comments on this latest financial forecast and proposed position for 2022/23.

100. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & TOURISM PORTFOLIO HOLDER - A.5 - THE FUTURE OF JOINT USE SPORTS FACILITIES

Earlier on in the meeting Councillor I J Henderson had declared a Personal Interest in relation to this item. However, he had been granted a Dispensation by the Council’s Monitoring Officer in order to allow him to speak on this matter.

The Cabinet gave consideration to a report of the Leisure & Tourism Portfolio Holder (A.5) which sets out options for consideration by Cabinet and a recommendation on how to proceed in the light of the fact that community use agreements with the Sigma Trust for the two Joint Use Sports Facilities at Brightlingsea and Harwich Sports Centres were due to end on 31 December 2021.

It was reported that, over a period of 30 years and 15 years respectively, this Council had managed community use arrangements at Brightlingsea (BSC) and Harwich Sports Centres (HSC). Agreements with the respective schools had enabled the Council to open facilities to the public on those non-Council owned sites after curriculum hours, and in some cases for daytime use also.

Cabinet was reminded that, in August 2021, the Council, in conjunction with the Sigma Trust, had decided to extend the agreements for five months, from their original expiry date of 31 July 2021, until 31 December 2021. This was to ensure that all appropriate residents and stakeholders could be consulted and an evaluation could be undertaken for a considered decision by Cabinet on the Council's future involvement.

Members were advised that the combined subsidy for managing community use facilities on the school sites was £146,969 and prior to the Covid-19 pandemic, combined attendances had decreased year-on-year from 68,832 to 61,864 (between 2017 and 2019). In order to address that decline, a significant investment programme was considered to be necessary.

Cabinet was aware that the Council's own facilities at Dovercourt and Walton had been subject to investment over recent years and that a refurbishment was close to completion at Clacton Leisure Centre. The Joint Use Facilities also required investment and Cabinet would need to consider the viability and advisability of investing in facilities which the Council did not own. This should also be considered in the context of longer term investment requirements for the three facilities under the Council's ownership at Clacton Leisure Centre (CLC), Dovercourt Bay Lifestyles (DBL) and Walton-on-the-Naze Lifestyles (WONL).

It was reported that in order to establish local views on current and future community use of those facilities prior to a Cabinet decision, a six week consultation exercise had been carried out. The consultation focussed on those facilities incorporated into the Joint Use Agreements and the full breakdown of that exercise was set out in Appendix C to the Portfolio Holder's report. Consultation had also taken place with both Brightlingsea Town Council and Harwich Town Council, to establish opinions and whether they would consider future involvement in the operation of BSC and HSC respectively. Officers could facilitate further discussions with the respective Town Councils and the Trust, to establish if there was an appetite for involvement in opening the facilities for community use. This would also apply to any health partners, who might consider opening up a dialogue.

Members recalled that the Schools which hosted the Joint Use Sports Facilities at BSC and HSC were managed by the Sigma Trust, who also retained responsibility for Clacton County High School. BSC had been under the Trust's management since 1 January 2019 and HSC from 1 June 2017. Consultation with the Sigma Trust had also taken place.

Cabinet was informed that how people accessed physical activity had changed throughout the Covid-19 pandemic, with a visible increase in those exercising in public open space and making use of the natural environment. This had included walking, running, cycling and water sports such as Stand up Paddle Boarding. Involvement with partners in the Sport England Local Delivery Pilot was one of the Council's key priorities for 2021/22 and that scheme had invested in alternative activities which did not rely on built facilities, such as Essex Pedal Power and community 'gamification' such as Street Tag and Beat the Street.

Cabinet was aware that a Sports Facilities Strategy had been due to be brought forward for its consideration in 2020, but that this had been postponed due to the Covid-19 pandemic. As there was significant turbulence in the leisure sector and wider economy, largely instigated by two national lockdowns, it had not been considered appropriate to

adopt a strategy at that time. Proposals were in place to develop the sports facilities strategy by March 2022.

Members were advised that the aim in taking decisions on the future of the joint-use agreement was to sustain the greatest use of facilities for sport and leisure, whilst reducing significant pressure on the Council's overall financial position and, in addition, to look at meeting the Council's strategic ambitions for sport and leisure in improving local activity levels and opportunities for improving health outcomes.

To that end a number of options had been put forward by the Leisure & Tourism Portfolio Holder in his report for Cabinet to consider, namely:-

	Option	Issues to consider
Option A	<i>Renew Joint Use Agreements</i>	<i>The current subsidy of the Joint Use Facilities is almost £147,000 and attracts approximately 66,000 combined visits per annum. The subsidy per attendance between the two facilities is £2.23. Feedback from the consultation highlighted the standard of the Joint Use Facilities is well below the Council's other facilities, and other providers.</i>
Option B	<i>Continue with Joint Use Agreements on revised terms and opening hours</i>	<i>There is potential to reduce the current subsidy by discussing new terms for the Joint Use Agreements. Furthermore, a reduction in opening hours would also reduce overheads, such as employee costs. Unless significant investment is made into the facilities however, the standard of customer offer will be far lower than that of the facilities under the ownership of the Council. Cabinet will need to consider the viability of investment into facilities it does not own, in the context of the long term financial sustainability of its own stock. It should be noted that there would be an interim period where agreements would continue on the current terms and conditions (and subsequently existing subsidy), whilst new arrangements were put in place.</i>
Option C	<i>Agreements End</i>	<i>If agreements end, the current level of attendances would be lost in those facilities, so Cabinet should consider signposting customers to alternative facilities to retain the current level of activity. The Council will work with Sigma Trust to explore whether block bookings, clubs and other hirers can be accommodated within BSC and HSC. A decision on the best use of the Joint Use Facilities budget should be addressed in</i>

	<i>the light of the Council's wider financial position and the Sports Facilities Strategy, due in March 2022.</i>
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It had been recommended by the Leisure & Tourism Portfolio Holder in his report that Cabinet follow Option C above and note that the Joint Use Agreements for BSC and HSC on sites outside of the Council's ownership, would expire on 31 December 2021. The Resources and Services Overview & Scrutiny Committee ("the Committee") had also considered the Portfolio Holder's report at its meeting held on 13 December 2021 (Minute 45 referred) and had decided to recommend to Cabinet that –

"(a) the proposal to cabinet in the report to it on the joint use sports facilities at Brightlingsea and Harwich is placed on hold (and appropriate steps taken to facilitate this status quo continuing), to allow the proposal to be considered:

(i) within the context of the councils emerging Sports Facility Strategy (due to be published in March 2022); and

(ii) in conjunction with the future intentions of the Sigma Trust (which are, as yet, unknown).

(b) it adopts the above as it will allow an all-encompassing scrutiny of the future provision of Council sports facility provision and, as the Joint Use Facilities Budget is not to be immediately reallocated, there is no immediate need for this decision to be implemented.

[Note: In respect of appropriate steps in the above recommendation it was agreed that this shall include approaching the Sigma Trust on the issue, discussing the proposal and agreeing the extension of the agreement should the Sigma Trust agree to this.]"

The Committee had also decided to -

"(a) authorise the Chairman to discuss with the Portfolio Holder for Leisure and Tourism the possibility of establishing a group of Members to consider the emerging Sports Facilities Strategy (including the provision for sports in Brightlingsea and Harwich).

(b) note that the following were adopted statements by this Council in respect of sports and leisure provision:

Page 108 of Section 2 of Tendring District Local Plan 2013-2023 and beyond –in respect of provision for Healthy Places.

"Indoor sports facilities including sports halls, health and fitness facilities and swimming pools are classed as 'Community Facilities' and are protected through Policy HP2. The Council will work with partners to improve the provision of indoor sports facilities in the District and will support proposals for new facilities subject to meeting the requirements of other policies in this Local Plan and may consider the use of all delivery mechanisms including Community Infrastructure Levy to help deliver new and improved existing Indoor sports facilities to meet the needs of a growing population".

Page 30 of the Playing Pitch Strategy and Action Plan for Tendring District Council and its partners (June 2017):

“Recommendation c – Maximise community use of education sites where there is a need to do so given the mix of provider in Tendring, there is a need for the Council and NGBs to work with other partners, for example, town and parish councils to help maximise use of outdoor sports facilities and in particular grass pitches and AGPs”.”

With the permission of the Chairman, Councillors Barry and Steady, Ward Members for Brightlingsea who were present in the public gallery, addressed the Cabinet on this matter.

During the consideration of this item the Chairman adjourned the meeting for a period of approximately 15 minutes.

Having duly considered all of the information, advice and available options contained in the Leisure & Tourism Portfolio Holder’s report together with the recommendations and other submissions made by the Resources and Services Overview & Scrutiny Committee and by Members at the meeting and in order to enable this matter to be progressed to a satisfactory conclusion:-

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

RESOLVED that Cabinet –

- (a) notes that the Joint Use Agreements between the Council and the Sigma Trust for the Harwich and Brightlingsea Sports Centres end on 31 December 2021;
- (b) agrees to the provision of transitional support from existing resources, for up to three months, to extend the community use of the facilities where possible;
- (c) invites representatives from the relevant Town Councils and the Sigma Trust to join an engagement group to meet during the transition period to work through the operations of providing community use from the facilities;
- (d) considers the development of the leisure and sports offer across the District through the Corporate Plan and emerging strategies; and
- (e) welcomes the opportunity for the Resources and Services Overview and Scrutiny Committee to provide an input into the work identified in (d) above over the coming weeks with the Portfolio Holder for Leisure and Tourism and officers.

101. JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.6 - HOUSING REVENUE ACCOUNT ESTIMATES 2022/23

Cabinet had before it a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6) which sought its approval of an updated 30 year Housing Revenue Account (HRA) Business Plan and budget proposals for 2022/23.

Cabinet was aware that, similarly to the General Fund’s long term forecast, a ‘live’ HRA Business Plan was maintained on an on-going basis, with the most up-to-date position in December each year being translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee.

It was reported that a number of changes had been made to the business plan for 2022/23 onwards that largely reflected a 'reset' in terms of a number of budget lines in response to recent increases in costs / prices and demands on the service. A significant risk also remained in terms of the potential cost pressure relating to the major repairs contribution to the capital programme in response to expected changes to the 'decent homes standard' and recommendations that could emerge from the Hackett review that had followed the Grenfell Tower tragedy.

With the above in mind, a stock condition survey was planned on being undertaken during 2022/23 in order to inform the potential cost pressure involved, which needed to be reflected within the business plan before any future major investment decisions could be made to maintain the balance between the investment in existing tenant's homes and the delivery of new affordable homes for local people.

Cabinet was informed that, as part of supporting the balance above and in-line with rent setting guidance issued by the Regulator for Social Housing, rents were proposed to be increased by CPI + 1% in 2022/23 (a 4.1% increase). This also allowed for the continued recovery from the 4 years of rent reductions from 2016/17 to 2019/20. Due to the relatively volatile CPI rates experienced since the start of the COVID-19 pandemic, if the proposed level of rent increase was taken together with relatively low figure of 1.5% last year, the average annual increase would be 2.8% over the two years, which broadly reflected the Bank of England's longer term CPI rate. Based on the above, the average weekly rent proposed for 2022/23 was £87.55 (£84.10 in 2021/22).

Members were advised that the budget currently proposed for 2022/23 generated an overall surplus of £0.143m. This 'base' position provided a strong foundation against which to consider future risks to the forecast such as those mentioned above along with supporting the commitment to the on-going new build and acquisition policy. It was therefore proposed to 'hold' this surplus within the Capital Programme in order to support the on-going development of the new build and acquisition programme.

It was further reported that the HRA General Balances were currently estimated to total £4.325m at the end of 2022/23 that further supported the 30 year Business Plan and associated risks to the forecast. The proposed HRA Capital Programme for 2022/23 totalled £3.457m, the same level of investment as in 2021/22, which continued to provide for a range of schemes and projects.

Cabinet was made aware that 'old' HRA debt continued to reduce year-on-year as the principal was repaid with a total debt position at the end of 2022/23 forecast to be £35.350m, which also reflected the proposed refinancing of an historic loan.

Cabinet was informed that, in addition to requesting comments from the Resources and Services Overview and Scrutiny Committee, it was also proposed to consult with the Council's Tenants' Panel during January 2022, with the outcome reported to Cabinet in that same month, when the final HRA budget proposals would be decided for recommending onto to Full Council in February 2022.

Having duly considered all of the information and advice contained in the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder's joint report and in order to enable the updated 30 year Housing Revenue Account (HRA) Business Plan and budget proposals for 2022/23 to be submitted for consultation with the Resources and Services Overview and Scrutiny Committee:-

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

RESOLVED that Cabinet –

- a) approves the updated Housing Revenue Account (HRA) 30 year Business Plan and proposed position for 2022/23, as set out in the Portfolio Holders' joint report and Appendix thereto; and
- b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest HRA financial forecast and proposed position for 2022/23.

102. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.7 - FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY IN CLACTON-ON-SEA

Cabinet had before it a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.7) which sought its approval, in principle, for the freehold purchase of a three bedroom residential property in Clacton-on-Sea to meet local housing needs.

Cabinet was 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 this proposal was in respect of an opportunity to purchase a vacant three bedroom ex-Council house that was currently for sale on the open market in Clacton-on-Sea. For a number of years the Council had had a strong demand for three bedroom houses and this property met the criteria set out in the Council's adopted Housing Acquisitions and Development Strategy.

Members were informed that, in October 2021, Portfolio Holder approval had been obtained to initiate the Council's Property Dealing Procedure, to obtain an independent valuation of the property and to negotiate a price with the owners. An independent market valuation had now been obtained and negotiations with the owner had been completed satisfactorily, to enable the purchase to be progressed to a conclusion. Purchasing this property would add an additional property to the Council's housing stock in the Housing Revenue Account in an area of high demand.

Having considered all of the information and advice contained in the Portfolio Holders' joint report and to enable this matter to progress to a satisfactory conclusion:-

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

RESOLVED that Cabinet authorises, in principle, the freehold purchase of the property in question for inclusion into the Council's housing stock.

103. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.8 - FREEHOLD PURCHASE OF TWO RESIDENTIAL PROPERTIES IN CLACTON-ON-SEA

Cabinet had before it a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.8) which sought its approval, in principle, for the freehold purchase, on revised terms, of two x 2 bedroom bungalows in Clacton from a developer.

Cabinet recalled that the properties in question were being delivered to the Council through a Section 106 agreement that had been entered into for affordable housing on the development site in question. The developer had initially approached another registered provider, Chelmer Housing Partnership (CHP) to purchase the properties but CHP had withdrawn as their development 'pipeline' was fully committed. The properties were located in Clacton-on-Sea which was a priority area for acquisitions, as set out in the Housing Acquisitions and Development Strategy adopted by Cabinet in October 2020. There were currently 105 households on the Housing Register in need of a two bedroom bungalow in Clacton-on-Sea.

Members were reminded that the Council's original offer of £188,000 per bungalow (£376,000 in total) had been accepted by the developer in October 2020. As completion of the freehold purchase had not taken place within a year of the original offer being accepted, the bungalows had been re-valued and following a significant increase in house prices, the purchase price had now been agreed at £210,000 per bungalow (£420,000 in total). The statutory agreements required to complete the transfer had now been received.

Having considered all of the information, advice and proposals contained in the Portfolio Holders' joint report and to enable this matter to progress to a satisfactory conclusion:-

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

RESOLVED that Cabinet approves, in principle, the revised terms for the freehold purchase of the two properties in question for inclusion into the Council's housing stock.

104. MANAGEMENT TEAM ITEMS

There were none on this occasion.

105. 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 to 20 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

106. EXEMPT MINUTES OF THE MEETING HELD ON FRIDAY 12 NOVEMBER 2021

It was **RESOLVED** that the exempt minutes of the meeting of the Cabinet, held on Friday 12 November 2021, be approved as a correct record and be signed by the Chairman.

107. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & PUBLIC SPACE PORTFOLIO HOLDER - B.1 - PROCUREMENT EXEMPTION: REPLACEMENT CREMATORS AT WEELEY CREMATORIUM

RESOLVED that Cabinet –

- a) notes that market research for cremators replacement plant and associated services has revealed one supplier with a suitable financial standing with the majority of the market share and recognises the need to return the facility to a fully functioning and safe service at the earliest opportunity;
- b) therefore grants an exemption to the Procurement Procedure Rules in order to allow a direct award of the contract for supply, installation and servicing and maintenance of cremators to Faculative Technologies; and
- c) authorises the publication of the required VEAT notice in accordance with the Public Contract Regulations 2015 and the adherence to the 10 day standstill period.

108. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.2 - TERMS FOR THE FREEHOLD PURCHASE OF A PROPERTY IN CLACTON-ON-SEA

RESOLVED that Cabinet –

- (a) approves the terms for the freehold purchase of the property in question, as set out in the Portfolio Holders' joint report; and
- (b) authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the purchase of the property on the terms set out and subject to such other terms that he considers necessary.

109. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.3 - TERMS FOR THE FREEHOLD PURCHASE OF TWO PROPERTIES IN CLACTON-ON-SEA

RESOLVED that Cabinet –

- (a) approves the acceptance of the transfer of the properties in question to the Council as Affordable Housing Dwellings at the purchase price of £210,000 each (total purchase price £420,000); and
- (b) authorises the Corporate Director (Operations and Delivery) to enter into a contract on the terms set out in the Portfolio Holders' joint report and subject to such other terms that he considers necessary.

The Meeting was declared closed at 12.14 pm

Chairman