

## RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
15 November 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 -Portfolio Holders' Review of performance and management of Projects under their respective Portfolios

### Decision:

**RESOLVED** that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Portfolio Holder responsible for Housing and Planning thereto be endorsed.

### 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:

To not endorse the response of the Portfolio Holder.

### 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*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.2 - Fly Tipping and Mobile CCTV Enforcement

**Decision:**

**RESOLVED** that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the responses of the Portfolio Holder for the Environment and the Portfolio Holder for Partnerships thereto be endorsed.

**Reasons for Decision:**

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the responses of the Portfolio Holder for the Environment and the Portfolio Holder for Partnerships thereto.

**Alternative Options Considered:**

To not endorse one or both of the Portfolio Holders' responses.

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Damian Williams, Corporate Director (Operations and Delivery)

Date:	Decision Maker:	Subject to Call-in*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.3 - Renewal of the Statement of Licensing Policy (Gambling Act 2005)

**Decision:**

**RESOLVED** that Cabinet recommends to Full Council that the Gambling Licensing Policy Statement be adopted.

**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:**

To not recommend the Policy to Full Council.

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

Councillors Gary Scott and Paul Honeywood both declared Disclosable Pecuniary Interests and withdrew from the meeting for this item.

**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*
15 November 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.4 - Adoption of a revised Licensing Enforcement and Inspection Policy 2024-2028

**Decision:**

**RESOLVED** that the Licensing Enforcement and Inspection Policy 2024 - 2028 be adopted.

**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:**

To amend or to not adopt 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*
15 November 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.5 - Adoption of a Sex Establishment Policy

**Decision:**

**RESOLVED** that the Sex Establishment Policy be adopted.

**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:**

To amend or to not adopt 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*
15 November 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.6 - Adoption of a Pavement Licensing Policy

**Decision:**

**RESOLVED** that the Pavement Licensing Policy be adopted.

**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:**

To amend or to not adopt 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*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Assets Portfolio Holder - A.7 - Social Value Policy - Essex Procurement Partnership

**Decision:**

**RESOLVED** that Cabinet -

- (a) approves the Social Value Policy, as set out in Appendix A to item A.7 of the Report of the Assets Portfolio Holder, for recommendation onto Full Council for adoption;
- (b) authorises the Portfolio Holder for Assets (with responsibility for procurement) to approve changes to the list of Social Value Measures in the TOMs Calculator, where those measures deliver on the Outcomes agreed by Cabinet;
- (c) authorises the Director (Governance) (with responsibility for procurement) to approve the removal of TOMs measures for specific procurements, in order to meet the Public Contracts Regulations requirements for relevance, proportionality to the subject matter of the contract and non-discrimination; and
- (d) endorses an annual social value statement to reaffirm their goals to suppliers and measuring social value progress.

**Reasons for Decision:**

This option had been recommended because it met best practice principles of publishing an organisation-wide Social Value Policy and it would enable the Council to adopt the TOMs Calculator efficiently to harness specific opportunities to deliver on corporate objectives (but only where they delivered on the outcomes already agreed by the Cabinet).

Whilst Social Value could apply with any value of contract, there was an operational cost to preparing and scoring the evaluation model. Therefore, the Assets Portfolio Holder had proposed that the Council would normally only require social value to be considered when it was procuring a contract with a value of over £100,000.

**Alternative Options Considered:**

Option 1 - Do nothing – not recommended

Without a corporate-wide social value policy, social value would remain the responsibility of the Procurement Team, not those responsible for the commissioning and specifying the intent of, and outcomes of, contracts. This could mean that conversations about social value might take place much later on in the procurement process and thereby limit the Authority's ability to consult the market and raise awareness of the opportunities in a timely manner. For this reason, this option had not been recommended.

Option 2 – Adoption of the Social Value Policy, with the Cabinet approving all changes to the master list of specific social value Measures in the 'ECC TOMs Calculator' - not recommended.

By requiring Cabinet approval of any changes to the master list of TOMs measures, this would significantly increase the resources required to update the framework, even when the Measures delivered on the Outcomes agreed by the Cabinet. For this reason, this option had not been recommended, but instead it was proposed that the Cabinet approves changes to Measures that did not align with the Themes and Outcomes they had ratified.

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Lisa Hastings, Director (Governance) & Monitoring Officer

Date:	Decision Maker:	Subject to Call-in*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.8 - Financial Performance Report 2024/25: General Update as at the end of September 2024

**Decision:**

**RESOLVED** that Cabinet:-

- (a) notes the Council's in-year financial position at the end September 2024;
- (b) approves the proposed adjustments to the 2024/25 budget, as set out in Appendix 1H and requests Officers to review the potential on-going impact in 2025/26 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;
- (c) in respect of the additional sum of £0.040m made available to support North Essex Councils collaborative activities and Joint Health Post with Health Partners that is set out in Appendix 1H, authorises the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Partnerships, to utilise this funding to support any associated work;
- (d) in respect of the additional £1.200m set aside to support the cost of homelessness, requests Officers to present a report to a future meeting of Cabinet setting out further details relating to the current challenges faced by the Council along with potential actions / proposed activities to support the Council going forwards;
- (e) in respect of the Project Delivery Unit budget:
  - (i) authorises the Director for Governance and the Director for Finance & IT, in consultation with the Corporate Director (Place and Economy), to enter into an agreement with Essex County Council (ECC) to increase existing procurement capacity for Tendring District Council;
  - (ii) agrees a sum of up to the value of £120,000 over two years from the associated approved budget to fund the additional procurement capacity from ECC;
  - (iii) authorises the Chief Executive, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment.
- (f) notes the updated financial forecast set out in this report and requests Officers, in consultation with Portfolio Holders, to further develop the financial forecast proposals alongside the development of the Council's priorities; and

(g) invites the views of the Resources and Service Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.

**Reasons for Decision:**

In order to set out the latest financial position for the Council and to respond to emerging issues in 2024/25 and to develop the budget and long-term forecast from 2025/26.

**Alternative Options Considered:**

These were broadly covered in the main body of the Portfolio Holder's report.

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Richard Barrett, Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Joint Report of the Housing & Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.9 - LCTS & Council Tax Discounts/Premiums; Local Business Rates Relief Scheme and MRP Policy Statement

**Decision:**

**RESOLVED** that Cabinet agrees that -

- (a) the LCTS scheme for 2025/26 remains the same as the current year (2024/25);
- (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 2025/26 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 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 2025;
- (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 Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2025/26, 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 were set out within the main body of the Portfolio Holders' joint report.

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Richard Barrett, Director (Finance and IT) & Section 151 Officer

Date:	Decision Maker:	Subject to Call-in*
15 November 2024	Cabinet	No

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Environment Portfolio Holder - A.10 - Climate Change Action Plan 2024/27

**Decision:**

**RESOLVED** that Cabinet -

- a) notes the contents of the Environment Portfolio Holder’s report (A.10) and in particular the development of a draft Climate Change Action Plan, as set out in Appendix A for 2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;
- b) recommends to Full Council that –
  - i) the Council’s Policy Framework (within Article 4 of the Constitution)) be amended to “Approval of the Council’s target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive”;
  - ii) in recognition that at a national level the UK Government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050 and based on the Council’s resources, the Council’s new target for achieving Net Zero carbon emissions be aligned with the UK’s national objectives to achieve Net Zero, by 2050; and
  - iii) Cabinet adopts and delivers against its strategy and action plans in accordance with the Council’s Budget and Policy Framework.
- c) subject to Full Council approving the revised Net Zero target, the new Climate Change Action Plan for 2024-2027 be adopted via an executive decision being made by the Portfolio Holder for the Environment; and
- d) notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.

**Reasons for Decision:**

The Environment Portfolio Holder proposed that the Council aligned its target date for scope one and two emissions to reach net zero to the Government’s national target date, currently set at 2050, because this Council could not financially sustainably become net zero by 2030. This change was considered a realistic, value for money approach to responding to climate change. Aligning with the national target meant that the Government policy, regulation and funding required to meet net zero would be brought forward to enable the country, and so this Council, to meet what remained a challenging ambition by 2050.

Cabinet was made aware that the Government would need to regulate to meet the 2050 target, and as it did so new statutory responsibilities for the Council would come with new burdens funding to deliver them. Over time it was expected that innovations in technology would make improvements in carbon reductions better value for money, more locally

available (in terms of supply and maintenance), and more realistic in terms of delivery. The national target date of 2050 was therefore recommended by the Environment Portfolio Holder.

**Alternative Options Considered:**

Financial and achievability considerations were modelled via the APSE reporting for keeping the target date at 2030. The option for retaining the 2030 date was considered. However, it was recognised that without significant borrowing to make the investments required, and recruitment of additional capacity to ensure they were delivered, the 2030 date would not be met. The required actions to reach 2030 were unaffordable for the Council, so it was not appropriate to keep a target that the Council did not have a prospect of meeting.

A date of 2035 was also considered, giving a decade to reach net zero. However, given costs modelled by APSE it was felt unlikely the Council would be able to make the necessary investment over a decade, at the same time as making £3m work of savings. It is considered prudent to align the target with national goals.

A further option would be to amend the target date but not develop an action plan. However that would halt progress made so far, and to meet the zero carbon ambition by 2050 still requires continued action.

**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 and Economy) & Deputy Chief Executive

Date:	Decision Maker:	Subject to Call-in*
15 November 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.11 - Tendring District Council's Careline Service Review: Results of Consultation and Next Steps

**Decision:**

**RESOLVED** that Cabinet -

- (a) notes the outcome of, and feedback from, the recent customer, resident and stakeholder consultation on the future of Tendring Careline – that was based upon balancing best value principles with the needs of our existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue supplying the service for;
- (b) notes the decision to terminate the third-party contract with AE Partners Ltd (YourStride) which, irrespective of the Cabinet’s resolution in respect of (d) below, will reduce the pressure on the capacity of Tendring Careline – which, for some months, has been dealing with a growing and increasingly unmanageable volume of calls from residents outside of Tendring; and bring about a cost saving to the Council;
- (c) authorises the Director of Planning and Communities, in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to review and if necessary, vary or terminate other third-party contracts at suitable timely junctures as part of the move towards the fulfilment of any final preferred approach;
- (d) confirms that, having considered the contents of this report, it still wishes to continue, in principle, with the preferred option (Option 2) of ceasing the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts with remaining service provision solely relating to the Council’s Out-of-Hours and CCTV service – albeit subject to (e) below;
- (e) authorises the Director of Planning and Community, in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to explore further the third-party proposals that were submitted to the Council through the consultation;
- (f) subject to (e) above, requests that third parties be invited to put forward a formal detailed proposal for further exploration within one month of this decision (i.e. by close of business on Monday 16th December 2024) as the starting point for Tendring District Council’s consideration;
- (g) requests that the Portfolio Holder for Partnerships reports to Cabinet in February 2025 to provide an update on the opportunity explored in line with (e) above in respect of the third-party proposals, as well as an updated recommendation for a final Cabinet decision on the future of Careline informed by updated financial analysis and with a detailed transition plan;
- (h) subject to (g) above, acknowledges that there may be additional costs arising from the

change in timescales set out in this report, and requests that the financial impact is included within the report to Cabinet in February 2025; and

- (i) authorises the Director of Planning and Community in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to assess different options for the continued provision of the Out-of-Hours and CCTV service and to implement any necessary changes, as necessary, following the Cabinet's final decision on the future of Careline.

### **Reasons for Decision:**

In the light of the fact that feedback from the recent customer, public and stakeholder consultation had presented alternative approaches that warranted more detailed and proper consideration and additional time incorporated into the programme and next steps in order for that consideration to take place and given that it was also necessary to factor in the full implication of terminating the YourStride contract when carrying out that further work along with any changes that might need to be made to other third-party contracts.

### **Alternative Options Considered:**

The five options subject of the recent consultation were set out in full within the report to Cabinet of 26 July 2024 and associated appendices. The alternative approach to that set out in the recommendation would have been to push ahead with a final decision on the future of Careline in line with preferred Option 2, but that would not have allowed time now suggested as necessary to give proper exploration of the proposals from third parties. As a partner to the North East Essex Health and Wellbeing Alliance, it is important to establish if there is an opportunity to further delivered against its aims and objectives for an integrated health-system approach. At the same time other third-party proposals put forward through the consultation should be explored too.

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

Councillor Gary Scott declared an Other Registrable Interest and left the meeting. Councillors Jayne Chapman BEM and Paul Honeywood each declared Other Registrable Interests but as they were not Decision Makers the Monitoring Officer granted them both a Dispensation to remain in the meeting.

### **Consultation with Ward Member:**

N/A

### **Contact Officer:**

Gary Guiver, Director (Planning & Communities)

\* 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.