

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
06 October 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by the Council - A.1 - E-Petition: Beach Hut Lease Changes

Decision:

RESOLVED that –

- (a) Mr. Westall be thanked for his e-petition; and
- (b) the Leisure & Public Realm Portfolio Holder's written comments regarding the e-petition be endorsed as Cabinet's formal response to Mr. Westall's e-petition.

Reasons for Decision:

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution.

Alternative Options Considered:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- *No action (with reasons as to why no action is proposed)*
- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*

- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future Cabinet meeting*
- *Calling for a referendum (if permitted under the legislation and subject to costs)*

**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*
06 October 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by the Council - A.2 - E-Petition: Requested changes to the operation of the Council's Waste Management Functions

Decision:

RESOLVED that –

- (a) Ms. Tyler be thanked for her e-petition; and
- (b) the Environment Portfolio Holder's written comments regarding the e-petition be endorsed as Cabinet's formal response to Ms. Tyler's e-petition.

Reasons for Decision:

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution.

Alternative Options Considered:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- *No action (with reasons as to why no action is proposed)*

- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*
- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future Cabinet meeting*
- *Calling for a referendum (if permitted under the legislation and subject to costs)*

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

Councillor Placey had stated that she had signed this e-petition and therefore she left the meeting whilst it was deliberated and decided upon by the Cabinet.

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
06 October 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by the Council - A.3 - E-Petition: 'Brightlingsea Stench'

Decision:

RESOLVED that -

- (a) Mr. Court be thanked for his e-petition; and
- (b) the Environment Portfolio Holder's written comments regarding the e-petition be endorsed as Cabinet's formal response to Mr. Court's e-petition.

Reasons for Decision:

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution.

Alternative Options Considered:

There were several courses of action available to the Cabinet once the petition had been considered, including:

- *No action (with reasons as to why no action is proposed)*
- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*
- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future Cabinet meeting*
- *Calling for a referendum (if permitted under the legislation and subject to costs)*

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

Councillor Barry had stated for the public record that he was a member of Brightlingsea Town Council.

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
06 October 2023	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.4 - Conservation Area Character Appraisals and Management Plans for Ardeigh, Great Holland and Tendring Village

Decision:

RESOLVED that the new Ardeigh, Great Holland and Tendring village Conservation Area Appraisals and Management Plans be approved for consultation with the public and other interested parties.

Reasons for Decision:

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

Alternative Options Considered:

Not to approve one or more of the three appraisals for public consultation purposes.

**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*
06 October 2023	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.5 - Financial Performance Report 2023/24 - General Update at the end of July 2023

Decision:

RESOLVED that Cabinet -

- (a) notes the Council's in-year financial position at the end of July 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) notes the outcome of the review of carry forwards from 2022/23 approved under delegation to the Portfolio Holder for Corporate Finance and Governance as set out in Table 1 of the aforesaid report and -
 - i) approves items 1 and 2 set out in Section 2 of Appendix 1H to the aforementioned report;
 - ii) requests Officers to provide additional information relating to items 3 to 6 set out in Section 2 of Appendix 1H to the above mentioned report for inclusion in the Financial Performance Report for Quarter 2 that is scheduled to be presented to Cabinet in November 2023;
- (d) notes the treasury transactions with Birmingham City Council set out in the report and request Officers to provide an update in Quarter 2 setting out the response of Members at the Full Council meeting at Birmingham City Council to their Section 151 Officer's recent Section 114 reports;
- (e) the Council continues to be a member of the Essex Business Rates Pool and Council Tax Sharing Agreement with Essex County Council in 2024/25 if it remains financially advantageous to do so;
- (f) notes the updated financial forecast set out in the report and requests Officers, in consultation with the relevant Portfolio Holders, to further 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
- (g) 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:

Alternative options were broadly covered in the main body of the Leader'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*
06 October 2023	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.6 - Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission

Decision:

RESOLVED that Cabinet -

- a) endorses the revised programme delivery method for the Carnarvon Terrace and Homes for Dovercourt schemes, as a change from the previous Cabinet decision, which results in the Council managing these projects directly and not Essex County Council led partners, and recognises the need to allocate resources from total project funding available to these schemes;
- b) approves the allocation of up to £1,898,421 from the Council's remaining Levelling Up Fund Budget of £2.041m to procure professional services in order to deliver the projects through to planning submission, with expenditure from this allocation being in line with the bid submission;
- c) requires that any changes to the projects be made by Officers, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism;
- d) authorises the Corporate Director (Place and Economy), in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to procure appropriate resources and commission a project team to carry out the associated work including for the design briefs;
- e) approves the necessary exemptions from the Council's Procurement Procedure Rules in order to enable the Corporate Director (Place and Economy) to enter into an agreement with the relevant Employment Agency to extend the engagement of the Capital Programme Manager; and

- f) delegates the agreement of the final design brief and subsequent planning application submission to the Portfolio Holder for Economic Growth, Regeneration & Tourism.

Reasons for Decision:

In order to:-

- (1) ensure sufficient funding was allocated to procure a professional team to deliver the LUF and CRP projects up to, and including, the submission of detailed planning applications; and
- (2) ensure the Council was able to adequately oversee the projects and manage the subsequent risk effectively by funding a Capital Programme Manager and Project Manager until completion.

Alternative Options Considered:

Other options which had been considered:

Do nothing:

Tending District Council would not be able to deliver the schemes without this decision-making mechanism in place. Not delivering the bid would allow officer time to be focused on other projects and would reduce any financial or delivery risk to the Council from running major capital works.

However, not accepting the funding would also reduce the opportunity for investment in the District at a significant scale, with the benefits that would bring, and would have negative reputational issues for Clacton and Dovercourt, and the Council given the announcement already publicised widely at local and national levels.

Contract Out Programme Delivery:

This option would take away the delivery responsibility from TDC to a professional 3rd party developer. There were significant risks associated with this as while the responsibility for delivery was taken away, so was the control. Should the projects not progress according to time, quality and cost parameters, it would become very difficult for TDC to regain control. There was also the matter of finding a suitable trusted partner for such a project programme.

This option would also require agreement with DLUHC and ECC as they were the funding and delivery partners, respectively.

The reputational risk of unsuccessful or non-delivery of the projects would be great as well, and this option was therefore not recommended.

**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*
06 October 2023	Cabinet	No

SUBJECT OF DECISION:

Management Team Items - Report of the Monitoring Officer - A.7 - Section 5 Update

Decision:

RESOLVED that the contents of the Monitoring Officer's update report be noted.

Reasons for Decision:

In order to enable Cabinet to formally receive the required update from the Council's Monitoring Officer on this matter.

Alternative Options Considered:

None - the Cabinet previously decided at its meeting held on 21 July 2023 that an update be provided to it at this meeting.

**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.