
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 17TH MARCH, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Portfolio Holder for Corporate Finance & Governance), Jeff Bray (Portfolio Holder for Planning), Paul Honeywood (Portfolio Holder for Housing), Lynda McWilliams (Portfolio Holder for Partnerships), Mary Newton (Portfolio Holder for Business & Economic Growth), Alex Porter (Portfolio Holder for Leisure & Tourism) and Michael Talbot (Portfolio Holder for the Environment & Public Space)

Group Leaders Present by Standing Invitation: Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman BEM (Leader of the Independents Group), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group), Mark Stephenson (Leader of the Tendring Independents Group) and Colin Winfield (Leader of the Holland-on-Sea Group)

Also Present: Councillors Andy Baker (Deputy Leader of the Tendring Independents Group), Valerie Guglielmi and Gina Placey (Deputy Leader of the Tendring First Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Keith Durran (Committee Services Officer)

128. APOLOGIES FOR ABSENCE

No apologies for absence were submitted on this occasion.

129. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 17 February 2023, be approved as a correct record and be signed by the Chairman.

130. DECLARATIONS OF INTEREST

Councillor Allen declared an Interest in relation to any items that were due to be discussed at this meeting that specifically touched on Frinton and Walton Town Council

insofar as he was a Town Councillor on that body. He specifically made mention of Beach Huts in that Frinton and Walton Town Council rented out to two beach huts to its residents only. He stated for the record that he had no personal interest in any other beach huts.

Councillors G V Guglielmi, I J Henderson, P B Honeywood and M E Stephenson each declared an Interest in Agenda Item 10 – Report A.2 – The Shared Procurement Partnership insofar as they were also members of Essex County Council.

131. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) informed Cabinet that the District of Tendring had been mentioned twice in the Chancellor of the Exchequer's Budget speech earlier in the week.

Firstly, the levelling up bid for Dovercourt, which had initially been unsuccessful, had been re-appraised and re-examined and had now been deemed successful which had been confirmed in a recent letter from the Secretary of State. He stated that this was a success not just for this Council but for its partnership working with Essex County Council, the NHS and the University of Essex amongst others.

Secondly, the Government had announced that it wanted to set up 20 Levelling Up Partnerships around the country and the District of Tendring would be one of those. The Leader genuinely believed that this Council was one of the best placed of those 20 to deliver demonstrable improvements to the life outcomes of its residents.

Councillor Stock then responded to comments made by Councillors I J Henderson, Allen and Bray.

132. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by Cabinet Members on this occasion.

133. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

134. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

There were no matters referred to the Cabinet by a Committee on this occasion.

135. LEADER OF THE COUNCIL'S ITEMS

There were no items submitted by the Leader of the Council on this occasion.

136. CABINET MEMBERS' ITEMS - REPORT OF THE PLANNING PORTFOLIO HOLDER - A.1- ARDLEIGH NEIGHBOURHOOD PLAN – PROPOSAL FOR PUBLIC CONSULTATION

Cabinet considered a report of the Planning Portfolio Holder (A.1), which sought its agreement for Officers to carry out a six week public consultation on Ardleigh Parish Council's new Neighbourhood Plan, as part of the statutory plan-making process.

It was reported that Ardleigh Parish Council had submitted the final version of its Neighbourhood Plan to Tendring District Council (TDC). The Neighbourhood Plan had been prepared by the Parish Council having regard to the technical evidence, feedback from community engagement activities and the ongoing advice of TDC Officers.

Members were informed that, as part of the statutory plan-making process, the Neighbourhood Plan must be published for six-weeks formal consultation and thereafter undergo an independent examination and a local referendum before it could be formally adopted by the District Council.

Cabinet was advised that, in adoption, the Neighbourhood Plan (with any changes required as a result of the consultation and examination process) would form part of the 'Development Plan' alongside the Tendring District Local Plan and would be a material consideration in the determination of planning applications.

Members were made aware that the documents submitted by Ardleigh Parish Council included the Neighbourhood Plan itself, a consultation document, a 'Basic Condition Statement' and a number of other supporting documents including a Habitat Regulation Assessment and a Strategic Environmental Assessment.

Cabinet noted that, because of the timing of both District Council and Town/Parish Council elections on 4th May 2023 and the concomitant restrictions on consultation activity in the pre-election period which had commenced on 13th March 2023, the six-week consultation would have to take place following those elections.

It was reported that the decisions involved in the process of making a Neighbourhood Development Plan were largely technical, or administrative, in nature, however certain decisions, for example, the decision to hold a referendum, or ultimately the decision to make the Neighbourhood Plan and bring it into force could be key decisions and as such should include Members' involvement.

Having duly considered the contents of the submitted documentation and in order to allow this matter to move forward:-

It was moved by Councillor Bray, seconded by Councillor G V Guglielmi and:-

RESOLVED that Cabinet -

- a) notes the contents of the submitted documentation at Appendix 1 (The Neighbourhood Development Plan), Appendix 2 (Ardleigh Consultation Statement) and Appendix 3 (Ardleigh Basic Condition Statement); and
- b) authorises the Director (Planning) to carry out a six week public consultation on the Neighbourhood Plan and other related documents, in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012, following the District and Town/Parish Council elections in May 2023.

137. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - THE SHARED PROCUREMENT PARTNERSHIP

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.2), which updated it on the successes of the joint working arrangements with Tendring District Council (TDC) and Essex County Council (ECC) for the delivery of procurement functions and which also sought its approval to explore a wider procurement partnership at a strategic level, in order to maximise existing opportunities through closer partnership working with other Councils.

Essex County Council & Tendring District Council - provision of procurement services

Cabinet was reminded that the partnership between TDC and ECC had begun on 1st October 2021. Since that time the joint team had worked on 53 procurements, of which 24 had been awarded or were awaiting governance approval to award. In addition to the above, the shared procurement resource had provided advice and support to colleagues across TDC on how to source a wide range of goods and services. The joint team had embedded a new robust approach to procurement practice with improved documentation, using the Proactis resourcing tool to ensure the visibility of procurement opportunities and robust adoption of procurement process and evaluation principles. Procurement training had been and continued to be rolled out across the organisation and a new approach to category management had begun to identify key areas of spend where enhanced value for money could be achieved.

Combined, this had helped the Council to improve its approach to how it spent public money and set the foundations for further improvements.

Joint Shared Procurement Partnership:

Cabinet was made aware that ECC and Braintree District Council (BDC) had proposed to create a shared procurement service, which would bring together the existing ECC Shared Procurement team, which currently supported TDC with the Essex Procurement Hub (EPH) in partnership for common benefit to all members. This partnership and new Shared Procurement Service was expected to launch in April 2023 to:

- *Undertake procurement activity on behalf of the member districts and boroughs and any new partners who may join.*
- *Review corporate spend, trends and patterns and initiate value for money opportunities across council services involving collaborative procurement, internally and externally.*
- *Identify collaborative procurement and contract management opportunities on behalf of all member organisations and deliver these procurements.*
- *Develop shared documentation and procurement approaches for use by members*
- *Seek to identify opportunities to deliver revenue from the Shared Procurement Service. In the first instance this will be used to offset the investment by ECC.*

Members were informed that the future delivery model of the Shared Procurement Service still needed to be explored and shaped but even at an early stage would deliver the following benefits to Tendring District Council:-

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- *Resilience - with a larger team across both organisations that was able to meet the fluctuations in demand for the service;*
 - *Expertise - with the EPH knowledge of district spend areas and the recognised expertise of ECC's procurement team enabling better constructed procurements and greater value for money;*
 - *Collaborative savings – through closer working and shared understanding of forward plans, the partnership would be better able to identify shared procurement and contract management opportunities removing duplication of resource time and increasing the opportunity for economies of scale; and*
 - *Reduction of duplication in the delivery of support services such as policy creation and training, releasing time for staff to focus on value-add procurement activity.*

It was reported that TDC had already identified a number of specific activities that needed to be delivered by the Authority, those had been considered against the offer of a wider partnership sharing resources, with that service being able to:

- (a) *Develop and promote the Procurement Strategy, with the anticipation of a common procurement strategy;*
- (b) *Review the Procurement Procedure Rules;*
- (c) *Ensure the Council's practices were up to date with legislation, national guidance and best practice;*
- (d) *Commercial awareness in public law environment focusing on procurement opportunities and contract management skills;*
- (e) *Developing and delivering training;*
- (f) *Seek compliance with the regulatory framework and raising matters of probity and non-compliance with Senior Managers, Management Team and Internal Audit, where necessary; and*
- (g) *as part of the review of the Council's Procurement Strategy and Procedure Rules, the shared service would seek to incorporate Social Value opportunities and contract management principles.*

It was anticipated the Shared Service would also create and embed a corporate Contract Management framework setting out overriding principles, which were common across services, providing guidance and processes to contract management resource within the individual services to implement change and achieve improvements identified through reviews.

Cabinet was advised that, with the ongoing vacancy of a senior post at TDC for Corporate Procurement and Contract Management, it was proposed that £45,000 was reinvested to contribute to the shared procurement service for 2023/24, in order to develop and deliver the above activities. Key Performance Indicators would be detailed within a future partnership agreement which would be drafted giving consideration to the above aims and objectives. The objectives would be regularly reviewed and reported to the Strategic Officer Group. The Strategic Officer Group would decide whether the trial had been a success, with individual decisions on whether to continue to participate and if so, in which delivery model, taken by each member authority.

It was important for the Council to give consideration and maximise opportunities for Social Value through the procurement cycle adding value for the area and delivering

against the Council's Corporate Plan. This could be achieved with earlier scoping through specification and evaluation criteria. As with other Essex Councils, it was now considered best practice to adopt a dedicated Social Value Policy for Procurement Purposes, in order to set out how the Council wished to achieve the social, economic and environmental strands through its commissioning.

It was considered that any Social Value Approach being drafted for adoption, should be scoped and shaped in consultation with Members, services across the Council, other local authorities, either as part of the proposed Shared Procurement Service for part of Essex, or through the Anchors organisations together with TDC stakeholders. A joint Essex Social Value Approach was being explored and the results would be presented to Cabinet later in 2023. In the interim, TDC would rely on its existing Procurement Procedure Rules and links to the Council's Corporate Plan, Priorities and Projects.

Having taken into consideration that:-

- (1) TDC had an ongoing vacancy at a senior level for Corporate Procurement and Contract Management and reinvestment through a contribution going into the wider procurement partnership would build further resilience and support to the organisation, in addition to the existing and successful arrangement with Essex County Council;
- (2) the Shared Procurement Service was a partnership between several Councils in Essex which brought a number of benefits. Through joining the shared service and closer partnership approach, TDC would be able to ensure a high quality, resilient procurement service to support its needs and have influence over the direction of the Shared Procurement Service;
- (3) TDC was providing a client side contact to manage the existing partnership agreement (SLA) with ECC; and that
- (4) Social value considerations had been a requirement since 2012, however, policies were emerging on revised approaches for procurement, strengthening the opportunities to be achieved.

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:-

RESOLVED that Cabinet –

- (a) notes the progress of the existing partnership arrangement with Essex County Council for the delivery of procurement functions under the Service Level Agreement;
- (b) agrees that Tendring District Council (TDC) form part of a wider partnership of Councils to explore the Shared Procurement Service for parts of Essex;
- (c) authorises the Portfolio Holder for Corporate Finance and Governance, (as the Executive member responsible for procurement) to represent this Council at the Member Advisory Group;
- (d) requests the Chief Executive to appoint the appropriate Officer to serve on the Strategic Officer Group;

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- (e) authorises the contribution of £45,000 from existing vacancies to the shared procurement project for the development of activities as set out in the Portfolio Holder's report;
 - (f) authorises the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance, to agree the Partnership Agreement for the Shared Procurement Service;
 - (g) requests the Portfolio Holder for Corporate Finance and Governance to review the Shared Procurement Service progress prior to any decision at the expiration of the existing Service Level Agreement with Essex County Council;
 - (h) instructs Officers to ensure that the Council's Contract Register and Procurement Project Pipeline was kept up to date to ensure TDC matters could be included within the Shared Service prioritisation; and
 - (i) welcomes the work identified for a joint approach to Social Value for procurement purposes, for a further report to be presented at a Cabinet meeting later in 2023.

138. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.3 - FINANCIAL PERFORMANCE REPORT - IN YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF QUARTER 3 2022/23 AND LONG TERM FINANCIAL FORECAST UPDATE

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.3), which provided it with an overview of the Council's financial position against the budget, as at the end of December 2022, and which also updated the long term forecast. The report was therefore split over two distinct sections namely:-

- *The Council's in-year financial position against the budget at the end of December 2022; and the*
- *Development of the long term financial forecast.*

In respect of the in-year financial position at the end of December 2022:

It was reported that the position to the end of December 2022, as set out in more detail within the appendices, showed that, overall, the General Fund Net Revenue expenditure was marginally ahead of the budget by £0.010m. It was acknowledged that expenditure or income trends could still develop / emerge over the last quarter of the year.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out within the report, there were no other major issues that had been identified to date.

Members were reassured that any emerging issues would be monitored and updates provided as part of the financial outturn report for the year that was planned to be presented to Cabinet in July 2023.

Cabinet was informed that, although the budget had been adjusted as part of earlier financial performance reports, a number of necessary and additional changes had been

identified which were set out in Appendix H, with an associated recommendation also included within the Portfolio Holder's report.

Members were advised that the net impact of the budget adjustments would be moved to, or from, the Forecast Risk Fund. At the end of the third quarter, it had been possible to make a contribution to the fund of £0.309m, which supported the requirement set out in the long term forecast of identifying in-year savings each year, where possible.

Cabinet was made aware that the report also highlighted further emerging issues such as the financial risks associated with being a member of the North Essex Parking Partnership (NEPP) and the development of the Levelling Up Grant Fund Scheme, with appropriate recommendations included within the Portfolio Holder's report.

Cabinet noted that the aforesaid recommendations also reflected the establishment of the Members' Small Grant Scheme associated with His Majesty the King's Coronation and changes to external funding receivable from the Council's Health Partners.

In respect of the updated long term financial forecast:

As set out in the report to Full Council on 14 February 2023 when the Budget for 2023/24 had been set, although it had been possible to reduce the deficit when compared with the position reported to Cabinet on 27 January 2023, that deficit remained significant against the context of the Council's overall net budget. However, along with the forecast risk fund, the forecast / budget agreed by Full Council on 14 February 2023 did provide flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years.

Therefore, the identification of on-going savings remained as an important element of the long-term financial plan looking ahead to 2024/25 and beyond.

Cabinet was reminded that it was important to continue to deliver against the longer-term approach to the budget as it continued to provide a credible alternative to the more traditional short-term approach, which would require significant additional savings to be identified much earlier in the financial cycle.

In order to set out the latest financial position for the Council and in order to respond to emerging issues in 2022/23 whilst providing an update to the long term forecast:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:-

RESOLVED that Cabinet –

- (a) notes the Council's in-year financial position at the end of December 2022 along with the updated financial forecast;
- (b) approves the proposed in-year adjustments to the budget, as set out in Appendix H to the Portfolio Holder's report;
- (c) accepts the £19.960m awarded to the Council following a successful bid to the Government's Levelling Up Grant Fund Scheme, and authorises the Section 151 Officer to sign the associated Memorandum of Understanding, in consultation with

the Corporate Director (Place & Economy) and the Portfolio Holder for Business and Economic Growth;

- (d) subject to c) above, agrees the use of up to £0.250m from the existing Levelling Up Fund Budget of £2.291m to support the development of the scheme for Clacton and authorises the Corporate Director (Place & Economy), in consultation with the Portfolio Holder for Business and Economic Growth to agree any associated expenditure;
- (e) requests Officers to seek on-going assurances from the North Essex Parking Partnership Lead Authority on how they are managing the emerging financial risks of the partnership, with updates to be provided to Management Team and Members accordingly, along with their inclusion within quarterly financial performance reports during 2023/24;
- (f) notes the revised arrangements relating to the £0.750m of grant funding from the Council's Local Health Partners, as set out within the Portfolio Holder's report with the schemes now being delivered as part of wider joint partnership arrangements rather than directly by the Council;
- (g) agrees to the acceptance of grant funding from the Council's Local Health Partners of £0.200m and that the authorisation of associated expenditure from that funding is delegated to the Assistant Director (Partnerships), in consultation with the Portfolio Holder for Partnerships;
- (h) agrees to the establishment of a King's Coronation Members' Small Grant Scheme with £200 being made available to each Member and requests the Section 151 Officer to undertake the necessary steps to implement the scheme including the provision of the necessary information / guidance to enable Members to access this funding as soon as possible; and
- (i) requests that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council.

139. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.4 - TIMETABLE OF MEETINGS: 2023/2024 MUNICIPAL YEAR

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.4), which set out the proposed timetable of meetings for the 2023/2024 Municipal Year.

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

It was moved by Councillor G V Guglielmi, seconded by Councillor Bray and:-

RESOLVED that –

- (a) the timetable of meetings for the Council and Committees, as set out in the Appendix to the Portfolio Holder's report, be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval, subject to the following amendments:-
- (1) the inclusion of a meeting of the Licensing and Registration Committee to be held on Thursday 22 June 2023; and
 - (2) moving a meeting of the Audit Committee from Thursday 14 December 2022 to Thursday 25 January 2024; and
- (b) that the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.

The Meeting was declared closed at 11.42 am

Chairman