

## RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
16 December 2022	Cabinet	No

### SUBJECT OF DECISION:

Matters Referred to the Cabinet by the Council - A.1 - Petition: Green Space Development and Sale - Holland Haven

### Decision:

**RESOLVED** that Cabinet notes the petition, thanks the petitioner and requests that these views and others are taken into account as and when the property dealing procedure unfolds, subject to available resources.

### Reasons for Decision:

Having duly considered the Petition together with the information provided in the report.

### Alternative Options Considered:

- *No action (with reasons as to why no action is proposed)*
- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*
- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future Cabinet meeting*
- *Calling for a referendum (if permitted under legislation and subject to costs)*

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
16 December 2022	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.2 - 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 to D and F to N attached hereto this report, with the exception of the proposed changes to Council Procedure Rules 12 and 14 (as contained within Appendix A) which are deferred at this time;
  - (b) Council notes and endorses the Monitoring Officer's firmly reiterated advice that Members using the "Approval of the previous Minutes" item on agendas as a way of raising matters from that previous meeting, whether loosely connected or not, is not acceptable as such actions did not comply with the need to give the requisite public notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law;
  - (c) Council further notes and endorses the proposed change to Article 7.08 (Cabinet Procedure Rule 1.5); and
  - (d) Council additionally notes that:-
    - (i) the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing to issue guidance in the area of "call-ins" of Executive decisions and so it is likely that this Council will need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once that guidance is issued;

- (ii) the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn 2023;
  - (iii) the Council's Procurement Strategy and the Procurement Procedure Rules will need to be reviewed once the Procurement Bill (HL) currently at Report Stage in the House of Lords is enacted and come into effect; and
  - (iv) the review of the Council's procedure for Planning Committee Site Visits as set out in the Members' Planning Code and Protocol (in Part 6 of the Constitution) is still ongoing although at this current time no constitutional changes have been highlighted as being necessary.
2. That Cabinet **resolves** that Cabinet Procedure Rule 1.5 be amended to reflect the proposed change, as set out in Appendix E attached hereto this report.

**Reasons for Decision:**

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, and in order to enable those recommendations to be submitted to the Full Council for approval and adoption.

**Alternative Options Considered:**

To allow the proposed changes to Council Procedure Rules 12 and 14 to proceed.

**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*
16 December 2022	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.3 - Updated General Fund Financial Forecast including proposed Budget changes in 2022/23 along with Budget Proposals for 2023/24

**Decision:**

**RESOLVED** that Cabinet:

- a) approves the updated Financial Forecast including a revised position for 2022/23 and proposed position for 2023/24, as set out in the Portfolio Holder's report and its Appendices;
- b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest financial forecast and proposed position for 2023/24; and
- c) accepts the funding made available to the Council as part of the Shared Prosperity Fund (including the Rural England Prosperity Fund element) and authorises the Portfolio Holder for Business and Economic Growth to agree any associated expenditure.

**Reasons for Decision:**

In order to set out the latest financial position for the Council; respond to emerging issues in 2022/23 and also to develop the budget and long term forecast from 2023/24.

**Alternative Options Considered:**

Other options as broadly covered within 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:**

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

Date:	Decision Maker:	Subject to Call-in*
16 December 2022	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing Portfolio Holder - A.4 - Update on Spendells House and review of budget

**Decision:**

**RESOLVED** that Cabinet -

- a) notes the update on progress and continues to support, in principle, the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation;
- b) requests that Officers revisit and update the original financial appraisal / business case; and
- c) delegates the decision to proceed or otherwise to the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Housing subject to:-
  - i) the updated financial appraisal / business case remaining financially advantageous and value for money to the Council in terms of the overall provision of temporary accommodation; and
  - ii) the identification and approval by Full Council of the necessary funding as part the separate HRA budget setting process.

**Reasons for Decision:**

In order to progress the provision of council owned and managed temporary housing accommodation.

**Alternative Options Considered:**

The only alternative option considered was to not continue with the project. Due to the rising cost of providing external accommodation this option was discounted.

**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*
16 December 2022	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder - A.5 - Purchase of the Leasehold Interest in a Residential Property in Dovercourt

**Decision:**

**RESOLVED** that Cabinet –

- (a) authorises, in principle, the purchase of the 75% leasehold interest in this property; and
- (b) subject to its decision later in the meeting on terms, authorises the Corporate Director (Operations and Delivery), in consultation with the Assistant Director (Governance), to enter into a contract and transfer deed to complete the purchase of the property as set out in the related Part B (private and confidential) report.

**Reasons for Decision:**

In order to provide an additional dwelling for the Council's housing stock to meet local need and generate rental income whilst recognising that the purchase of the 75% leasehold interest in this property carried a financial cost.

**Alternative Options Considered:**

Not to purchase the leasehold interest in this property was considered. Given the general difficulties leaseholders faced in selling a property that they part owned and the demand for this type of property as a rental within the Council's own housing stock this option was discounted.

**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*
16 December 2022	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.6 - Updated Housing Revenue Account Business Plan and Budget Proposals 2023/24

**Decision:**

**RESOLVED** that Cabinet -

- a) approves the updated HRA 30 year Business Plan, which includes the proposed revised position for 2022/23 along with budget proposals for 2023/24;
- b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest HRA financial forecast, including the proposed changes in 2022/23 and proposed position for 2023/24; and
- c) agrees to an exemption from the Procurement Procedure Rules along with the associated purchase of the Oneserve IT system covering a period of 3 years from January 2023 in order to support the effective administration of the housing repairs function.

**Reasons for Decision:**

In order to enable Cabinet to propose the most up to date HRA Business Plan, which set out a revised position for 2022/23, along with the proposed HRA budget for 2023/24, for consultation with the Resources and Services Overview and Scrutiny Committee.

**Alternative Options Considered:**

Not applicable as this report reflected the budget setting requirements that were set out within the Council's Constitution.

**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*
16 December 2022	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.7 - Determination of a Nomination to Register an Asset of Community Value: St John's Ambulance Hall, 55 Station Road, Manningtree

**Decision:**

**RESOLVED** that Cabinet -

- (1) agrees that St John's Ambulance Hall, 55 Station Road, Manningtree CO11 1EB meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the asset be added to the Council's list of Assets of Community Value; and
- (2) requests that the formal procedure for administering Assets of Community Value, adopted by Cabinet in 2015, be reviewed to enable determinations to be made by Officers under delegated powers and the appropriate review mechanism proposed for consideration.

**Reasons for Decision:**

Having taken into account the following:-

- (1) the site had for many years been used by the community. As well as serving the needs of St John's Ambulance, the building had been regularly used by local groups over many years for meetings and other social events. Those groups included: Manningtree Museum, Photographic Club, the Town Council, First Responders, Manningtree & District Royal British Legion, Yarn & Thread (informal craft & social group) and Stour Valley Men's Probus Club; and
- (2) Officers considered the building to have been recently (between 18 and 24 months) used for community purposes. Although a fundraising group might not be off the ground it was reasonable to conclude that they planned to do it or that someone else might buy and run it for some community purpose. Government guidance indicated that authorities should lean towards the potential for some group to acquire properties even if one was not immediately in a position to do so.

**Alternative Options Considered:**

- Not adding the property to the list of Assets of Community Value – not followed as the criteria had been met.

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



None

**Consultation with Ward Member:**

Yes

**Contact Officer:**

Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
16 December 2022		Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder - B.1 - Terms for the Leasehold Purchase of a Property in Dovercourt

**Decision:**

**RESOLVED** that Cabinet -

- (a) approves the terms for the leasehold purchase, as attached to the Portfolio Holders' joint private and confidential report; and
- (b) authorises the Corporate Director (Operations and Delivery), in consultation with the Assistant Director (Governance) 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:**

In order to provide an additional dwelling for the Council's housing stock to meet local need and generate rental income whilst recognising that the purchase of the leasehold interest in this property carried a financial cost.

**Alternative Options Considered:**

Not to approve the terms.

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

None

**Consultation with Ward Member:**

Yes

**Contact Officer:**

Tim Clarke, Assistant Director (Housing & Environmental Health)

\* 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.