

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

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

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.7 - Joint Use Sports Facilities Update

Decision:

That the recommendation made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Leisure and Tourism Portfolio Holder thereto be endorsed.

Reasons for Decision:

Having considered the recommendation of the Resources and Services Overview & Scrutiny Committee, together with the response of the Leisure and Tourism 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)

Councillor Ivan Henderson declared a Personal Interest due to a family member working at the Harwich facility.

Consultation with Ward Member:

N/A

Contact Officer:

Keith Simmons, Head of Democratic Services and Elections

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

SUBJECT OF DECISION:

Leader of the Council's Items - A.8 - Freeport East Full Business Case

Decision:

That Cabinet -

- a) formally supports the Freeport East Full Business Case to be submitted by East Suffolk District Council to the Government;
- b) agrees to the approach to local business rate retention, as set out in the Full Business Case and summarised in the Leader's report;
- c) agrees that the Leader of the Council and Officers can participate in the governance proposals set out in the Full Business Case on the principle that Tendring District Council becomes a member of the body set up to govern the Freeport;
- d) notes that any decision to formally become part of the governing body will be taken by the Leader of the Council, in accordance with previous delegations, following consultation with his Portfolio Holder Working Party;
- e) approves the Leader of the Council appointing a Member representative to that governing body;
- f) assigns £160,000 to pay for projects in support of Freeport East to be agreed through the Freeport governance structure and notes that the Full Business Case sets out the expectation that this sum should be repaid to the Council from future retained business rates; and
- g) recommends to Full Council that Freeport East be confirmed within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-2024, as previously adopted by Full Council.

Reasons for Decision:

"Support for the Full Business Case is recommended because it sets out a path to develop Bathside Bay through Freeport East as a clean energy hub, delivering economic growth and jobs to Tendring District.

The Council's Economic Strategy 2020 to 2024 states that a key action should be to "Work with Essex County Council to facilitate senior level discussion with the owners of Harwich Port so secure an agreed long-term strategy for the Port. Based on these discussions, develop a clear plan for investment in quayside infrastructure." The Strategy also notes that the 2013 Strategy it supersedes had also sought to see the Port developed at Harwich.

In short, Freeport East is the best opportunity to see Bathside Bay developed in a generation.

The Council should support the retained rates model as the financial model for the development of Bathside Bay requires subsidy, given the level of initial infrastructure investment required. The retained rates model enables that investment.

The Council is the District authority for Harwich taking a community leadership role, it is the billing authority for business rates, and the planning authority for development at the Port. The Council has an interest in seeing the best investments come forward from the retained rates from the Freeport. As such, it is recommended that the Council participate as part of the governance of the Freeport, so that we can influence its development.

The Council should, alongside the other four authorities, provide cash flow to enable early investment in socially beneficial projects through the Freeport, given the long term benefits that will flow from it, and the likelihood of repayment of the sum, once firms on the new developments start to pay business rates. Subsidiary Control requirements must be kept under review through this process although, at this stage of the project there are no adverse implications.”

Alternative Options Considered:

Option A

For the Council to not endorse the Full Business Case, not take part in the business rates policy or the governance of Freeport East. This option would make the development of the Bathside Bay and the Port at Harwich unviable in its current form, as the Council is the billing authority and is required to support the local retention of business rates that will in part fund the development of the Port. Developing Bathside Bay has been an aspiration in Harwich for generations and is a specified goal in the Council’s adopted Economic Development Strategy. This Option is against the thrust of Council policy and is not recommended.

Option B

To support the development of Freeport East and endorse the Full Business Case, but not to take part in its governance arrangements or fund any costs. This option would not automatically stop Freeport East or the developments at Bathside Bay coming forward. It would reduce the amount of Council resource required to support the project which comes with intensive partnership working.

However, it would reduce the Council’s influence over Freeport East, most importantly once the business rates are paid by new firms moving into Freeport East with the potential to invest that funding into projects in Tendring District. It will also reduce our engagement with the Port on the development of Bathside Bay. In addition, not taking part in the governance could be seen by our partners and Government as a signal that the Council is not fully supportive of Freeport East, making further investment to develop from Government to develop Bathside Bay harder to secure.

Option C

Recommended Option as set out in the report to support the Freeport East Full Business Case, endorse the locally retained Business Rates approach, take part in the Governance of Freeport East and financially support Freeport East projects alongside other local authority partners in the first two years, with the potential for re-imburement.

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 March 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder
- A.1 - Programme of Meetings: 2022/2023 Municipal Year

Decision:

That –

- (a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.1 of the Report of the Corporate Finance & Governance Portfolio Holder, be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and
- (b) the proposed dates for All Members Briefings and Councillor Development Sessions be noted.

Reasons for Decision:

Having considered the programme of meetings proposed by the Corporate Finance & Governance Portfolio Holder and in order to enable the programme of meetings to be submitted to the Annual Meeting of the Council for approval and adoption, in accordance with the Council's Constitution.

Alternative Options Considered:

- (1) Not to approve the Programme of Meetings; or
- (2) To amend or substitute some or all of the proposed dates.

**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 March 2022	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.2 - Digital Transformation Phase Two Completion Performance Analysis and Exploration of Further Digital Investment Opportunities

Decision:

That Cabinet -

- (a) notes the outcomes of the digital transformation (phase two) programme within the context of timescales, costs and outcomes; and
- (b) request Officers, in consultation with the Portfolio Holder for Corporate Finance and Governance, to develop the projects, as set out within Appendix B to item A.2 of the Report of the Corporate Finance & Governance Portfolio Holder, for further consideration as part of the Corporate Investment Plan.

Reasons for Decision:

Having duly considered all of the information, proposals and advice contained in the Corporate Finance & Governance Portfolio Holder's report.

Alternative Options Considered:

Not to develop some, or all, of the projects listed in Appendix B to the Portfolio Holder's report.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

John Higgins, Head of IT and Corporate Resilience, Mark Westall, Head of Customer and Commercial Services

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

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder
- A.3 - Corporate Investment Plan

Decision:

That Cabinet –

- a) notes the latest Corporate Investment Plan, as set out within Appendix A to item A.3 of the Report of the Corporate Finance & Governance Portfolio Holder;
- b) notes the review of Existing Earmarked Budgets, as set out within Appendix C to the aforesaid report and approves that the Category C budgets highlighted within that Appendix be brought together in order to establish a Corporate Investment 'Reserve' totalling £2,557,680;
- c) agrees that £265,000 from the Corporate Investment 'Reserve', along with £400,000 of external funding, be used to fund the following four items as set out later on in the Portfolio Holder's report and Appendix A thereto:
 - i) contribution to Freeport East - £160,000
 - ii) support the Joint Use Sports Centre Transition - £25,000
 - iii) host a 'leg' of the Elite Cycling Tour Series - £80,000
 - iv) health inequalities capacity and projects - £400,000
- d) authorises Officers, in consultation with the relevant Portfolio Holders, and acting in accordance with the Council's Scheme of Delegation, to agree the necessary arrangements to implement the above four items; and
- e) agrees to the acceptance of a grant from our Local Health Partner of £1.65m, and requests Officers to continue to develop schemes and projects that can be supported by this funding for consideration within the Corporate Investment Plan process.

Reasons for Decision:

It was considered that the four projects for delivery progressed the Council's corporate objectives in a timely fashion, including investment in skills linked to Freeport East as part of the Full Business Case; an event of national significance in Clacton Town centre, linked to the Tourism Strategy; funding to support community sports and leisure groups, and a health inequalities programme. Those projects would therefore deliver benefits across a wide range of Council objectives.

Alternative Options Considered:

"When considering the establishment of the Corporate Investment Plan, a number of options were set out which were included in the associated report considered by Cabinet on 25 February 2022. The Council will include option analysis on the individual projects as part of the associated decision making."

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 March 2022	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.4 - Essex Family Friendly Employers Charter

Decision:

That the contents of the report be noted.

Reasons for Decision:

Having considered the contents of the report.

Alternative Options Considered:

None

**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 March 2022	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Tendring Community Fund Working Party

Decision:

That Cabinet –

- (a) authorises the Portfolio Holder for Partnerships, in her role as Chair of the Tendring Community Fund Portfolio Holder Working Party, to both receive funds and to oversee the distribution of funds relating to the Tendring Community Fund;
- (b) approves the Terms of Reference for the Tendring Community Fund Portfolio Holder Working Party; and
- (c) receives an update report from the Chair of the Tendring Community Fund Portfolio Holder Working Party within twelve months.

Reasons for Decision:

Having duly considered all of the information and proposals and advice contained in the Partnerships Portfolio Holder's report.

Alternative Options Considered:

Not to approve the Terms of Reference and/or to grant the necessary authorisation to the Partnerships Portfolio Holder.

**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 March 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.6 - Freehold Purchase of a Residential Property in Clacton-on-Sea

Decision:

That Cabinet authorises, in principle, the freehold purchase of the property.

Reasons for Decision:

It was felt that whilst the purchase of the property carried a financial cost it would bring an additional dwelling into the housing stock that would help meet a local housing need and would immediately generate rental income.

Alternative Options Considered:

To not proceed with the purchase of the property in question.

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

None

Consultation with Ward Member:

None

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
25 March 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.1 - Terms for the Freehold Purchase of a Residential Property in Clacton-on-Sea

Decision:

That Cabinet -

- (a) approves the terms for the freehold purchase, as proposed; 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.

Reasons for Decision:

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

confidential report.

Alternative Options Considered:

Not to approve some or all of the proposed terms and to substitute or amend others.

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

None

Consultation with Ward Member:

None

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.