

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
21 July 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.1 - Scrutiny of Children Missing from Education

Decision:

RESOLVED that the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Partnerships Portfolio Holder thereto be endorsed.

Reasons for Decision:

Having duly considered the recommendations submitted to Cabinet by the Community Leadership Overview and Scrutiny Committee, together with the response of the Partnerships Portfolio Holder thereto.

Alternative Options Considered:

To not endorse the Portfolio Holder's response.

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*
21 July 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.2 - Treasury Management Performance 2022/23

Decision:

RESOLVED that -

- a) the Treasury Management performance position for 2022/23 be noted; and
- b) the Prudential and Treasury Indicators for 2022/23 be approved.

Reasons for Decision:

In order to demonstrate compliance with the Treasury Management and Prudential Codes.

Alternative Options Considered:

Not applicable given the requirements set out in 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*
21 July 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.3 - Creation of a Subsidy Scheme for the purposes of direct grant funding to Citizens Advice Tendring

Decision:

RESOLVED that -

- (a) the Addressing Health Inequalities – Advice, Support and Mental Health Subsidy Scheme for 23/24, assessed as being consistent against the Seven Principles as set out in Appendix A to item A.3 of the report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance, be approved;
- (b) the Assistant Director (Partnerships), in consultation with the Leader of the Council and the Monitoring Officer, be authorised to finalise the administrative requirements for the production of the Subsidy Scheme in accordance with the Act and Statutory Guidance, prior to any awards;
- (c) subject to (a) and (b) above, Citizens Advice Tendring be awarded direct grant funding of £144,000 and £28,000 for 2023/24 and notification of such is published on the Government's database;
- (d) a Service Level Agreement with Citizens Advice Tendring (CAT) from 1st April 2023 until 31st March 2024 be entered into on the terms and conditions as set out in the updated agreement shown in Appendix B to the aforesaid report; and
- (e) a review of grant funding across the Council be approved and a report following the review considering the options available during 2023/24 be presented to Cabinet in readiness for 2024/25.

Reasons for Decision:

In order to:-

- (1) ensure that the Council is following its legal obligations under the Subsidy Control Act 2022 and statutory guidance;
- (2) enable CAT to continue to support Tendring residents and offer value for money; and
- (3) enable a review to be undertaken of all grant funding and present options for consideration.

Alternative Options Considered:

The Council could cease funding CAT however, the wider implications of this option would need to be considered and consulted upon, especially as the Council had been contributing

to funding these services for residents for 10 years.

Some of the duties performed by CAT could potentially be offered, in-house by TDC employees, for example, housing benefits advice, however, Council staff did not have the knowledge to provide advice on wider benefits such as Universal Credit, or other types of advice requested by clients, such as gambling addiction and suicide prevention.

The Council could offer the grant funding to the open market, which was not recommended at this stage, however this was an option, which would need to be considered through the recommended review.

**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*
21 July 2023	Cabinet	No

SUBJECT OF DECISION:

Leader of the Council's Items - A.6 - Developing a new Corporate Plan 2024-2028

Decision:

RESOLVED that Cabinet -

- (1) notes and endorses the initial emerging themes for a Corporate Plan (Our Vision) for 2024-28, as set out at Appendix A to item A.6 of the report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance;
- (2) requests Officers to undertake consultation with the public, stakeholder organisations, Councillors and staff on the initial emerging themes referred to in (1) above;
- (3) receives the outcome of that consultation at the meeting of Cabinet on 10 November 2023 with a view to development of finalised Corporate Plan (Our Vision) themes for 2024-28 being then recommended to Council on 28 November 2023; and
- (4) endorses engaging a social research company to support the consultation referred to in (2) above and, in view of the limited capacity within the Council, authorises that the costs of that support (up to £25,000) be met from corporately accrued vacancy savings to date in 2023/24, where this will not impact on service delivery.

Reasons for Decision:

In order for Officers to be authorised to undertake the consultation outlined and to alert Councillors, stakeholders and the public to the process of adopting a Corporate Plan for 2024-28.

Alternative Options Considered:

The option of not having a Corporate Plan was considered. However, as it was the key Council Policy Framework document and it was an expectation for the Local Code of Governance, this was discounted.

**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*
21 July 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.8 - Overview of the Financial Outturn 2022/23 and proposed allocation of the General Fund variance for the year

Decision:

RESOLVED that -

- (a) the high level Financial Outturn Position set out in this report and the initial favourable General Fund Revenue variance of £3.352m for the year, which is currently held within the Revenue Commitments Reserve be noted;
- (b) £0.240m of the overall favourable variance of £3.352m be used to meet the additional maintenance costs of the new cremators over the associated 10 year maintenance period;
- (c) the remaining favourable variance for the year of £3.112m be retained within the Revenue Commitments Reserve for further consideration during 2023/24;
- (d) the approval of the carry forwards from 2022/23 be delegated to the Portfolio Holder for Corporate Finance and Governance, in consultation with the Section 151 Officer;

- (e) the value of any of carry forwards not subsequently approved be added to the general variance set out in (c) above; and
- (f) the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, be authorised to adjust the outturn position for 2022/23 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2022/23 accounts.

Reasons for Decision:

In order to allocate the overall General Fund favourable outturn variance for 2022/23 along with the associated delegations of authority.

Alternative Options Considered:

This was broadly covered in the main body of 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*
21 July 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.4 - Elmstead Neighbourhood Plan and Neighbourhood Development Order - Proposal for Public Consultation

Decision:

RESOLVED that Cabinet -

- a) notes the contents of the submitted documentation at Appendix 1 (The Elmstead Neighbourhood Development Plan), Appendix 2 (Consultation Statement), Appendix 3 (Basic Condition Statement) and Appendix 4 (Neighbourhood Development Order); and
- b) authorises the Director (Planning) to carry out a six week public consultation on the

Neighbourhood Plan, the NDO and other related documents, in accordance with Regulations 16 and 21 of the Neighbourhood Planning Regulations 2012, in due course.

Reasons for Decision:

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

Alternative Options Considered:

To not allow Officers to submit the Elmstead Neighbourhood Plan and NDO to public consultation at this time.

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

None

Consultation with Ward Member:

Yes

Contact Officer:

Gary Guiver, Director (Planning)

Date:	Decision Maker:	Subject to Call-in*
21 July 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Update on the Tendring Education Strategic Board

Decision:

RESOLVED that the work of the TESB and associated priorities/projects, as listed within the Portfolio Holder's report, which will continue to be supported in the 2023/2024 academic year in alignment with the Corporate Plan priorities, be endorsed.

Reasons for Decision:

In order to provide continued support from Tendring District Council for the work of the TESB and its priorities.

Alternative Options Considered:

The Council supported this work as it supported the Corporate Plan priority relating to Community Leadership and supporting children and young people within the District to improve attainment levels and raise aspirations. Therefore, to not support this work would be

out of line with the Council's current priorities.

**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*
21 July 2023	Cabinet	No

SUBJECT OF DECISION:

Management Team Items - Report of the Deputy Chief Executive & Monitoring Officer - A.7 - External Audit delays causing delays to the publication of certified Accounts for 2022/23

Decision:

RESOLVED that -

- a) the Monitoring Officer's report and the response of the Council's Statutory Officers including the Section 151 Officer's aim to publish the 2022/23 Statement of Accounts by the 31 July 2023 and start the period of public inspection as soon as possible thereafter be endorsed;
- b) it is noted that this report will be presented to the next meeting of Full Council;
- c) the matter set out in this report be included within the Annual Governance Statement 2023, which will reviewed by the Audit Committee as part of their work programme;
- d) Officers be requested to provide an update to the next meeting of Cabinet in October 2023;
- e) Officers continue to work with partners and all relevant organisations to support a satisfactory resolution to the ongoing External Audit delays;
- f) the Chief Executive be requested to write to the Chief Executive of this Council's External Auditor to express Cabinet's regret at the on-going audit delays; and
- g) the Council's Finance Team be thanked for working to their continuing high standards, particularly given the current difficult circumstances with audit delays.

Reasons for Decision:

In order to formally receive the Section 5 report from the Council's Monitoring Officer and to recommend its contents and response onto Full Council.

Alternative Options Considered:

As the Council had failed to publish its Annual Statement of Accounts for 2022/23 to enable the period of public inspection to commence by the statutory deadline, a formal Section 5 report provided a necessary and proportionate response to this governance issue.

It was understood that some Councils were actively considering exploring what action could be taken against External Auditors to investigate whether their failures could amount to a breach of statutory duty entitling a claim for damages to be made. This would be kept under on-going review.

**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

* 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.