

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

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| Date: | Decision Maker: | Subject to Call-in* |
| 16 February 2024 | Cabinet | No |

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.1 - Annual Review of the Council's Constitution

Decision:

RESOLVED –

1. That Cabinet **RECOMMENDS TO COUNCIL** that:
 - (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to K and M attached hereto this report;
 - (b) Council notes and endorses that a comprehensive review of the Constitution will be undertaken and that it is likely to take place in 2025-2026;
 - (c) in accordance with the outcome of consultation with Members, the commencement time of meetings of the Planning Committee should be amended to 5.00 p.m. and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda; and
 - (d) Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated.
2. That Cabinet -
 - (a) notes that the Leader of the Council will exercise his delegated power (as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution and specifically principle 1(ii) of Section 3 (General Principles regarding Decision Making by the Cabinet – Part 3.27) to approve the proposed change to the delegated powers of the Corporate Finance & Governance Portfolio Holder, as set out in Appendix L attached hereto this report;
 - (b) endorses that a comprehensive review of the Constitution, including its formatting etc. will be undertaken and that it is likely to take place in 2025-2026;
 - (c) notes that the Leader of the Council will further investigate whether to recommend,

in due course, that the public speaking scheme for the Planning Committee should be amended to include provision for the relevant County Division Member to speak on planning applications before that Committee;

- (d) notes that the Leader of the Council has undertaken to consult the Assistant Director (Partnerships) and the Head of People on the matters raised by the Working Party in relation to the composition of the Human Resources Sub-Committee Panel, which is the body that forms part of the recruitment process for the appointment of Senior Officers (as defined in Paragraph 3 of Part 11 of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)) before deciding whether he wishes to make any recommendations to Cabinet on this matter;
- (e) notes, welcomes and endorses that the Monitoring Officer intends to review the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look, in particular, at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory and chief officers;
- (f) notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated

- (g) notes, welcomes and endorses that the Monitoring Officer intends to exercise her delegated powers and make amendments to the following parts of the Council's Constitution:-

Article 12 (Officers) – Section 12.01 (b) – Functions and Areas of Responsibility will be updated;

Leisure & Public Realm Portfolio Holder responsibilities - correction of wrong Assistant Director in relation to beaches/beach huts;

Procurement Procedure Rule 1.1 - change reference to "PING" to read "Council's Intranet"; and

Link to Terms of Reference of Committees etc. to be included on the relevant page on TDC website.

Reasons for Decision:

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, and in order to enable those recommendations to be submitted to the Full Council for approval and adoption.

Alternative Options Considered:

- (1) Not to approve some or all of the Portfolio Holder's recommendations;
- (2) To amend or substitute some or all of the Portfolio Holder's recommendations.

Conflicts of Interest Declared

(and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

N/A

Contact Officer:

Ian Ford, Committee Services Manager

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| 16 February 2024 | Cabinet | Yes |

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.2 - Determination of a Nomination to Register an Asset of Community Value: The Lion Public House, The Street, Ardleigh, CO7 7LD

Decision:

RESOLVED that Cabinet agrees that The Lion Public House, The Street, Ardleigh, CO7 7LD does meet the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and approves accordingly that the asset be added to the Council's list of Assets of Community Value.

Reasons for Decision:

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

Alternative Options Considered:

- Not adding the property to the list of Assets of Community Value – not recommended – the criteria are met.
- Adding the property to the list of Assets of Community Value –recommended – the criteria are met.

Conflicts of Interest Declared

(and Dispensations Granted by the Monitoring Officer)

None

Consultation with Ward Member:

None

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.