
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 10TH NOVEMBER, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors M Stephenson (Leader of the Council & Corporate Finance and Governance Portfolio Holder)(Chairman), I Henderson (Deputy Leader of the Council & Economic Growth, Regeneration & Tourism Portfolio Holder), A Baker (Housing & Planning Portfolio Holder), M Barry (Leisure & Public Realm Portfolio Holder), P Kotz (Assets Portfolio Holder) and G Placey (Partnerships Portfolio Holder)

Group Leaders Present: Councillors C Guglielmi (Leader of the Conservative Group), G Scott (Leader of the Liberal Democrats Group) and G Steady (Deputy Leader of the Independent Group)

In Attendance: Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Katie Wilkins (Head of People), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Keith Durran (Committee Services Officer)

40. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillors M Bush (Portfolio Holder for the Environment) and J B Chapman BEM (Leader of the Independent Group).

41. MINUTES OF THE LAST MEETING

It was moved by Councillor M E Stephenson, seconded by Councillor Placey and:-

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 6 October 2023, be approved as a correct record and be signed by the Chairman.

42. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time.

43. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Memorandum of Understanding with University of Essex et al

The Leader of the Council (Councillor M E Stephenson) informed Cabinet that, on 3 November 2023, the Council had signed a Memorandum of Understanding with the University of Essex and other local authorities in relation to partnership working and bringing forward together some of the things that were important to the District.

Sports England Event – Canvey Island

The Leader of the Council also informed Cabinet that, on 6 November 2023, he had attended a Sports England event at Canvey Island when it had been announced that a bid for funding of £250million was being made in which this Council had an involvement.

44. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by the members of the Cabinet on this occasion.

45. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

46. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.1 - DRAFT JAYWICK SANDS PLACE PLAN

Cabinet was informed that, the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 5 October 2023 (Minute 16 referred), had considered a detailed report of the Director (Planning) (A.1) which had invited its comments on the Draft Jaywick Sands Place Plan. That report had also sought the Committee’s recommendation to Cabinet that it be approved for public consultation purposes.

The Committee’s decision at its meeting held on 5 October 2023 had been as follows:-

“RESOLVED that the Planning Policy and Local Plan Committee -

a) notes the contents of the Draft Jaywick Sands Place Plan: August 2023; and

b) recommends to Cabinet that the above document (forming Appendix 1 to item A.1 of the Report of the Director (Planning)) be approved for consultation with the public and other interested parties.”

Cabinet had before it the following comment submitted by the Portfolio Holder for Housing & Planning:-

“I very much welcome the recommendation from the Planning Policy and Local Plan Committee.

I would like to emphasise to everyone the importance of the Place Plan in providing a long-term strategy for the future regeneration of Jaywick Sands and, in particular, a strategy that will have been developed through positive engagement with the Jaywick Sands community.”

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:-

It was moved by Councillor Baker, seconded by Councillor I J Henderson and:-

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

47. **LEADER OF THE COUNCIL'S ITEMS - A.2 - OUR VISION - A NEW CORPORATE PLAN 2024/28**

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.2), which sought its approval and recommendation to Full Council, of the final proposals for 'Our Vision' (the Corporate Plan 2024/28) following full consultation with the public, key partners and stakeholders.

Members recalled that, at its meeting held on 21 July 2023, the Cabinet had agreed the draft proposals for 'Our Vision' (the Corporate Plan 2024/28) (as set out in Appendix A to the Leader's report (A.2)) as its initial proposals for consultation purposes.

It was reported that the consultation process had included, submission to the Resources and Services Overview and Scrutiny Committee, and consultation with residents and key partners (other Local Authorities, health service bodies, Fire & Rescue, Police and voluntary sector) and businesses. The feedback from the consultation process had been summarised within the Leader's report.

It was felt that the final proposals for the Corporate Plan continued to follow the principles which had previously been agreed by the Cabinet, namely a "Plan on a Page" and with Community Leadership at its heart.

Cabinet was informed that, through the consultation, there was broad support for the key themes, proposed at the 21 July 2023 meeting of Cabinet namely:-

Pride in our area and services to residents;
Raising aspirations and creating opportunities;
Championing our local environment;
Working with partners to improve quality of life; and
Financial Sustainability and openness.

Members were made aware that the three themes with the most relevance to the lives of respondents had been: "Pride in our area and services to residents"; "Championing our local environment"; and "Financial Sustainability and openness."

The consultation outcomes were set out in Appendix C, and based upon the findings and further reflection, some changes to the proposed text for the Themes, including an additional one around Tourism, were shown in red in Appendix B to the Leader's report.

The previously agreed timetable for completion of the Corporate Plan still stood and sought approval by Full Council on 28 November 2023.

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:-

It was moved by Councillor M E Stephenson, seconded by Councillor Barry and:-

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.

48. LEADER OF THE COUNCIL'S ITEMS - A.3 - FINANCIAL PERFORMANCE REPORT 2023/24 - GENERAL UPDATE AT THE END OF SEPTEMBER 2023

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.3), which provided it with a general update and overview of the Council’s financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

That report was split over two distinct sections as follows:

- 1) The Council’s in-year financial position against the budget at the end of September 2023; and
- 2) An updated long term financial forecast

Members were reminded that previously an additional section had been included within these reports that had undertaken a detailed view of items that would have an impact on the in-year position but also an on-going impact on the later years of the forecast. Although this report set out a number of adjustments to the in-year budget, any longer

term impacts remained under review at present. However, they would be revisited as part of developing the forecast for 2024/25 and beyond, and they would be reported within future financial performance / budget reports.

SECTION 1 - In respect of the in-year financial position at the end of September 2023:

It was reported that the position to the end of September 2023, as set out in more detail within the appendices, showed that, overall, the General Fund Revenue Account was underspent against the profiled budget by £1.857m.

Cabinet recalled that, as part of developing the budget for 2023/24, which had been agreed by Full Council in February 2023, a number of adjustments had been made to reflect emerging and/or on-going issues. Therefore, only a limited number of variances had developed during the first half of this financial year. Where variances had been highlighted, those broadly reflected known issues where further review / consideration might be necessary or reflected the timing of general expenditure and/or income budgets. It was acknowledged that other expenditure or income trends might still emerge / develop over the remainder of the financial year.

Members were made aware that this report also set out a number of additional issues that had emerged during the second 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, additional details were set out in this report where necessary.

A half-year treasury management review had been carried out with a summary set out in this report. A further update had also been provided in respect of the recent treasury transactions undertaken with Birmingham City Council.

Members were reassured that any emerging issues would be monitored and updates provided in future reports, which would include their consideration as part of updating the long-term financial forecast.

Cabinet was advised that a limited number of in-year budget adjustments were proposed as set out in Appendix 1H, with an associated recommendation also included within the report. That same appendix also set out a number of outstanding carry forward requests from Services, for which Cabinet had requested the provision of additional information to allow them to be considered further.

Cabinet was informed that the net impact of the proposed budget adjustments would be moved to the Forecast Risk Fund. At the end of September 2023, it had been possible to make a further contribution to the fund of £0.671m.

In respect of the updated long term financial forecast:

It was reported that the forecast had been reviewed and updated at the end of September 2023 and it was set out in Appendix 2A. It continued to reflect the very challenging financial position faced by Local Authorities, and now included revised inflationary assumptions.

Members were advised that the revised forecast also sought to better balance the optimism / pessimism bias that was inherent in any forecasting process and it included the use of one-off funding such as the New Homes Bonus in the short term. The forecast also now included additional income from increases in the property 'base' for both council tax and business rates based on historical averages.

Cabinet was informed that worked remained ongoing within departments and with Portfolio Holders with the aim of remaining 'sighted' on potential future cost pressures.

Taking into account the adjustments to the forecast set out in the report, the annual estimated deficits had increased, which in turn reduced the balances held within the Forecast Risk Fund. However, based on the latest forecast, the Forecast Risk Fund still remained in surplus to support the Council's financial position over the period from 2024/25 to 2026/27.

Cabinet was made aware that, based on the updated forecast, ongoing savings of £3.000m were still required across 2024/25 to 2026/27. This was significant, especially in the context of the Council's overall net budget being just over £14.000m and it continued to present the Council with a major challenge. Although significant on-going savings were still required, the long-term approach alongside the Forecast Risk fund provided additional flexibility and time to make better-informed decisions.

It was considered that developing the framework against which the required savings could be identified therefore remained a key activity over the coming months alongside the development of the new Corporate Plan. The level of resources required to not only develop the above framework but to deliver the required savings, was not to be underestimated, especially when set against other existing commitments such as delivering the Levelling Up projects and Freeport East. There therefore needed to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.

Members were told that, although consideration would be given to extending the current forecast period beyond 2026/27, the long-term forecast approach still provided an effective method of managing financial risks, and remained underwritten by the Forecast Risk Fund. As mentioned during the development of the longer-term approach to the budget over recent years, it was important to continue to deliver against this plan as it continued to provide a credible alternative to the more traditional short-term / annual approach.

It was reported that an updated risk assessment for each line of the forecast had now been completed and was attached as Appendix 2B to the Leader's report. The primary risks remained as in earlier forecast periods and those related to the successful delivery of the necessary savings alongside the management of emerging cost pressures.

Cabinet was informed that the challenges faced by the Housing Revenue Account were also significant and included increased expectations and requirements that were likely to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan would be developed over the coming weeks / months with the aim of responding to such challenges as set against the wider context of continuing to provide a financially sustainable position in the long term.

In response to question put by the Deputy Leader of the Independent Group (Councillor Steady), the Leader of the Council confirmed that external funding matters within the Cabinet's initial Budget proposals for 2024/25 would be scrutinised by the Community Leadership Overview & Scrutiny Committee.

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:-

It was moved by Councillor M E Stephenson, seconded by Councillor Kotz and:-

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.

49. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.4 - NORTH ESSEX ECONOMIC BOARD STRATEGY AND ACTION PLAN

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.4), which updated it on the continued positive benefits of the North Essex Economic Board (NEEB) partnership and sought its support for its refreshed strategic priorities and delivery plan, whilst noting that funding was not secured to deliver the activities identified.

Members were aware that the NEEB was a partnership of councils across mid-and north Essex, who were working together to make the area more prosperous. The partnership

provided cohesive strategic oversight of North Essex's diverse, inclusive and productive economic priorities, ensuring tangible actions were delivered to support residents' and businesses' goals and aspirations. Promoting the region's potential, the NEEB presented the strong strategic rationale for further central Government and private sector investment, needed to deliver North Essex's long-term ambitions.

It was reported that NEEB partners had recently commissioned an updated North Essex economic strategy. This update reflected Maldon and Chelmsford Councils joining NEEB, the post-COVID landscape and current economic shocks and brought the strategy up to date with the current economic environment.

Members noted that there were also talks with regards to Harlow and Epping Forest District Councils joining NEEB and this would be reflected upon at a later date.

Cabinet was informed that Henham Strategy Ltd had been appointed, via a thorough and a robust procurement process, to deliver the refreshed strategy and delivery plan. Extensive evidence gathering consisting of strategic analysis, data scrutiny and stakeholder workshops had facilitated the development of the refreshed strategy and delivery plan. Officers from the partner authorities had been involved at every stage of this work to ensure parity in representation of need and opportunity.

The refreshed NEEB strategy and delivery plan set out the following:-

North Essex Vision

'A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity.'

North Essex's Strategic Priorities

"Innovative businesses and skilled residents - A resilient and outward-facing economy that builds on its incumbent strengths and is positioned to deliver economic opportunities for North Essex's residents, and drive inward investment to support businesses within the region's critical growth sectors.

A greener and high growth economy - A forward-looking economy that utilises the diversity of its resources in a sustainable way that furthers North Essex's clean energy strengths, boosts growth, and promotes residents' prosperity through net zero commitments.

A dynamic and connected region - A well-connected and digitally-linked region that provides residents with quick and reliable access to key services, encourages inward investment, and makes the most of ties to regional and international neighbours.

Prosperous and inclusive communities - A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit."

A series of workshops had taken place during 2023 to develop specific actions to support the two-year delivery plan and ensure its success.

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:-

It was moved by Councillor I J Henderson, seconded by Councillor Baker and:-

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.

50. 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

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.5), which sought its decision on making a payment to the applicants for development at St. John's Nursery, Clacton-on-Sea following an award of costs by the Planning Inspector in deciding to overturn the Council's decision to refuse planning permission on appeal and finding the Council to have acted unreasonably.

Members were informed that planning application Ref 21/01000/FUL, dated 3 June 2021 at 700 and 762 St Johns Road and St Johns Nursery, Clacton-on-Sea, Essex CO16 8BP (demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1,064 square metres with flats above), and roads, open space, drainage, landscaping and other associated infrastructure) had been refused planning permission by notice dated 18 May 2022, which followed a resolution by the Council's Planning Committee made at its meeting held on 10th May 2022.

Subsequently, that decision had been appealed under Appeal Ref: APP/P1560/W/22/3308647 and, following a hearing held on 7th March 2023, it had been allowed by the Planning Inspectorate on 22nd March 2023. In addition, a full award of costs had been granted by the Planning Inspector against the Council.

Cabinet was advised that the Inspector had allowed the application for an award of costs against Tendring District Council, on six out of the seven grounds submitted, and based on the Planning Practice Guidance. That Guidance permitted costs to be awarded against a party that had acted unreasonably and had caused the other party to incur unnecessary and wasted expense in the appeal process.

The Planning Inspectorate's reasons for a full award were summarised as follows:-

"The Council's insistence on refusing planning permission based on outdated data for the Transport Assessment (TA), despite the applicant's submission of additional information that demonstrated the validity and robustness of the TA and failure to properly further survey data with the appeal related to traffic and highway safety grounds.

The Council's lack of consistency in decision-making, as evidenced by their previous acceptance of a similar development on the same site in 2020, which utilised the same proposed access.

The Council's failure to provide clear explanation or justification for a change in their approach to assessment, specifically regarding concerns related to light, vibration, and noise compared to the previous scheme and the appeal scheme.

The Council's objections to the proposed development without proper consideration of how these concerns could be addressed through conditions, especially given the background provided by the previous 2020 scheme and the overall suitability of the location for development."

As a result of those actions, the Inspector had found the Council to have acted unreasonably for its first and second grounds of refusal, and the remaining reasons for refusal could have been addressed prior to the grant of planning permission. The Inspector had therefore ordered the Council to pay the full costs of the appeal proceedings to the applicants (Kelsworth Limited). The Council had been invited to reach an agreement with the applicant regarding the amount of the costs; otherwise, the costs would be assessed in the Senior Courts' Costs Office.

It was reported that the sum of money being claimed by the applicants, reduced from a higher figure following challenge by Officers, currently stood at £101,886.00.

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.

It was moved by Councillor Baker, seconded by Councillor Placey and:-

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 22nd 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.

51. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER - A.6 - CONSIDERATION/ADOPTION OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.6), which requested that it considered and, if satisfied, adopted a comprehensive and cohesive taxi and private hire policy as recommended to it by the Licensing and Registration Committee following that Committee's meeting held on 16 October 2023.

Members were informed that the proposed Taxi / Private Hire Policy had been submitted following a recent eight week period of consultation on the Statement and consideration of the findings from that consultation by the Licensing and Registration Committee. Prior to that consultation, there had been an extensive programme of activity to develop the draft Policy and engagement with stakeholders. As Hackney Carriage and Private Hire Policy was a matter for the Council's Executive (Cabinet) the Portfolio Holder for Planning and Housing (who had licensing policy within his portfolio) had been engaged in the process leading to this point.

It was reported that a key impetus towards the development of a cohesive licensing policy in this area had been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities had to have had regard to the standards issued by Government, and requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. In referencing licensing policies for taxi and private hire services, in the statutory taxi and private hire vehicle standards, it read:

"The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings."

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:-

It was moved by Councillor Baker, seconded by Councillor Kotz and:-

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.

52. 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

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.7), which submitted the following draft policies prepared in relation to the maintenance and operation of the Council's retained housing stock:

- Repairs Policy;
- Damp and Mould Policy; and
- Fire Safety Policy.

Members were reminded that the Government had introduced regulation of the housing sector, the full effect of which would commence on 1 April 2024. Together with the Tenants' Charter and the potential revised Decent Homes Standards, fire safety requirements and disrepair claim proliferation the Council faced major increased demands on its housing service. The provision of housing services was essentially self-funding with separate accounting processes to the Council's other, General Fund, functions. The increasing demands were likely to place significant additional pressures on finances and other resources.

Cabinet was made aware that, although the adoption of those policies was not of itself mandatory, there were legal and regulatory standards for performance, which those policies aspired to facilitate compliance with.

Repairs Policy - established performance targets, and established a framework around compliance matters, information and property standards.

Damp and Mould Policy - set out more detailed arrangements for dealing with damp and mould issues in the housing stock.

Fire Safety Policy - identified appropriate locations for evacuation and stay put policies, assessment of risk and provision of information.

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:-

It was moved by Councillor Baker, seconded by Councillor Placey and:-

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.

53. 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

Cabinet considered a joint report of the Housing & Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.8), which sought its recommendations to Full Council regarding the following:

- Local Council Tax Support Scheme 2024/25;
- Exceptional Hardship Policy;
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2024/25; and
- Annual MRP Policy Statement for 2024/25.

Having conducted the annual review of the above matters, the Portfolio Holders were proposing:-

- (i) to continue with the principles of providing financial stability wherever possible to Tending claimants;
- (ii) to keep the 2024/25 LCTS scheme the same as for 2023/24, which provided for a maximum discount of 80% for working age claimants;
- (iii) to not make any changes to the associated hardship policy;
- (iv) to not make any changes for 2024/25 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care);
- (v) to now charge from 1 April 2024 a 100% council tax premium on properties empty for one to five years;
- (vi) to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes'); and
- (vii) to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2024/25.

Cabinet was made aware that the Government were also considering introducing council tax premium exemptions as they had recognised that there were circumstances where it might not be appropriate for premiums to apply e.g. properties undergoing probate. It was understood that those would be mandatory exemptions, which would therefore be applied from 2024/25 alongside any newly enacted legislation.

Members were informed that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council in November 2023, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify

the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

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:-

It was moved by Councillor M E Stephenson, seconded by Councillor Baker and:-

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.

54. 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

Cabinet considered a report of the Partnerships Portfolio Holder (A.9), which sought its determination as to whether the Lady Nelson Playing Field at Thorpe-le-Soken, met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its valid nomination as an Asset of Community Value by Thorpe-le-Soken Parish Council. No other criteria were pertinent.

Members were reminded that, if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

Cabinet was advised that the Government's non-statutory guidance defined an asset of community value as: "Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future". The Portfolio Holder's report provided an assessment of the nomination.

Taking the evidence provided into account it was the Portfolio Holder's opinion that the building nominated did meet the criteria, as set out in Section 88 of the Localism Act 2011. Accordingly, it was the Portfolio Holder's recommendation that the criteria being met that the building should be listed as an Asset of Community Value.

Cabinet was made aware that it had adopted the formal procedure for administering Assets of Community Value in January 2015, when the legislation and the supporting procedures had been new to local government. The Council had been operating within this procedure for eight years and it was now considered appropriate for a review to be undertaken, taking into account the experiences of past applications, case law around the subject matter, the strict criteria applied in making such determinations, the number of successful community bids and reviews requested. Cabinet Members had previously expressed informal support for Officers to be provided with the appropriate delegations to enable applications to be determined more speedily within the strict legislative framework. However, the formal procedure would require amendment and due to the time passed since its adoption, a thorough review of operating procedures was suggested, including how reviews would be undertaken if such decisions were delegated to Officers.

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.

It was moved by Councillor Placey, seconded by Councillor Barry and:-

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.

The Meeting was declared closed at 11.23 am

Chairman