

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
20 September 2024	Cabinet	No

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.1 - Scrutiny of the Spendells Project

Decision:

RESOLVED that –

- (a) the Chief Executive's formal review, when completed, be reported to the Cabinet including:
 - i) a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;
 - ii) the lessons learnt;
 - iii) articulating a robust response and action plan for going forward;
- (b) Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.

Reasons for Decision:

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the response of the Portfolio Holder for Housing and Planning thereto.

Alternative Options Considered:

Not to approve the Portfolio Holder's recommended actions or to amend those actions.

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*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.2 - Adoption of a Film Classification Policy

Decision:**RESOLVED** that –

- (a) the Film Classification Policy, as set out at Appendix 1 to the reference report (A.2), be adopted; and
- (b) Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy.

Reasons for Decision:

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters).

Alternative Options Considered:

- (1) Not to approve the Policy;
- (2) To amend the Policy.

**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 & Deputy Monitoring Officer

Date:	Decision Maker:	Subject to Call-in*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Environment Portfolio Holder - A.3 - Adoption of the Waste Strategy for Essex 2024-2054

Decision:

RESOLVED that Cabinet –

- (a) approves and formally adopts the Waste Strategy for Essex 2024-2054 in the form appended to the Environment Portfolio Holder’s report (Appendix 1 to report A.3); and
- (b) notes that other Councils in the Essex Waste Partnership will be taking individual decisions on the adoption of the Waste Strategy for Essex 2024-2054 during 2024.

Reasons for Decision:

Given that the Portfolio Holder’s recommendations would ensure that the Council continued to progress the future of this important statutory service whilst complying with the Waste and Emissions Trading Act 2003, (section 32) which obliged authorities in ‘two-tier’ areas to have a Joint Strategy at all times, for the management of waste from households and other waste similar to household waste.

Alternative Options Considered:

Option 1: The Joint Municipal Waste Management Strategy for Essex 2007-2032 is retained and is not subject to any significant update.

This option was not recommended as the Joint Municipal Waste Management Strategy for Essex 2007-2032 was no longer aligned with local ambition or national policy.

A strong policy framework was needed to support future decisions and system design within waste management to ensure opportunities and benefits could be delivered. The current waste strategy was no longer aligned to national waste policy, nor did it reflect ECC’s or the EWP’s targets and ambitions. The previous strategy did not reflect feedback from the public consultation, which identified the need to do more and at pace to reduce waste and maximise reuse and recycling.

Option 2: Adopt the Waste Strategy for Essex 2024-2054.

Tendring District Council had a statutory responsibility along with the other Borough, City, District and Essex County Council to maintain a joint waste strategy for the management of local authority collected waste.

The updated strategy allowed the EWP to drive significant change to reach ambitious targets and ensure alignment with national policy. The strategy had been realigned to ensure respondents’ comments and feedback had been fully considered in policy development and

delivery. This strategy, covering the period up to 2054, brought a new focus on how the Council would deliver an effective, efficient and sustainable service for the future.

The strategy would form part of the journey to delivering key commitments published in Everyone's Essex: Zero waste to landfill by 2030 and contributing to the ECCs ambition to be net carbon neutral by 2050.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.4 - Adoption of the Jaywick Sands Place Plan

Decision:

RESOLVED that Cabinet -

- a) notes the contents of the Portfolio Holder's report (A.4) and takes into account the outcomes of the 2023/24 consultation exercise, as set out in the Consultation Report (attached as an Appendix to report A.4); and
- b) approves and formally adopts Tendring District Council's Jaywick Sands Place Plan (as attached as an Appendix to report A.4), as its overarching strategy for working with partners and the community to regenerate Jaywick Sands over a long-term period.

Reasons for Decision:

In order to support the continued ambition to bring about economic regeneration, improve the quality of life and tackle deprivation in Jaywick Sands through having a specific Place Plan that progressed the objectives for regeneration identified in the Council's Local Plan and as identified as one of Council's Corporate Priorities.

Alternative Options Considered:

The alternative was for the Council not to adopt the Jaywick Sands Place Plan. In the

absence of a Council-endorsed Place Plan setting out a programme of tangible, costed and locally supported interventions, it would be very difficult for the Council and its partners to advance efforts to bring about the regeneration of Jaywick Sands.

**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*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.5 - Consideration and Adoption of a Housing Domestic Abuse Policy, Neighbourhood Management Policy and Rent Setting and Collection Policy

Decision:

RESOLVED that Cabinet –

- (a) approves and formally adopts the Housing Domestic Abuse Policy, the Neighbourhood Management Policy and the Rent Setting and Collection Policy;
- (b) authorises their direct and immediate implementation, subject to the call in process; and
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder responsible for Housing, to make future updates or amendments to these policies.

Reasons for Decision:

In order to ensure that the policies were appropriately adopted, in accordance with the Council's Constitution and to evidence compliance with the regulatory standards.

Alternative Options Considered:

The only alternative option considered was to not implement these policies.

The policies were designed to assist the Council in meeting the Regulator of Social

Housing's revised Consumer Standards which came into effect on 1 April 2024 as well as the requirements of the Rent Standards.

Failure to meet the Consumer Standards could result in the Regulator using its enforcement powers which included requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator would also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

The absence of suitable and published policies made the day to day operation of the service more difficult with the potential for inconsistencies in approach and increased the likelihood of complaints.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Leisure and Public Realm Portfolio Holder - A.6 - Sport and Activity Strategy for Tendring

Decision:

RESOLVED that –

- (a) the Sport and Activity Strategy 2024 – 2028, as set out at Appendix A to the Leisure and Public Realm Portfolio Holder's report (A.6), be approved and formally adopted;
- (b) in addition to the £122,530 assigned by Cabinet to the Sport and Activity Strategy at their meeting held on 12 March 2024, a further sum of £24,490, being the remaining balance from previously agreed Joint Use Sports Centre grant funding, be hereby allocated to support the delivery of the action plan; and
- (c) the Portfolio Holder for Leisure and Public Realm be authorised to prioritise the key actions from the Sport and Activity Strategy and the subsequent allocation of the approved Sport and Activity Strategy budget.

Reasons for Decision:

In order to adopt a strategic approach towards sport and physical activity and to support local people and local communities to increase participation around the District.

Alternative Options Considered:

The only alternative option considered was not to adopt a strategic approach to set out the Council’s input to sport and physical activity around the District. This would have left a strategic void and lack of clear direction, together with a lack of direction for the Council’s work on sport leisure and activity, in a challenging financial climate. Further to that, the lack of an approved delivery plan, underpinned by an evidence-based strategy, would have minimised options for external funding opportunities for both the Council and wider partners in supporting opportunity for Tendring residents.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Michael Carran, Assistant Director (Economic Growth, Culture & Leisure)

Date:	Decision Maker:	Subject to Call-in*
20 September 2024	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.7 - External Funding Review

Decision:

RESOLVED that Cabinet –

- a) approves the External Funding High Level Framework, as set out in Appendix 1 to the Partnerships Portfolio Holder’s report (A.7), which provides a process for the acceptance of external funding provision, a process for the provision of financial assistance to external bodies and other allocation of funding, with immediate effect;
- b) agrees that an External Funding Policy be developed for approval by the Leader of the Council, in his capacity as the Portfolio Holder for Corporate Finance and Governance, to complement the External Funding High Level Framework, and that it be presented to a future meeting of the Audit Committee for their support and assurance on the governance processes; and

- c) requests that external and internal communication on the Council's new arrangements for External Funding be undertaken ensuring the Council complies with its obligations under its Best Value Duty and statutory guidance.

Reasons for Decision:

Having considered existing provision across the organisation, the Council's Corporate Plan and Priorities, legislative requirements, and how external funding can be accepted and/or allocated in the future.

Alternative Options Considered:

No other option was considered as Cabinet had formally requested a review of external funding to be undertaken.

**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*
20 September 2024	Cabinet	No

SUBJECT OF DECISION:

Management Team Items - Report of the Monitoring Officer - A.8 - Housing Ombudsman Findings and other Incidental and Related matters

Decision:

RESOLVED that Cabinet notes the Monitoring Officer's report (A.8) and, in particular:-

- (a) the findings/orders/recommendations from the Housing Ombudsman in the two cases covered by this report, the compliance with those matters by the Council and the wider learning points set out; and
- (b) the incidental and related matters concerning the Council's compliance with the Ombudsman's Code, complaints performance and service improvement and the intention to report to the Audit Committee (on 26 September 2024) in relation to the Local Government and Social Care Ombudsman's Annual Letter for 2023/24 in respect of complaints submitted to that Ombudsman Service.

Reasons for Decision:

Having duly considered the information provided in the Monitoring Officer's report and to comply with the Constitution.

Alternative Options Considered:

To not submit a report on the two cases concerned would have been contrary to the provisions of the Constitution (and section 5A of Local Government and Housing Act 1989). As such, not reporting these matters was discounted.

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

Councillor Chapman BEM declared an interest in this item insofar as she had had contact with the individual concerned in 'Complaint 1' (202302247). Councillor Chapman therefore withdrew from the meeting whilst this matter was considered.

Consultation with Ward Member:

N/A

Contact Officer:

Keith Simmons, Head of Democratic Services and Elections & Deputy 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.