

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
27 January 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - A.1 - Reference from the Resources and Services Overview & Scrutiny Committee - Scrutiny of the Budget

Decision:

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that it be further noted that the response of the Portfolio Holders thereto will be considered as part of items 10 and 11 of the agenda.

Reasons for Decision:

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee.

Alternative Options Considered:

None.

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*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.2 - Freeport East Progress and Agreement of Memorandum of Understanding

Decision:**RESOLVED** that Cabinet –

- (a) notes the progress made with the Freeport East Programme as set out in the joint report of the Leader of the Council and the Portfolio Holder for Corporate Finance & Governance (A.2);
- (b) delegates the authority, acting on behalf of the Council as Billing Authority, to agree the final Freeport East Memorandum of Understanding (MOU) to the Deputy Leader of the Council & Portfolio Holder for Corporate Finance and Governance;
- (c) approves and adopts TDC's Freeport East Policy for Managing Retained Business Rates, as attached as Appendix B to item A.2 of the joint report of the Leader of the Council and the Portfolio Holder for Corporate Finance & Governance;
- (d) approves and adopts the Freeport Business Rates Relief Policy, as attached as Appendix C to item A.2 of the joint report of the Leader of the Council and the Portfolio Holder for Corporate Finance & Governance;
- (e) delegates authority to the Assistant Director (Finance & IT) to implement and administer the Business Rates Relief Policy as adopted; and
- (f) delegates authority to the Assistant Director (Finance & IT), in consultation with the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Housing to amend the scheme to reflect any emerging Government guidance / legislation.

Reasons for Decision:

Recognising that –

the Council was required to sign the Memorandum of Understanding for Freeport East to progress, and for the £25m capital seed funding to be released to the programme and that delegating that decision to the Portfolio Holder for Corporate Finance and Governance ensured that the Council would not be responsible for any delay in the process of establishing Freeport East's day-to-day operation until the next Cabinet meeting;

it was considered appropriate to request the Portfolio Holder for Finance and Deputy agree to the MOU in order to provide a separation from the Leader of the Council as he also occupied a position on the Freeport East Company Board and given that the Council was required to enter into the MOU as a Billing Authority for the area; and

the Council was required to develop policies in conjunction with the other Billing Authorities in Freeport East, to agree on the use of the rates retained, and to assist with the development of the Freeport sites.

Alternative Options Considered:

The alternative option was for the Council not to sign the MOU. However this would prohibit TDC from becoming a Billing Authority with Freeport East and therefore prevent it from becoming part of the Freeport East development. It would also mean that the Bathside Bay development could not proceed as planned as the retained rates generated within the Freeport East programme were expected to be required to make the site viable.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Lee Heley, Corporate Director (Place & Economy)

Date:	Decision Maker:	Subject to Call-in*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.3 - Highlight Priority Actions 2022/23 towards Corporate Plan Themes - Monitoring Report at the Three Quarterly Point

Decision:

RESOLVED that -

- (a) the contents of the report together with the proposed realignment of particular milestones and adoption of new milestones, for particular highlight priority actions set out in the report be noted and endorsed; and
- (b) Officers be authorised to commence early engagement with partners and the public to seek insight on future priorities for the Council in readiness for development of the Corporate Plan during 2023.

Reasons for Decision:

In order that certain milestones associated with particular highlight priorities referenced in the report could be adjusted.

Alternative Options Considered:

Not to submit the report to the formal meeting of Cabinet. This was discounted as it did not support the transparency commitments of the Council. It would also not facilitate the identified proposed adjustments to the milestones referenced in the report.

**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*
27 January 2023	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.4 - 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 Appendices (A.4) and recommends to Full Council a Band D Council Tax for district services of £188.11 for 2023/24 (a £5.47 increase), along with the associated council tax requirement of £9.603m;
- b) agrees a delegation to the Portfolio Holder for Corporate Finance and Governance to agree the 'technical' appendices and resolutions for the budget proposals for recommending to Full Council on 14 February 2023;
- (c) approves that, in consultation with the Leader of the Council and the Corporate Finance and Governance Portfolio Holder, the Chief Executive reports directly to Council in respect of the formal resolutions necessary to implement the Executive's budget proposals along with any late information or notifications received from the Government;
- (d) approves a delegation to the Portfolio Holder for Corporate Finance and Governance to agree / adopt a Retail, Hospitality and Leisure mandatory business rate relief scheme for 2023/24;
- (e) approves a delegation to the Portfolio Holder for Corporate Finance and Governance to agree any associated expenditure from the £250,000 Climate Change budget set out in Appendix A to his report;
- (f) approves / adopts the proposed Council Tax Support Fund Scheme as set out within the Portfolio Holder's report (A.4) and that any remaining balance be transferred to the existing Council Tax Hardship scheme; and
- (g) agrees a delegation to the Portfolio Holder for Corporate Finance and Governance to approve the draft Treasury Strategy 2023/24 for consultation with the Resources and Services Overview and Scrutiny Committee.

Reasons for Decision:

Having considered the latest financial position for the Council and in order to respond to the emerging issues in 2022/23 and to develop the budget and long term forecast along with final budget proposals for 2023/24 for recommending to Full Council on 14 February 2023.

Alternative Options Considered:

Broadly covered in the main body of the 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*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing Portfolio Holder - A.5 - Proposed Re-Development of the Former Honeycroft Sheltered Accommodation Site, Waldegrave Way, Lawford

Decision:

RESOLVED that Cabinet –

- (a) agrees to the principle of re-development of the Honeycroft site to provide additional housing accommodation to be used for the sole purpose of occupation by elderly persons;
- (b) agrees the scoring matrix for the use of the site Honeycroft site for redevelopment purposes in accordance with the Council's Acquisition and Development Policy Assessment, as set in Appendix A to the Portfolio Holder's report (A.5);
- (c) approves the re-development of the Honeycroft site on the basis of the scheme proposed by the recommended supplier, including the optional flat above the proposed community building and agrees to enter into a contract with them to deliver the Scheme, subject to funding being approved by Full Council as part of setting the HRA budget; and

- (d) authorises the Corporate Director (Operations and Delivery), in consultation with the Housing Portfolio Holder, to determine the detailed scheme content and implement the redevelopment of the Honeycroft site subject to the funding being agreed by Full Council on 14 February 2023 as part of their consideration of the wider HRA Budget Proposals for 2023/24.

Reasons for Decision:

Recognising that –

the proposed development would provide specialist accessible properties that reflected the past use of the site and were much needed to meet the current housing demand (scoring under the Housing Acquisition and Development Assessment showed an aggregate score of 28);

the properties would be lifetime homes and would provide accessible living for later life and enable people to stay in their own community despite changing physical needs;

the scheme incorporated many carbon and energy saving measures to meet current and future energy efficiency demands, making them cheaper to run and therefore combating fuel poverty;

redevelopment supported many of the Council's current corporate priorities for 2020 – 2024 as well as the priorities in the Housing Strategy 2020 – 2025;

the proposal made by Rose Builders included the highest number of residential units and scored highest overall in the quality and social value assessments as well as overall when considered in terms of financial and non-financial assessments; and

that Rose Builders were a respected local construction firm who had their main office in the Manningtree and Lawford area and therefore had a vested interest in providing a good quality and successful development for their own reputational reasons in this area.

Alternative Options Considered:

The following options were considered and rejected:

- *To do nothing and leave the cleared site as it is – There are 8 bungalows on part of the site that are fully occupied. The cleared site is currently fenced around. It is likely that weeds would regrow and the site would be fly-tipped on, subject to antisocial behaviour and becoming an eyesore for the local residents and a detriment to the surrounding area.*
- *To sell the land and let someone else develop it – This would be complicated based on the other occupied bungalows on the site that currently share the communal areas. To sell off an area of land without including the communal areas would reduce the amount of external and amenity space reducing the number of properties that could be constructed and therefore the value of the land on a sale.*
- *Accepting one of the other bids submitted - Other bids were either invalid or did not score as highly in the assessment.*
- *Retendering on a similar basis – Would involve delay and potential inflationary effects. No certainty of receiving any other bids.*
- *Redesigning and tendering on a more traditional basis – Would involve significant delay and potential inflationary effects. Direct costs would be incurred in design procurement and work. No certainty of receiving any other bids.*

**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), Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
27 January 2023	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 2023/2024

Decision:

RESOLVED that Cabinet –

- (a) approves the updated HRA 30 year Business Plan, which includes the proposed position for 2022/23 and 2023/24, as set out in Appendix A to item A.6 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder;
- (b) authorises the Assistant Director (Finance & IT), in consultation with the Housing Portfolio Holder, to adjust the forecast / budget, including the use of reserves, if the financial position changes prior to Council considering the HRA budget on 14 February 2023; and
- (c) endorses and approves for submission to Full Council on 14 February 2023 a 7% increase in dwelling rents in 2023/24 along with the detailed HRA Budget proposals for 2023/24, as set out in Appendices B to E to the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6).

Reasons for Decision:

In order to enable the most up to date HRA Business Plan which sets out a revised position for 2022/23 along with the proposed HRA budget for 2023/24, and to enable associated recommendations to be presented to Full Council on 14 February 2023.

Alternative Options Considered:

Not applicable as this report reflects the budget setting requirements that are 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*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Leisure & Tourism Portfolio Holder - A.7 - Town Police Clauses Act 1847 - Adoption of Tendring District Council Road Closure Policy

Decision:

RESOLVED that Cabinet –

- a) approves and adopts the Tendring District Council Local Road Closure Policy for special events;
- b) authorises the Assistant Director (Building and Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism to update the policy with any future legislative, or best practice, changes; and
- c) approves that fees will be waived for street parties organised for the weekend of the Coronation of His Majesty the King, or of national importance as determined by the Portfolio Holder at the relevant time.

Reasons for Decision:

Recognising that the adoption of a Local Road Closure Policy for events applied for under the Town Police Clauses Act 1847 would improve administration and efficiency associated with applications for the temporary closure of roads; provide a basis for setting fees and charges; reduce complaints concerning inconsistency of decisions made; and increase clarity around the roles and responsibilities of both applicant and administrator.

Alternative Options Considered:

The Council could choose not to adopt a policy; however, concerns had been raised due to

increasing numbers of events and the impact on local residents highlighting the need for a policy to be considered.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Ian Taylor, Head of Public Realm

Date:	Decision Maker:	Subject to Call-in*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.8 - Covid-19 Memorial

Decision:

RESOLVED that –

- (a) the contents of this report be noted;
- (b) external funding streams continue to be pursued to install a piece of public art within the District as opportunities arise;
- (c) if successful a more general piece of public art, rather than a Covid-19 memorial maybe more likely as the availability of external funding streams appear to be linked to economic growth and tourism;
- (d) the Council's general fund is not considered as the appropriate funding route for this project in light of current budgetary pressures; and
- (e) the Anglefield, Clacton-on-Sea site be approved for the installation of a piece of public art, if future funding can be secured.

Reasons for Decision:

Acknowledging that:-

- 1) the working group of Councillors had identified that Clacton-on-Sea, with the largest population in the District should be identified as the preferred area for the installation of the piece of public art; and

- 2) that following a visit to various sites across Clacton-on-Sea with the Head of Public Realm a potential site had been identified at Anglefield. This site required improvement but had the necessary space to install a piece of public art which could be viewed by residents and visitors to the District.

Alternative Options Considered:

- 1) To engage a consultant, with specialist skills in public art to undertake this piece of research.
- 2) It should be noted that during 2022 the budget position within the Council changed and therefore the group decided to look for external funding for this project, rather than drawing on funds from internal resources, which could in turn have an impact on services to residents.

**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*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.9 - Equality and Inclusion Strategy 2023 to 2027

Decision:

RESOLVED that Cabinet –

- (a) approves for publication the Equality and Inclusion Strategy, as set out in the Appendix to item A.9 of the Report of the Partnerships Portfolio Holder; and
- (b) approves the proposed roll out plan for the Equality and Inclusion Strategy.

Reasons for Decision:

In order to enable the adoption and publication of an Equality and Inclusion Strategy for this Council.

Alternative Options Considered:

To decide against adoption and publication of an Equality and Inclusion Strategy – this option was not recommended as this would be in conflict with the Cabinet's Highlight Priorities for 2022/2023 and could be regarded as failing to comply with Public Sector Equality Duty as set out within the Equality Act 2010.

To delay adoption of an Equality and Inclusion Strategy – was also not recommended as the consultation period to gauge views on its proposals has been completed and failing to publish now could weaken the perception of the Council's commitment to fulfilling its PSED.

**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*
27 January 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.10 - Essex Anchors Initiative Update

Decision:

RESOLVED that Cabinet –

- (a) notes the progress of the Essex Anchor initiative across Greater Essex to date;
- (b) supports the anchor approaches and pledges, as highlighted in Appendix A to item A.10 of the Report of the Partnerships Portfolio Holder, acknowledging the ethos is already in place across the Council;
- (c) formally recognises Tendring District Council as an Anchor Organisation seeking to maximize social value through their role as workforce developers, employer and procurer, through its core business and linkages to the place they operate; and
- (d) commits to continuing to embed the ethos through existing and new policies, procedures and initiatives within the resources and capacity available.

Reasons for Decision:

Recognising that the work of the Essex Anchors Initiative had made progress in the areas of Employability, Climate Action and Social Value; that there were also plans in place for the future development of the Anchors' work; and that the Anchors' work was already showing success, including additional funding being pooled to deliver apprenticeships (£1m), fuel poverty training for front line employees, reverse job fairs and active travel.

Alternative Options Considered:

To not be part of the Essex Anchors network, which would send out a message to local organisations that the Council does not see itself as a key organisation in the District and also opportunities that arise from the partnership working could be lost e.g. climate action, employability programmes and the sharing of best practice.

**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)

* 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.