

## RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
10 November 2023	Cabinet	No

### SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.1 - Draft Jaywick Sands Place Plan

### Decision:

**RESOLVED** that the Draft Jaywick Sands Place Plan be approved for consultation with the public and other interested parties.

### Reasons for Decision:

Having duly considered the recommendation submitted to Cabinet by the Planning Policy & Local Plan Committee, together with the response of the Housing & Planning Portfolio Holder thereto.

### Alternative Options Considered:

- (1) Not to approve the Place Plan and to send it back to the Planning Policy & Local Plan Committee;
- (2) To approve the Place Plan, subject to amendments.

### 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*
10 November 2023	Cabinet	No

## **SUBJECT OF DECISION:**

Leader of the Council's Items - A.2 - Our Vision - A New Corporate Plan 2024/28

## **Decision:**

**RESOLVED** that Cabinet resolves that -

- (1) the outcome of the consultation (set out at Appendix C to the Leader's report (A.2)) on the emerging Corporate Plan ('Our Vision') themes and supporting text, approved on 21 July 2023 (and repeated at Appendix A), be received and considered, including:
  - a. The consistently positive relevance of the themes in the emerging corporate plan to respondents and their lives – and particularly the themes around 'Championing the Local Environment', 'Pride in our Area' and 'Financial Sustainability and Openness';
  - b. The strong messaging from residents around services provided by partner organisations (including the condition of pavements and roads and access to health services) that underpins the proposed theme of 'Working with partners to improve quality of life';
  - c. The need to recognise the long term socio-economic necessities around a skilled workforce to sustain and enhance the vibrancy of the District and the consequential needs to promote actions designed to "Raise aspirations and create opportunities" (and the adoption of a Corporate Plan theme around this); and
  - d. Almost one third of respondents wishing to see more tourism to further promote our area and boost economic opportunities and almost half of respondents supporting the current levels of tourism to the District which, combined, suggest that there should be a new theme in the Corporate Plan around "Attracting visitors to our District and encouraging them to stay longer" (which itself accords with the Council's existing Tourism Strategy;
- (2) based on (1) above, the final proposals for 'Our Vision' the Corporate Plan 2024/28 as set out in Appendix B be approved and recommended to Full Council for approval; and
- (3) Officers be requested to review the Council's Communication Strategy and Community Engagement Strategy and their operation, taking into account the feedback received through the consultation with the public, partners and businesses, with a view to the outcomes being presented to a future meeting of the Cabinet.

## **Reasons for Decision:**

In order to ensure that the views of local residents, businesses and partners (as expressed in the consultation findings set out in this report) were fully considered and to then facilitate the adoption of an informed Corporate Plan 2024-28.

## **Alternative Options Considered:**

Not to adopt a Corporate Plan. This was discounted as it would not support good decision making and efficiency resource allocation by the Council over 2024-28. The Council's Policy Framework, as identified within Article 4 of the Constitution included the Council's Corporate Plan and it was essential that this document setting the strategic direction of the Council was kept up to date.

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

None

**Consultation with Ward Member:**

Yes

**Contact Officer:**

Keith Simmons, Head of Democratic Services and Elections

Date:	Decision Maker:	Subject to Call-in*
10 November 2023	Cabinet	No

**SUBJECT OF DECISION:**

Leader of the Council's Items - A.3 - Financial Performance Report 2023/24 - General Update at the end of September 2023

**Decision:**

**RESOLVED** that Cabinet -

- (a) notes the Council's in-year financial position at the end of September 2023 along with the updated financial forecast for 2024/25 and beyond;
- (b) approves the proposed adjustments to the 2023/24 budget, as set out in Section 1 of Appendix 1H to the Report of the Leader of the Council/Corporate Finance & Governance Portfolio Holder and requests Officers to review the potential on-going impact in 2024/25 and beyond, where necessary, as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the financial year;
- (c) approves the carry forwards from 2022/23, as set out in Section 2 of Appendix 1H and that, in respect of items 1) and 2) therein, Officers be requested to provide an update on the associated work / activities within the Quarter 3 Financial Performance later on in the financial year;
- (d) notes the updated position in respect of the treasury transactions with Birmingham City Council set out in the report;
- (e) notes the updated financial forecast set out in the report and requests Officers, in consultation with the relevant Portfolio Holders, to continue to develop the financial forecast proposals alongside the development of the Council's priorities, as part of the wider framework within which to identify the necessary budget reductions to support the Council's long-term financial sustainability; and
- (f) requests that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council, as set out in the report.

**Reasons for Decision:**

In order to set out the latest financial position for the Council; to respond to emerging issues

in 2023/24; and to help develop the budget and long term forecast from 2024/25.

**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*
10 November 2023	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.4 - North Essex Economic Board Strategy and Action Plan

**Decision:**

**RESOLVED** that Cabinet -

- (a) supports the District Council's continued involvement in the North Essex Economic Board (NEEB), at which the Portfolio Holder for Economic Growth, Regeneration and Tourism represents the Authority;
- (b) supports the North Essex's Strategic Narrative and Delivering for North Essex based upon four key strategic priorities produced for the NEEB, as set out in the appendices to the Portfolio Holder's report for the economic benefit of the District; and
- (c) notes that the majority of the NEEB's Action Plan to support the Delivery Plan is unfunded and there are no financial commitments to the Council, in supporting the strategic priorities.

**Reasons for Decision:**

In order to ensure a continued partnership with North Essex Local Authorities and Essex County Council and help to provide greater opportunities for local businesses and to support economic growth in the District.

**Alternative Options Considered:**

To discontinue the partnership with NEEB. However, this would reduce the opportunity for collaborative working to support economic growth within the Tendring District and across North Essex. To not continue with the NEEB partnership would disadvantage local businesses and would mean that the Council would no longer have the wider support from North Essex Districts.

**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*
10 November 2023	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.5 - Claim of Costs in respect of development at St. John's Nursery, Clacton-on-Sea

**Decision:**

**RESOLVED** that Cabinet -

- (a) agrees to pay the sum of £101,886.00 to Kelsworth Limited, in respect of its claim for costs, as ordered by the Planning Inspectorate on 22<sup>nd</sup> March 2023;
- (b) notes that the above payment will be made from the budget for Planning Appeals Costs; and
- (c) supports the outcome and impact of the Appeal Decision and Costs Award being included within the annual report to Planning Committee on appeal decisions.

**Reasons for Decision:**

Recognising that:-

- (1) failure to promptly pay the award of costs would result in Tendring District Council being required to engage with the Senior Courts' Costs Office that could result in reduced or increased costs and that any reduction of costs or increase in cost award would need to be balanced against the increase in costs to the Council to proceed further and defend any position and noting that Officers were not able to find an adequate robust position for defence likely to reduce the cost claim sufficiently that would justify proceeding to the Senior Courts;

- (2) it was therefore crucial for the Council to carefully consider the implications of such an action, weighing the possible reduction in costs against the potential expenses incurred in further defending its position; and
- (3) in light of those considerations, it was advisable for the Council to evaluate the cost claim objectively and adhere to the awarded amount to avoid unnecessary complications and potential additional costs. Timely payment of the awarded costs would ensure a smoother resolution of the appeal process, bringing closure to the matter and minimising any further financial burden on the Council.

**Alternative Options Considered:**

Given the legal requirements, no alternative option to paying the award of costs or taking the claim to the Senior Courts was available.

**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*
10 November 2023	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.6 - Consideration/Adoption of a Comprehensive and Cohesive Taxi/Private Hire Policy

**Decision:**

**RESOLVED** that Cabinet –

- a) approves the final draft statement of Taxi / Private Hire Policy, as set out in Appendix A to item A.6 of the Report of the Portfolio Holder for Housing & Planning, for adoption and publication;
- b) authorises Officers to develop (over the coming months), and implement, a programme to bring the policy positions in the approved Statement into operation; and
- c) authorises Officers to make minor amendments to the Taxi / Private Hire Policy in order to take account of such matters as legislative changes and Government Guidance on taxi and private hire licensing.

**Reasons for Decision:**

In order to support the Cabinet in good decision making in this area of licensing and, in this regard, recognise the legitimate rights of existing licensees to continue to hold their licences and the role of the Council in undertaking its regulatory role in relation to Hackney Carriage and Private Hire services.

**Alternative Options Considered:**

There was no good reason identified to depart from the recommendation to the Council from the Department for Transport to review its Taxi Licensing Policy and develop a cohesive statement of policy in this area of licensing. Insofar as the draft policy sets out how the Council, as licensing authority, would exercise its discretion, the alternatives had been considered at the 8 March, 24 July and 16 October 2023 meetings of the Licensing and Registration Committee.

**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*
10 November 2023	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.7 - Consideration and Adoption of Housing Policies on Repairs, Damp & Mould and Fire Safety

**Decision:**

**RESOLVED** that the policies, as set out in Appendices A, B and C to item A.7 of the Report of the Portfolio Holder for Housing and Planning, be adopted and their direct and immediate implementation authorised.

**Reasons for Decision:**

In order to set in place clear policies to inform future maintenance and management activities and to set in place a clear policy framework to prepare for regulation.

**Alternative Options Considered:**

Not setting in place policies in these areas – this was not proposed.

**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*
10 November 2023	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Housing and Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.8 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions/Discounts/Premiums for 2024/25 and Annual Minimum Revenue Provision Policy Statement 2024/25

**Decision:**

**RESOLVED** that Cabinet agrees that -

- (a) the LCTS scheme for 2024/25 remains the same as the current year (2023/24);
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and
- (c) the discretionary Council Tax exemptions, discounts and premiums for 2024/25 be as set out in the appendices to the Portfolio Holders' joint report.

**RECOMMENDED TO COUNCIL** that –

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;



- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;
- (vii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder and subject to (vi) above, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2024; and
- (i) the Annual Minimum Revenue Provision Policy Statement for 2024/25, as set out in Appendix F, be approved.

**Reasons for Decision:**

In order to proceed towards the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement.

**Alternative Options Considered:**

Considerations relating to the implementation of the various elements included within the recommendations above were set out within 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*
10 November 2023	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.9 - Determination of a Nomination to Register an Asset of Community Value: Lady Nelson Playing Field, Frinton Road, Thorpe-le-Soken, CO16 0JD

**Decision:**

**RESOLVED** that Cabinet agrees that the Lady Nelson Playing Field, Frinton Road, Thorpe-le-Soken, CO16 0JD does meet the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the asset therefore be added to the Council's list of Assets of Community Value.

**Reasons for Decision:**

In the light of the fact that -

- (1) Lady Nelson playing field was the main open space/recreational ground for the village of Thorpe-le-Soken and was used by local residents, sports clubs and community groups throughout the year; and
- (2) the primary use of the land was as the location of the children's play area (including a skate ramp) for the village and that Thorpe-le-Soken currently had an open space deficit of 2.43 hectares, so this facility was of significant community value.

**Alternative Options Considered:**

Not adding the land to the list of Assets of Community Value – not recommended as the criteria were 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)

\* 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.