

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.1 - Scrutiny of the Housing Issues in the District - External Partners

Decision:

RESOLVED that the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the responses of the Housing Portfolio Holder thereto be endorsed.

Reasons for Decision:

Having considered the recommendations of the Community Leadership Overview & Scrutiny Committee, together with the responses of the Housing Portfolio Holder thereto.

Alternative Options Considered:

Not to endorse the Portfolio Holder's response.

Conflicts of Interest Declared (and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

N/A

Contact Officer:

Keith Simmons, Head of Democratic Services and Elections

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.2 - Highlight Priority Actions for 2022/23 and Monitoring

Delivery of those Actions

Decision:

RESOLVED that -

- (a) the outcome of the consultation with the public, partner organisations and the two Overview and Scrutiny Committees on the provisional list of highlight priority actions agreed by Cabinet on 17 December 2021, as set out at Appendix B to item A.2 of the Report of the Leader of the Council, be received and welcomed; and
- (b) the highlight priority actions for 2022/23, as set out at Appendix A to the aforesaid report, be formally adopted by Cabinet.

Reasons for Decision:

Having duly considered the feedback from the consultation process together with all of the information contained in the Leader of the Council's report.

Alternative Options Considered:

Not submitting highlight priorities was considered and discounted in view of the beneficial impact of the focus the highlight process gives to focus on significant developments, projects, schemes and activities for the District and for the Council. The alternative options considered for which highlight priorities to select for 2022/23 are referred to in the report and the reasons for selection or non-selection are set out for each.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Keith Simmons, Head of Democratic Services and Elections

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.3 - Principle of Disposal of Land for Access to adjoining Redevelopment via Housing Estate Land in Stourview Avenue, Mistley

Decision:

RESOLVED that Cabinet agrees, in principle, to dispose of the land in question in Stourview Avenue, Mistley in order to facilitate access to a proposed adjoining development.

Reasons for Decision:

Having duly considered the information and advice contained in the Leader of the Council's report.

Alternative Options Considered:

1. Declining to dispose of the land - not proposed – would not lead to any benefit to the Council or Community.
2. Disposing of the land to another party – not proposed – the land has a premium value to the adjoining developer.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

The Portfolio Holder for Corporate Finance & Governance (Councillor G V Guglielmi) had previously declared an Interest in this matter.

Consultation with Ward Member:

Yes

Contact Officer:

Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.4 - Annual Review of the Council's Constitution

Decision:

RESOLVED -

1. That Cabinet **RECOMMENDS TO COUNCIL** that:
 - (a) the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A – K, & M attached hereto this report, and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council;
 - (b) with effect from the Annual Meeting of the Council on 26 April 2022, the Committees listed below be reduced in size as follows:-

Audit = 5 Members (from 7 Members);
Human Resources & Council Tax = 7 Members (from 9 Members);
Licensing & Registration = 7 Members (from 9 Members); and
Planning Policy & Local Plan = 9 Members (from 11 Members).

- (c) the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.
- (d) commencing with the newly elected Council in May 2023, Members of the Tendring District Council will operate in a “paperless” environment e.g. by providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents.
- (e) in the meantime Members of the Tendring District Council continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.
- (f) in relation to Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees), the Monitoring Officer be authorised to define what is meant by the word “mandatory” and to also decide whether the training offered/provided is/was sufficient and “fit for the purpose” to be contained within guidance and issued to members of those Committees accordingly.
- (g) the reduction in the number of formal scheduled meetings for the Council’s overview and scrutiny committees should be maximised to focus on the principles established in the Executive – Overview & Scrutiny Protocol and work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council’s Corporate Plan.
- (h) the Protocol for the webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees, as set out in Appendix L, be approved and incorporated into Part 6 of the Constitution and that it comes into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.
- (i) Council notes that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-
 - Article 12 (Officers);
 - Removal of those provisions within the Council’s Constitution that had been inserted in accordance with the (now defunct) “Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]”;
 - The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee; and
 - The list of Proper Officers within the Scheme of Delegation.

2. That Cabinet **agrees** that:

- (a) the definition of a Key Decision, as contained in Article 13.03 of the Council's Constitution, be reviewed as part of the annual review of the Council's Treasury Strategy;
- (b) the Councillor Development Portfolio Holder Working Party be requested to consider and report back to Cabinet whether, in the light of the Centre for Governance & Scrutiny's recommendation, members of this Council's overview and scrutiny committee(s) should receive mandatory training; and
- (c) the Deputy Chief Executive & Monitoring Officer be requested to produce and submit to the Leader of the Council, for his consideration, terms of reference and a scheme of delegation for a Road Naming Portfolio Holder Working Party.

Reasons for Decision:

Having duly considered all of the information, proposals and advice contained in the Corporate Finance & Governance Portfolio Holder's report and in order to enable the this matter to be submitted to Full Council in accordance with the requirements of the Council's Constitution.

Alternative Options Considered:

- (1) Not to approve some or all of the Portfolio Holder's recommendations; and
- (2) To amend or substitute some or all of the Portfolio Holder's recommendations.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Ian Ford, Committee Services Manager

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.5 - Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators)

Decision:

RESOLVED that Cabinet agrees that -

- a) the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) be submitted to Full Council for its approval, subject to consultation with the Resources and Services Overview and Scrutiny Committee; and
- b) the Portfolio Holder for Corporate Finance and Governance be authorised to explore potential borrowing options associated with the redevelopment of the Honeycroft site for inclusion within the Annual Capital and Treasury Strategy that would be presented to Full Council on 29 March 2022.

Reasons for Decision:

Having duly considered all of the information, proposals and advice contained in the Corporate Finance & Governance Portfolio Holder's report and in order to enable this matter to be submitted to Full Council in accordance with the requirements of the Council's Constitution.

Alternative Options Considered:

- (1) Not to approve the Strategy; and/or
- (2) To amend or substitute the proposals within the Strategy.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.6 - Adoption of the Council's Statement of Gambling Policy

Decision:

RESOLVED that Cabinet –

- a) approves the final draft Statement of Gambling Policy, as set out in Appendix A to item

A.6 of the Report of the Partnerships Portfolio Holder, for recommendation onto Full Council for its formal adoption and publication; and

- b) agrees that any further amendments to the Gambling Policy that are minor, or administrative only, in nature are delegated to the relevant Assistant Director, in consultation with the Chairman of the Licensing and Registration Committee and the Portfolio Holder for Partnerships, without the need for further public consultation or adoption.

Reasons for Decision:

Having duly considered the amended Policy and in order to enable this matter to be submitted to Full Council in accordance with the requirements of the legislation.

Alternative Options Considered:

- (1) Not to approve the Statement of Policy; and/or
(2) To amend or substitute some or all of the policy text.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Anastasia Simpson, Assistant Director (Partnerships)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Business & Economic Growth Portfolio Holder - A.7 - Back to Business and Corporate Investment Plan

Decision:

RESOLVED that Cabinet –

- (a) notes the work completed under the Back to Business programme;
(b) agrees to implement a Corporate Investment Plan approach along with establishing the associated Corporate Investment Board, as set out in the joint report of the Corporate

Finance & Governance Portfolio Holder and the Business & Economic Growth Portfolio Holder (report A.7);

- (c) requests Portfolio Holders to explore with Officers further items for consideration by the proposed first meeting of the Corporate Investment Board in March 2022;
- (d) (i) agrees to the creation of a one-off Members' Small Grant Scheme to make available £1,000 to each Member for the support of Her Majesty The Queen's Platinum Jubilee celebrations within the District and authorises the Assistant Director (Finance & IT) and the Deputy Chief Executive to finalise the conditions, in consultation with the Leader of the Council and make the necessary arrangements to enable Members to access this funding as soon as possible;

(ii) agrees that the total cost of the scheme of £48,000 be funded from the existing Tendring Community Fund budget; and
- (e) agrees that a cross-party Member working group is set up to explore the establishment of a local scholarship scheme and that Officers be requested to set up the first meeting of the group in consultation with the Portfolio Holder for Partnerships.

Reasons for Decision:

Having duly considered all of the information and advice contained in the Corporate Finance & Governance Portfolio Holder's and Business & Economic Growth Portfolio Holder's joint report and in order to enable this matter to move forward.

Alternative Options Considered:

Option A is to keep to the status quo, and to allocate resources to new projects and programmes one by one as they emerge. However, this approach does not provide decision makers with the wider challenges facing the Council making it harder to ensure the best use of scarce resources than if all investment opportunities are brought together for consideration in a consistent and considered way.

However, this option would still be applicable to externally funded schemes where the funder sets out specific parameters for how the money can be used. This restricted use could still overlap with projects included within the Corporate Investment Plan, which could be considered at the appropriate time. Where there is more flexibility to how the funding can be used, the intention is that this would be considered via the Corporate Investment Plan.

This approach has the benefit of being responsive and flexible, for example to respond if new funding becomes available requiring Council matched investment, or if risks emerge that the Council decides to allocate funding to respond to.

Option B is to develop a Corporate Investment Plan once a year that sets out against our corporate priorities the additional spend on non-recurring expenditure outside our base budgets. This approach has the benefit of clarity of what additional spend the Council will make during a year, and could be aligned to the wider service budget setting process.

However, this approach potentially requires the development of all additional project work at one point in the year, which will limit the number of projects to the Council's capacity to carry out the detailed planning required to make an informed decision at one point. Or alternatively it will mean funding is allocated ahead of detailed planning, so that potentially funding is held for a project for a long period before the organisation has the capacity to develop the underlying work to take the project forward. An annual approach also makes it difficult for the

Council to respond to new opportunities through the year, or deal with issues that emerge rapidly.

Option C – Recommended Option as set out in this report: a Pipeline of projects with a) projects in delivery, b) projects in development with funding agreed, c) project proposals for consideration; a Corporate Investment Board meeting through the year to agree the project Pipeline and recommend projects for investment; a set of criteria to aid decision making; and a potential pooled Corporate Investment Fund to allocate funding from to new projects.

Where the scheme or project relates to potentially on-going activity, the Plan would provide the flexibility to fund it upfront to enable further more timely consideration to be undertaken as part of the longer term plan, which is updated quarterly.

A 'live' Corporate Investment Plan also aims to capture on a more up to date basis schemes and projects that have the potential for being funded externally. A further aim of the plan is to provide a ready-made, well thought through list that can be used to make a coherent case to our partners and potential funders.

It is also worth highlighting that the Corporate Investment Plan approach will also be supported by the Accelerated Delivery 'fund' that was established last year to ensure the right capacity across the Council.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Lee Heley, Interim Corporate Director (Projects Delivery)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - A.8 - Freehold Sale of a Residential Property in Harwich

Decision:

RESOLVED that Cabinet –

(a) authorises, in principle, the freehold sale of the property; and

- (b) subject to its decision on terms to be taken later on in the meeting following the exclusion of the press and public, authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the sale of the property. However, should this sale fall through, the Corporate Director (Operations and Delivery) may continue to accept offers £10,000 above or below the sale price or to go to auction via the recommended reserve price.

Reasons for Decision:

Having considered the information and advice contained in the Portfolio Holders' joint report and to enable this matter to continue to progress to a satisfactory conclusion.

Alternative Options Considered:

To invest significant funds into bringing the property back to a decent standard. Due to the nature and age of the house the maintenance and running costs are high and selling the property will avoid the Council having to spend upwards of £75,000 in capital works.

The use of the receipts can be added to funds already held from Right to Buy and/or Section 106 receipts and be used purchase or develop a more suitable additional dwelling/s.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

Yes

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.9 - Financial Performance Report: In-Year Performance against the Budget at the end of the Third Quarter 2021/22 and Long-Term Financial Forecast Update

Decision:

RESOLVED -

- (1) That, in respect of the financial performance against the budget at the end of December 2021, Cabinet agrees:

- (a) that the position as at December 2021 be noted; and
 - (b) that the proposed in-year adjustments to the budget, as set out in Appendix H to item A.9 of the Report of the Corporate Finance & Governance Portfolio Holder, be made.
- (2) That, in respect of the Updated Long Term Forecast, Cabinet agrees that the latest position be noted and that the Resources and Services Overview and Scrutiny Committee be consulted on the most up-to-date position.

Reasons for Decision:

Having considered all of the information contained in the Portfolio Holder’s report and its appendices.

Alternative Options Considered:

Not to approve the proposed in-year adjustments to the budget.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Richard Barrett, Assistant Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - B.1 - Terms for the Disposal of Land for Access to adjoining Redevelopment via Housing Estate Land in Stourview Avenue, Mistley

Decision:

RESOLVED that Cabinet -

- (a) approves the terms summarised in the Background and Current Position section of item B.1 of the Report of the Leader of the Council to dispose of unused land in Stourview Avenue, Mistley in order to facilitate access to a proposed adjoining development; and
- (b) authorises the Corporate Director (Operations & Delivery) to dispose of the land to the named developer on the terms set out and on such other terms that he considers

appropriate, if at variance to the foregoing.

Reasons for Decision:

Having considered all of the information, advice and proposals contained in the Leader of the Council's private and confidential report and to enable this matter to progress to a satisfactory conclusion.

Alternative Options Considered:

- (1) Not to approve the terms of the sale; and/or
- (2) To amend or substitute some or all of the proposed terms.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

The Portfolio Holder for Corporate Finance & Governance, Councillor G V Guglielmi, had previously declared an Interest in this matter.

Consultation with Ward Member:

Yes

Contact Officer:

Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
25 February 2022	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - B.2 - Terms for the Freehold Sale of a Residential Property in Harwich

Decision:

RESOLVED that Cabinet -

- (a) approves the proposed terms for the freehold sale of 16 Angel Gate, Harwich; and
- (b) authorises the Corporate Director (Operations & 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, or should the sale fall through, that he may continue to accept offers £10,000 above or below £277,500 or to go to auction via the recommended reserve price.

Reasons for Decision:

Having considered the information submitted in the Portfolio Holders' joint private and confidential report.

Alternative Options Considered:

- (1) Not to approve the proposed terms of sale; and/or
- (2) To amend or substitute some or all of the terms.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

* The call-in procedure will not apply to a decision where the Chairman of the relevant overview and scrutiny committee's agreement has been obtained that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest, (Rule 16 (h) of the Overview and Scrutiny Procedure Rules) or any decision made where such decision is to be referred to the Council or one of the overview and scrutiny committees for their consideration.