

## RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

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

### SUBJECT OF DECISION:

Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.1 - Scrutiny of the Sport and Activity Strategy for Tendring

### Decision:

**RESOLVED** that the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the responses, both written and oral, of the Portfolio Holder responsible for Leisure & Public Realm thereto be endorsed.

### Reasons for Decision:

Having duly considered the recommendations made by the Community Leadership Overview & Scrutiny Committee together with the responses of the Portfolio Holder for Leisure & Public Realm thereto.

### Alternative Options Considered:

Not to endorse the Portfolio Holder's responses.

### 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 December 2024	Cabinet	No

**SUBJECT OF DECISION:**

Matters Referred to the Cabinet by a Committee - Reference from the Standards Committee - A.2 - Proposed Amendment to Article 9 of the Council's Constitution

**Decision:**

**RESOLVED** that Cabinet recommends to Full Council that Article 9.05(2) of the Council's Constitution be amended to read as follows:-

“(2) Composition:

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;
- Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and
- A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.”

**Reasons for Decision:**

Having duly considered the recommendation made by the Standards Committee together with the suggestion put forward by the Monitoring Officer.

**Alternative Options Considered:**

1. Not to recommend the amendment to Full Council.
2. To recommend an alternative amendment.

**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*
20 December 2024	Cabinet	No

**SUBJECT OF DECISION:**

Leader of the Council's Items - A.3 - Delivering against the Council's Corporate Plan 2024-28 - Initial Proposals for Highlight Priorities for 2025/26

**Decision:**

**RESOLVED** that -

- (a) the initial highlight priorities for 2025/26, as set out at Appendix B to the report (A.3), be approved for consultation;
- (b) all Councillors, other partners and the public be invited to consider the initial priorities referred to in (a) above; and
- (c) the outcome of the consultation referred to in (b) above be reported to Cabinet on 21 February 2025 in order that Cabinet can formally adopt its finalised highlight priority actions for 2025/26 with relevant milestones during that year.

**Reasons for Decision:**

In order to set out openly for all concerned the initial proposals for highlight priorities for 2025/26 and in order to support the openness agenda of the Council and provide an opportunity for engagement with the public, businesses and partners on those initial proposals.

**Alternative Options Considered:**

As these are initial proposed highlight priorities the Cabinet has not discounted any alternatives replacing those identified in Appendix B. Likewise, publication of the initial proposed highlight priorities does not automatically mean each item in those priorities will be included with finalised priorities for 2025/26. The option of not publishing initial proposed highlight priorities was assessed and discounted as it did not support the Council's openness agenda and good decision making (through taking account of the views of the residents, businesses and partners).

**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 December 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Leader of the Council's Items - A.4 - Adoption of an Artificial Intelligence Best Practice Approach at Tendring District Council

**Decision:**

**RESOLVED** that –

- (a) the proposed Artificial Intelligence Best Practice Approach, as set out at Appendix A to item A.4 of the Report of the Leader of the Council, be approved and adopted for use at Tendring District Council; and
- (b) the Portfolio Holders responsible for Communications and IT be authorised to make any future changes required to the guidance in order to ensure it is updated and continues to reflect best practice as this area develops in the future.

**Reasons for Decision:**

It was felt that the proposed approach would help mitigate risks associated with AI use; ensure compliance with data governance and ethical standards; and promote the benefits of AI within the Council.

**Alternative Options Considered:**

1. Not adopting the approach; this was ruled out as it could result in missed opportunities and potential misuse of AI.
2. Developing a policy instead of a best practice approach; this option was deemed unnecessary as existing policies cover relevant areas.

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

None

**Consultation with Ward Member:**

N/A

**Contact Officer:**

William Lodge, Communications Manager

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

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.5 - Updated General Fund Financial Forecast / Budget 2025/26

**Decision:**

**RESOLVED** that –

- a) the updated Financial Forecast and proposed budget position for 2025/26, as set out in item A.5 of the Report of the Corporate Finance & Governance Portfolio Holder and its appendices, be approved; and
- b) the Resources and Services Overview and Scrutiny Committee's comments be requested on this latest financial forecast and proposed position for 2025/26.

**Reasons for Decision:**

In order to set out the latest financial forecast as part of the process of developing the budget proposals for 2025/26 and in order to comply with the process for Developing the Budget as set out within the Budget and Policy Framework Procedure Rules of the Constitution, which included the consultation process of the draft Financial Strategy / Forecast setting out the basis on which the budget proposals are intended to be formulated, with the Council's Overview and Scrutiny Committees.

**Alternative Options Considered:**

These are broadly covered in the main body of this 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*
20 December 2024	Cabinet	Yes

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Economic Growth, Regeneration and Tourism Portfolio Holder - A.6 - Community Regeneration Partnership (formerly Levelling Up Partnership) - Programme Delivery

**Decision:**

**RESOLVED** that Cabinet formally -

- a) accepts the £19.79M CDEL and £100k RDEL funding offered by the Ministry for Housing, Communities and Local Government for the Community Regeneration Partnership (formerly the Levelling Up Partnership) programme;
- b) allocates capital expenditure of £19.79M to the Capital Programme against the projects, as set out in Table 1 of item A.6 of the report of the Economic Growth, Regeneration & Tourism Portfolio Holder, and allocates £100,000 revenue to the delivery of a cultural masterplan for Clacton, to deliver the Partnership; and in respect of the projects identified:-
- c) approves the scope and details of the 'first wave' projects set out in Table 2 of this report and delegates authority as follows:
  - i. approves an allocation of £0.5m from the above capital expenditure to the Seafront Micro Venue project (Ten\_10) and authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism, in consultation with the Portfolio Holder for Arts, Culture and Heritage to: Agree the final design brief, approve submission of the subsequent planning application and procure a main contractor for the detail design and delivery of the project on the basis of a planning consent;
  - ii. requests the Portfolio Holder for Economic Growth, Regeneration and Tourism to bring a future report to Cabinet in order to enter a main building contract for the Seafront Micro Venue project subject to the outcome of a formal procurement process;
  - iii. approves an allocation of £0.5m from the above capital expenditure to the Shopfront Improvements project (Ten\_08) and authorises the Portfolio Holder for Economic Growth, Regeneration & Tourism to: Sign off an evaluation criteria and deliver an open call grant process administered in line with the adopted External Grant Funding Checklist;
  - iv. approves an allocation of £0.21m from the above capital expenditure to the Community Transport Buses project (Ten\_02) and authorises the Portfolio Holder for Economic Growth, Regeneration & Tourism to: Sign off an evaluation criteria and deliver an open call grant process administered in line with the adopted External Grant Funding Checklist;
  - v. approves an allocation of £0.2m from the above capital expenditure to the Extending the Healthy Homes Initiative project (Ten\_06) and authorises the Portfolio Holder for

Economic Growth, Regeneration and Tourism, in consultation with the Portfolio Holder for Assets, to: Appraise the sites and execute powers as delegated under the Property Dealing Procedure;

- d) in respect of the 'second' and 'third' wave of projects, approves these projects in principle and request Officers to progress outlining the scope and details of these projects, and further requests the Portfolio Holder for Economic Growth, Regeneration & Tourism to bring a future report to Cabinet to seek its approval to progress these projects to implementation; and
- e) in respect of the 'fourth wave' of projects, as set out in Table 3 of the Portfolio Holder's report (A.5), authorises the Portfolio Holder for Economic Growth, Regeneration & Tourism, in consultation with the Corporate Director (Place and Economy), the Director (Finance and IT) & Section 151 Officer and the Director (Governance) & Monitoring Officer, to approve the funding agreements and associated governance arrangements with Essex County Council and the NHS.

### **Reasons for Decision:**

In order to capitalise on the Government's funding opportunity to address key socio-economic challenges in Clacton-on-Sea and Jaywick Sands, improve local infrastructure, enhance community services, and contribute to the long-term regeneration of the area and recognising that this was a once in a decade opportunity for Tendring to deploy investment on this scale, in addition to other Government funding, to be benefit of Clacton-on-Sea and Jaywick Sands.

### **Alternative Options Considered:**

1. **Not to allocate funding to these projects:** This option was carefully considered. Given the scale of the project work in the limited time available, and the risks to the council if there were overspends at a time of tight finances, the option of not taking the projects forward was considered. However, it was dismissed as it would forfeit significant government funding and the opportunity to address important local issues.
2. **Only accept funding for some projects:** This option was also considered, as it would reduce the pressure on delivery. However, it would not fully make use of the available funding or meet as much need as this broad list of projects provides.
3. **Not progress with commencing projects at this time:** this option was carefully considered, however due to the limited timescale set out within the Memorandum of Understanding, swift development of the projects will be necessary to address the programme risks already set out here. On review of the projects identified, the opportunity was identified to progress projects which were well developed and subject to previous governance to mitigate the programme risks.

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

Councillor Gina Placey declared an Other Registrable Interest insofar as she was a Trustee of Tendring Community Transport.

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

Yes

### **Contact Officer:**

Lee Heley, Corporate Director (Place and Economy) & Deputy Chief Executive

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

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Economic Growth, Regeneration and Tourism Portfolio Holder - A.7 - Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to production of Tender information

**Decision:**

**RESOLVED** that Cabinet formally -

1. acknowledges and supports the progress made to date against the original project scope, and the positive outcome of consultation undertaken so far enabling the submission of planning applications for the schemes;
2. approves extending the scope of the £2,148,421 allocated by Cabinet to develop the Carnarvon Terrace (LUF) and Homes for Dovercourt (CRP) projects from planning lodgement through to completion of the main build contract tender process, with expenditure from this allocation to include professional services and capital delivery capacity within the Council;
3. authorises the Corporate Director (Place and Economy), in consultation with the Council's Section 151 Officer, to continue to determine the mix of funding (from the Council's own approved contribution and the money made available by the Government) to support both the LUF Scheme in Clacton and the CRP Scheme in Dovercourt, within financial parameters previously agreed and until the next significant project milestones are reported to Cabinet;
4. approves, subject to due diligence being undertaken on the terms and conditions, the Council entering into an agreement with Essex County Council for use of the Managed Service Solution framework for the appointment of temporary and permanent workers;
5. authorises the Chief Executive to undertake the aforementioned due diligence, in consultation with the Monitoring Officer and the Section 151 Officer and to sign the agreement;
6. authorises the Corporate Director (Place and Economy) to procure and enter into a Pre-Contract Services Agreement with a suitable main contractor, to increase buildability, reduce risk and deliver value for money on the schemes;
7. authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism to agree the final procurement route for the main build contracts and to agree the documentation required to commence procurement for the main build contracts for both Carnarvon Terrace (LUF) and Homes for Dovercourt (CRP); and
8. notes progress on the Essex County Council led LUF and CRP projects: the Clacton Hub (LUF); The Kingsway Improvement Corridor (CRP) and the Learning and Library schemes in Dovercourt (CRP) and reiterates the Council's continued support for the programme management of these schemes, as set out in previous Cabinet reports and in the Agreements with Essex County Council.

**Reasons for Decision:**

In order to ensure the momentum was maintained with the professional team to deliver the



LUF and CRP projects to the next technical design development stages, to be able to go out to tender for construction and furthermore, to ensure the Council was able to adequately oversee the projects and manage the subsequent risk effectively, by having the Capital Delivery capacity in place for capital projects within the Council.

**Alternative Options Considered:**

Stop the developments now: Tendring 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, it would also lose the opportunity for substantial improvements in Clacton and Dovercourt with external funding.

Finalise Procurement Route now: This option risks tying the Council to a procurement route that may not be suitable and could escalate the final costs beyond the budget and also removes options for market engagement in design development.

End the additional Council capacity for capital delivery: This would reduce costs for the project in the short term, however given the overall circa 40M programme there is a significant risk to not having substantial expertise and experience to oversee the projects.

Not enter the framework agreement: This would prevent the Council from having access to an existing framework set up for use by local authorities in Essex for temporary and permanent workers.

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

None

**Consultation with Ward Member:**

Yes

**Contact Officer:**

Lee Heley, Corporate Director (Place and Economy) & Deputy Chief Executive

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

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.8 - Consideration of Revisions to the Housing Allocations Policy and Agreement to undertake Consultation in connection with these revisions

**Decision:**

**RESOLVED** that -

- (a) the proposed revisions to the Council's Housing Allocations Policy, as set out in Appendix A to item A.8 of the Report of the Housing & Planning Portfolio Holder, be approved for consultation with current and prospective tenants, residents and other key stakeholders;
- (b) the approval of the format and design of the consultation be delegated to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Housing;
- (c) subject to there being no significant changes required to be made to the draft Policy because of the consultation, the approval of the revised Housing Allocations Policy be delegated to the Portfolio Holder with responsibility for Housing for its adoption and implementation; and
- (d) the Corporate Director (Operations and Delivery) be authorised, in consultation with the Portfolio Holder responsible for Housing, to make future updates or amendments to this Policy.

**Reasons for Decision:**

In order to ensure that the Allocations Policy was appropriately adopted, in accordance with the Council's Constitution and scheme of delegation and to evidence compliance with regulatory standards.

**Alternative Options Considered:**

The only alternative option considered was to not implement a revision of the Housing Allocation Policy.

Each local housing authority in England and Wales is required by the Housing Act 1996 (HA 1996), Pt 6 ('Allocation of Housing Accommodation'), to have a scheme for the allocation of social housing. A Housing Allocations Policy is a written statement on how a Local Authority allocates social housing within its District.

In accordance with the Localism Act 2011, each local authority has the right to determine their own Housing Allocations Policy. This allows local authorities to give "reasonable preference" to certain categories of applicants, ensure that properties are allocated in a fair

and reasonable manner as well as being able to better manage our stock.

The Allocations Policy sets out the rules that the Council must follow when letting our properties. This also allows us to manage the unrealistic expectations of those applicants who have little or no prospect of being allocated a property.

This revised Allocations Policy has also been designed to assist the Council in meeting the Regulator of Social Housing's revised Consumer Standards which came into effect on 1 April 2024.

Failure to meet the Consumer Standards could result in the Regulator using its enforcement powers, which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will 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 makes the day-to-day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints and investigations by either the Housing Ombudsman or Local Government and Social Care Ombudsman services, as applicable.

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

Councillor Bray declared an Interest in this item insofar as he was a Housing Tenant of the Council.

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Tim Clarke, Assistant Director (Housing and Environment)

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

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.9 - Consideration and Adoption of Housing Polices on Gas Safety, Electrical Safety, Fencing & Paving and Empty Council Homes Management

**Decision:**

**RESOLVED** that -

- a) the Gas Safety Policy, Electrical Safety Policy, Fencing & Paving Policy and Empty Council Homes Management Policy be adopted;
- b) their direct and immediate implementation be authorised, subject to the call in procedures under the Council's Constitution; 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 the Policies.

**Reasons for Decision:**

In order to set in place clear policies to inform future maintenance and management activities and also a policy framework to evidence compliance with regulatory standards.

**Alternative Options Considered:**

Not setting in place policies in these areas – not proposed.

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

Councillor Bray declared an Interest insofar as he was a Housing Tenant of the Council.

**Consultation with Ward Member:**

N/A

**Contact Officer:**

Tim Clarke, Assistant Director (Housing and Environment)

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

**SUBJECT OF DECISION:**

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.10 - Community Projects Update

**Decision:**

**RESOLVED** that Cabinet -

- a) notes and commends the 'Community Projects e-brochure' and the work within it, delivered by the Council or working in partnership, demonstrating community leadership across the District; and
- b) endorses the 'further aspirations' work within the 'Community Projects e-brochure', noting that any financial commitment to progress these projects and programmes will be subject to future decisions.

**Reasons for Decision:**

Having considered the overview of the range of projects being undertaken across the Council to support the Council's Community Leadership role in the period 2024/25.

**Alternative Options Considered:**

As part of its community leadership role the Council has delivered a number of projects as detailed in this report and supporting e-brochure. An alternative option which would not have seen this work undertaken was not considered as this would not so effectively have delivered the community leadership role.

However, in terms of individual items of work different options have been considered for example some of the decision making around the work undertaken has included Member working groups, or Portfolio Holder approval or approval from partners such as the North East Essex Health and Wellbeing Alliance.

**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*
20 December 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.11 - Updated Housing Revenue Account Business Plan and Budget Proposals 2025/26

**Decision:**

**RESOLVED** that -

- (a) the updated HRA 30 year Business Plan, which includes the proposed revised position for 2024/25 along with budget proposals for 2025/26, be approved; and
- (b) the Resources and Services Overview and Scrutiny Committee's comments be requested on this latest HRA financial forecast.

**Reasons for Decision:**

In order to enable Cabinet to agree the most up to date HRA Business Plan which set out a revised position for 2024/25 along with the proposed HRA budget for 2025/26 for consultation with the Resources and Services Overview and Scrutiny Committee.

**Alternative Options Considered:**

These are broadly covered in the main body of this report.

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

Councillor Bray declared an Interest insofar as he was a Housing Tenant of the Council.

**Consultation with Ward Member:**

N/A

**Contact Officer:**

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