

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

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

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:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- *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)**

Councillor Baker had declared a Personal Interest in relation to this matter insofar as he knew the petitioner.

Consultation with Ward Member:

N/A

Contact Officer: Andy White, Assistant Director (Building and Public Realm)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by the Council - A.2 - Petition: Re-instatement of Toilets on Middle Promenade, below Connaught Gardens East, Clacton-on-Sea

Decision:

RESOLVED that Cabinet notes the petition, thanks the petitioner but that no action be taken at this present time to comply with the request as it is not possible to commit the Council to the construction of new public toilet facilities. However, Cabinet supports the suggestion that a review of this request could be carried out at a future juncture once the approach to the Council's financial position can be brought into a clearer focus.

Reasons for Decision:

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

Alternative Options Considered:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- *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*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.3 - Conservation Area Character Appraisal and Management Plan for Brightlingsea Hall & All Saints Church

Decision:

RESOLVED that the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall & All Saints Church, Brightlingsea be approved for consultation with the public and other interested parties.

Reasons for Decision:

Having duly considered the recommendation submitted to it by the Planning Policy & Local Plan Committee.

Alternative Options Considered:

To not approve the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall & All Saints Church, Brightlingsea for consultation purposes.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Gary Guiver, Director (Planning)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	Yes

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.4 - Jaywick Sands Design Guide Supplementary Planning Document

Decision:

RESOLVED that –

- (a) the Jaywick Sands Design Guide Supplementary Planning Document (SPD) (Appendix 1) be formally adopted, subject to the fourth bullet point of guidance “2A: Landscape character and visual impact” being amended to read as follows:-

“Visual separation between Tudor Estate and Village/Brooklands & Gardens must be maintained.”

- (b) the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.

Reasons for Decision:

Having duly considered the recommendations submitted to it by the Planning Policy & Local Plan Committee.

Alternative Options Considered:

To not adopt the Jaywick Sands Design Guide Supplementary Planning Document.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Gary Guiver, Director (Planning)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.5 - Scrutiny of the Council's proposals to review the Beach Hut Strategy

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 Leisure and Tourism Portfolio Holder thereto will be considered as part of the Cabinet's deliberations on the related report of the Leisure and Tourism Portfolio Holder (A.10), which will be considered later on in the meeting.

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)**

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Consultation with Ward Member:

N/A

Contact Officer:

Michael Carran, Assistant Director (Economic Growth & Leisure)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.6 - Scrutiny of Cyber Security for the Council

Decision:**RESOLVED** that –

- a) the Resources and Services Overview and Scrutiny Committee be thanked for the work they have undertaken and specifically the Members who participated in the associated task and finish group, chaired by Councillor Clifton;
- b) the Committee's recommendations a) to g) are agreed and Officers be requested to undertake the associated activities as soon as practicable in 2023/24 in consultation with the Portfolio Holder for Corporate Finance and Governance;
- c) in respect of the Committee's recommendations h) to i), it is recommended to Full Council that:
 - i) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members 'portal' before a final decision can be considered;
 - ii) subject to ci) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' portal' option and recommendations are presented back to a future meeting of Full Council;
 - iii) subject to ci) and cii) above, Full Council continues to acknowledge that the ongoing risk to the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues; and
 - (iv) whilst the work in ci) and cii) is ongoing, all Members elected in May 2023 are advised of this and the Council's Information Governance requirements through their induction programme.

Reasons for Decision:

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee, together with the response of the Portfolio Holder thereto.

Alternative Options Considered:

To approve a different response or responses to the recommendations made by the Resources and Services Overview and Scrutiny Committee.

**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*
17 February 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Business & Economic Growth Portfolio Holder - A.7
- Operational considerations for the Sunspot (Jaywick Sands Covered Market and Managed Workspace)

Decision:

RESOLVED that Cabinet:

- a) approves that the operational management of the Sunspot (Jaywick Workspace) is now not outsourced, longer term to a third party but delivered by the Council in-house;
- b) approves reliance on the previous exemption to the Council's Procurement Procedure Rules to proceed with a contract with Colbea together with HAT projects to provide interim management and operational support to the Council for a period of 7 months;
- c) delegates authority to the Corporate Director (Place & Economy), in consultation with the Portfolio Holders for Housing and Business and Economic Growth, to agree the final terms of the contract;
- d) approves an allocation of an additional £80,000 to the year one operational budget and in year 2 an additional £40,000 that is to be met from a corresponding reduction in the

current revenue contribution to the HRA Capital Programme in 2022/23.

- e) agrees that the operation of the in-house management of the Sunspot be accounted for in the General Fund, with corresponding recharges made to the HRA, as appropriate and all related property transactions including management, maintenance and rental payments being accounted for in the HRA; and
- (f) authorises the Council's Section 151 Officer to undertake the necessary changes to the budget to reflect the approach set out in (e) above within the financial parameters set out within the Portfolio Holder's report and its appendices.

Reasons for Decision:

In order to:-

- (1) allow the building to open in a timely and efficient manner, giving businesses and the community confidence in the Sunspot and builds a strong reputation with the wider District;
- (2) ensure the Council retained control on this important project and contributed positively towards the ongoing regeneration of Jaywick Sands; and
- (3) commission Colbea and HAT Projects for a short-term period to provide interim management and operational support and establish a process for continued success of the building embedded in the operational culture and as such, contributing towards long term sustainability.

Alternative Options Considered:

- 1. **To run the building in-house only (without external support).** The Council currently has limited expertise in specific elements of such a project and in particular the letting of commercial workspace. It is considered that supplementing the skills of the Council in facility management with additional support, would ensure a successful outcome.
- 2. **Outsource activation (without ongoing support).** To provide Colbea and HAT projects with a service contract for the first 7 months only to activate the building and establish the first tenants but omit the proposal for a reduced level of support until such a time as the Council's staff are fully trained. It is considered that this option will not ensure the sustainable future of the building
- 3. **Re-tender for an operations partner under the original or new terms.** Due to the current financial climate and increased risks, it is highly likely that tenders would have increased since the initial exercise. This would also delay the activation of the building, when it is essential to progress without delay.

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

None

Consultation with Ward Member:

Yes

Contact Officer:

Lee Heley, Corporate Director (Place & Economy)

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder
- A.8 - Proposed Amendments to the Council's Constitution (Council Procedure Rules)

Decision:

RESOLVED that Cabinet –

- (a) RECOMMENDS TO COUNCIL that the Council's Constitution be amended to reflect the proposed changes as set out in the Appendix attached hereto this report;
- (b) further RECOMMENDS TO COUNCIL that the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;
- (c) supports the proposal that the Planning Committee continues its current practice of undertaking a site visit in respect of all planning applications that are submitted to it for its consideration and requests Full Council to do likewise;
- (d) requests the Monitoring Officer to amend 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) to appropriately reflect the matters raised by the Review of the Constitution Portfolio Holder Working Party; and
- (e) further requests the Monitoring Officer to submit the Site Visit Procedure, as amended, to Full Council for its approval and adoption, following consultation, as appropriate and necessary, with the Planning Committee and the Standards Committee.

Reasons for Decision:

Having considered the outcome of the further 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:

- (1) Not to approve some or all of the Portfolio Holder's recommendations;
- (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:

Lisa Hastings, Deputy Chief Executive & Monitoring Officer

Date:	Decision Maker:	Subject to Call-in*
17 February 2023	Cabinet	No

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.9 - Annual Capital and Treasury Strategy for 2023/24 (including Prudential and Treasury Indicators)

Decision:

RESOLVED that Cabinet –

- a) agrees the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) and that it be submitted to Council for approval; and
- b) undertakes the necessary consultation with the Resources and Services Overview and Scrutiny Committee as early as practicable in 2023/24.

Reasons for Decision:

In order to ensure that a Capital and Treasury Strategy for 2023/24 was approved by 1 April 2023.

Alternative Options Considered:

Not applicable given the requirements on the Council.

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*
17 February 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Leisure & Tourism Portfolio Holder - A.10 - Tendring Beach Hut Strategy Revisited - Following Consultation

Decision:

RESOLVED that Cabinet –

- (a) notes the outcome of the public consultation undertaken on the draft Beach Hut Strategy, as set out in the Portfolio Holder's report;
- (b) notes the outcome of the Task and Finish Review Working Group undertaken on behalf of the Resources and Services Overview and Scrutiny Committee and their recommendations received as considered earlier in the meeting;
- (c) in relation to (a) and (b) above, notes the changes made to the draft strategy as a result of the consultation exercise, including the process for issuing commercial beach hut leases (following the first round of consultation) and the consideration of a 'buffer period' in restricting future agreements to one per household;
- (d) notes the proposed changes to the revised draft Beach Hut Strategy, and approves the same for adoption;
- (e) delegates the approval of a revised Beach Hut design specification to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (f) agrees the Heads of Terms for a new commercial lease (Appendix C) and delegates authorisation for the final lease agreement to the Corporate Director (Operations & Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services;
- (g) delegates agreement of an approved criteria, upon which applications for commercial licences can be made, to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (h) agrees to set fees and charges for commercial leases at twice the value (double) of the comparative standard annual charge;
- (i) agrees to the overall principle of changing from licence agreements to leases from 1 April 2024, for a term of less than 7 years and based on the market valuation for the relevant location, recognising the increased administration and costs to all parties on leases for longer than 7 years with the respective fees and charges and detailed lease terms to be agreed by the Portfolio Holder for Leisure and Tourism; and
- (j) agrees that operational implementation of (i) above will be authorised by the Corporate

Director (Operations and Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services, reflecting the resources required.

Reasons for Decision:

In order to allow the Beach Hut Strategy to be adopted and Officers to implement the actions and principles included within.

Alternative Options Considered:

The option to not review the existing strategy was considered, but this was not considered viable as it is good practice to review strategic documents with wide ranging impacts. Alternative options for future agreements were also considered, which were summarised in Part 2 of the Portfolio Holder's report.

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

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Consultation with Ward Member:

Yes

Contact Officer:

Michael Carran, Assistant Director (Economic Growth & Leisure)

* 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.