

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Leader of the Council's Items - A.1 - Adoption of the Freeport East Retained Business Rates Agreement and Annual Business Plan for 2025/26

Decision:

RESOLVED that Cabinet –

- (a) in its role as Billing Authority, notes the progress made to date to complete the Freeport East Retained Business Rates Agreement, and agrees the approach as proposed in Appendix A to the Leader of the Council's report (A.1);
- (b) authorises the Deputy Chief Executive and the Section 151 Officer to approve and sign the final Freeport East Retained Business Rates Agreement in line with the Council's Freeport East Policy for Managing Retained Business Rates and Freeport East Policy for Granting Non-Discretionary Domestic Rates Relief; and
- (c) in its role as a Founding Member, and in accordance with the Members' Agreement, approves the 2025/26 Freeport East Ltd. Annual Business Plan.

Reasons for Decision:

Having duly considered the Leader's report (A.1) and having recognised that the recommendation to complete the approval of the Freeport East Retained Business Rate Agreement would provide a signed agreement that protected the Council and put into legal effect the relevant parts of the Freeport East Local Growth and Investment Strategy and documented the underlying mechanisms to support its implementation and that the Freeport East Business Plan provided clarity on the plans for 2025/26 and this Council's approval followed the requirements of the Members' Agreement and good governance.

Alternative Options Considered:

The alternative option was for the Council not to approve the Retained Business Rates Agreement; however, this could expose Tendring District Council to increased risk in the administration of Freeport East business rates and would not align the Council with partners within Freeport East Ltd. If the Council did not approve the Business Plan, the Council would not be acting in accordance with the Members' Agreement and Freeport East Ltd would not have the required approval to implement its plans for 2025/6.

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 Wellbeing) & Deputy Chief Executive

Date:	Decision Maker:	Subject to Call-in*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.2 - Levelling Up Fund - Appropriation of Site for Planning Purposes

Decision:

RESOLVED that Cabinet –

- (a) agrees to the appropriation of the site including the High Street Car Park and the former Carnarvon House site, Carnarvon Road, Clacton-on-Sea, CO15 6QF, for the purposes of the Carnarvon Terrace Development incorporating planning purposes, housing and commercial uses, as indicated in the plan at Appendix A to the Portfolio Holder's report (A.2);
- (b) approves that the Council, in its capacity as landowner and developer, grants an Unilateral Undertaking (UU) to the Planning Authority to discharge both the Affordable Housing and RAMS payment conditions in lieu of a Section 106 agreement for obligations in relation to planning permission 24/01890/FUL ("the Carnarvon Terrace Development");
- (c) authorises the Deputy Chief Executive & Director of Place and Wellbeing, in consultation with the Corporate Director (Finance and IT) & Section 151 Officer and Legal Services, to undertake the necessary legal steps to complete the appropriation process including, but not limited to, notification of those who may be affected, publication of the relevant appropriation decision notices, and executing memorandums as required by the relevant legislation;
- (d) authorises the Deputy Chief Executive & Director of Place and Wellbeing, in consultation with the Corporate Director (Finance and IT) & Section 151 Officer and Legal Services to approve the final terms of the necessary legal instrument required for the purposes of the unilateral undertaking to be given to the planning authority by the Council in its capacity as the owner and developer of land; and
- (e) notes that further decisions will be required following the outcome of the procurement exercises and on-going use of the land for different purposes to ensure the Council is fulfilling its various legal duties.

Reasons for Decision:

Having duly considered the Portfolio Holder's report (A.2) and having recognised that: -

Appropriation was required to ensure timely delivery of the development in accordance with funding deadlines set by the Ministry of Housing, Communities and Local Government (MHCLG) and to mitigate the risk of delays arising from potential third-party claims and ensure that the procurement process could proceed without legal challenges; and further that: -

Unilateral Undertaking – the Council's Planning Committee had approved the Carnarvon Terrace development on 4th March 2025, requiring the Council to enter into a Section 106 Legal Agreement for Affordable Housing, RAMS payments, and Biodiversity Net Gain (BNG). However, the Council could not enforce this agreement against itself. Therefore, a further report would be presented to the Planning Committee to address BNG as a condition and to cover affordable housing and RAMS payments through a Unilateral Undertaking (UU), as opposed to a Section 106 Agreement.

Alternative Options Considered:

- Stop the developments now. This would lose the opportunity for substantial improvements in Clacton and Dovercourt with external funding and potentially impact on the success of future funding opportunities.
- Not to progress with land appropriation – however, this would present a risk to the delivery time frame of the projects. Formal appropriation was essential in this context because the existing designation of the land did not allow for development for housing purposes.

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 Wellbeing) & Deputy Chief Executive

Date:	Decision Maker:	Subject to Call-in*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.3 - Annual Housing Complaints Performance and Service Improvement Report including Self-Assessment against the Housing Ombudsman's Complaint Handling Code

Decision:

RESOLVED that Cabinet –

- (a) in accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with Cabinet's scrutiny and oversight requirements, formally receives and notes the Council's Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-Assessment against the Code, as set out in Appendices A and B to the Portfolio Holder's report (A.3);
- (b) formally approves its response, as submitted by the Leader of the Council at this meeting and recorded above, to the Annual Complaints Performance and Service Improvement report, for publication; and
- (c) authorises Officers to publish both the Service Improvement Report and the Cabinet's response thereto on the Council's website within the section relating to complaints and to submit the self-assessment to the Housing Ombudsman by no later than 30 September 2025.

Reasons for Decision:

In order to approve the self-assessment carried out and to provide the Governing Body's response before its submission to the Housing Ombudsman.

Alternative Options Considered:

The Council's complaints self-assessment sets out how it complied with the Housing Ombudsman's Complaint Handling Code and the evidence to support this position. The only alternative option would be to not complete this assessment.

The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code. This meant that the Housing Ombudsman was required to ensure that all landlords met the standards set out in the Code for complaint handling. To assist with this, all landlords were required to submit their self-assessment to the Housing Ombudsman by 30 September 2025,

If this was to not be completed or submitted, the Council would risk non-compliance with the Complaints Handling Code.

Where the Housing Ombudsman identified any concerns with a landlord's compliance with the Code, they would engage with them to bring them back into compliance promptly. If there was evidence of ongoing failures in compliance, the Ombudsman would consider using their wider powers including Complaint Handling Failure Orders (CHFO). The Ombudsman Self-Assessment Guidance stated that a landlord's failure to provide their submission meant that they might then be issued with a Type 3 CHFO (non-compliance with the statutory Complaint Handling Code).

**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*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.4 - Outturn Performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25

Decision:

RESOLVED that Cabinet –

- (a) notes the Council's Outturn Performance Report against the Tenant Satisfaction Measures, for publication on the Council's website and submission to the Regulator of Social Housing by 30 June 2025; and
- (b) requests the Corporate Director (Operations and Delivery) to ensure that the Council's Tenants Panel examines the data presented in this report and to develop an action plan for continuous improvement.

Reasons for Decision:

Having duly considered the Portfolio Holder's report and to receive formally the outturn performance report before its submission to the Regulator of Social Housing and publication on the Council's website.

Alternative Options Considered:

The collation and submission of the TSM data was a mandatory requirement of the Consumer Standards for social housing providers. There was, therefore, not an alternative option.

In addition to reviewing the TSMs submitted, the RSH would also carry out regular inspections and investigate organisational complaints to ensure compliance with the new standards. It was fully expected that this Council would receive an inspection within the next two years.

Failure to meet the Consumer Standards could result in the RSH 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 RSH 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.

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*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Leisure and Public Realm Portfolio Holder - A.5 - Delivery of four new Playzone Activity Hubs for the District

Decision:

RESOLVED that Cabinet –

- (a) formally agrees to accept Football Foundation funding of £839,355 towards the development of four new Playzones at Clacton Leisure Centre, Dovercourt (Cliff Park), Jaywick Sands (Crossways) and Walton-on-the-Naze (Bathhouse Meadow), with a total project cost of £0; and furthermore, authorises the Assistant Director (Sport, Culture and Health), in consultation with the Corporate Director (Law and Governance) to enter into a funding agreement on behalf of the Council;
- (b) agrees to contribute £204,643.88 from Section 106 monies and £75,168.12 from the Corporate Investment Fund, making a total of £0 as match funding towards this project;
- (c) authorises the Assistant Director (Sport, Culture and Health), in consultation with Legal Services, to enter into a Joining Agreement with the Football Foundation, to become part of the Football Foundation's Framework Alliance Contract for the duration of the project;
- (d) authorises the Assistant Director (Sport, Culture and Health), in consultation with Legal Services, to enter into a Pre-Construction Services Agreement with McArdle Sport, Edge Public Solutions and Sportslab UK, to undertake the detailed design proposals and to submit planning applications for the new Playzones, under the pre-procured Football Foundation Framework;
- (e) agrees for £40,000 of the Council's agreed match funding contribution set out in resolution (b) above to be committed towards the Playzones design phase and costs of submitting the planning applications;
- (f) authorises the Assistant Director (Sport, Culture and Health), in consultation with the

Portfolio Holder for Leisure and Public Realm, to submit planning applications where applicable, for the four facilities listed in the executive summary of the Portfolio Holder's report (A.5);

- (g) agrees that, following consultation with local organisations, decision making for the future management options for the Playzone facilities be delegated to the Portfolio Holder for Leisure and Public Realm, in consultation with the Assistant Director (Sport, Culture and Health), the Corporate Director (Law & Governance) and the Corporate Director (Finance & IT);
- (h) agrees that the approval of the final business plans and associated actions, including the decision to enter into a JCT agreement with McArdle Sport for the construction phase of the Playzone Project, be delegated to the Leader of the Council & Portfolio Holder for Finance and Governance and the Leisure and Public Realm Portfolio Holder, in consultation with the Corporate Director (Finance & IT), the Assistant Director (Sport, Culture and Health) and Legal Services; and
- (i) agrees the inclusion of four new Playzone facilities within the Capital Programme in 2025/26, with a total budget of £0.

Reasons for Decision:

To progress the delivery of four new Playzone facilities in the District, which was a project set out in the action plan of the Council's approved Sport and Activity Strategy, through to completion.

Alternative Options Considered:

1. Not to progress the project any further: Such a decision would result in the projects being cancelled, and the loss of £839,355 of external funding. As this project was a key action in providing new free to use facilities in focused areas of the District, as set out in the Sport and Activity Strategy, a key route to delivering a Council objective would be lost.
2. To scale down the project and deliver fewer Playzones in the District: This would reduce the project costs and resourcing implications involved but would in turn reduce opportunity and a platform for increased activity levels across communities.

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

None

Consultation with Ward Member:

Yes

Contact Officer:

Michael Carran, Assistant Director (Sport, Culture & Health)

Date:	Decision Maker:	Subject to Call-in*
27 June 2025	Cabinet	Yes

SUBJECT OF DECISION:

Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.6 - Tendring District Council (Career Track) Apprenticeships

Decision:

RESOLVED that Cabinet –

- (a) notes the annual review undertaken by the Career Track team, including the proposed actions to deliver the forecast subsidy reflected in the long-term financial plans; and
- (b) requests financial updates on Career Track to be included as part of the quarterly financial reports, as deemed necessary.

Reasons for Decision:

Having duly considered the Portfolio Holder's report (A.6).

Alternative Options Considered:

1. Join Crown Commercial Services (CCS): this option was disregarded due to resource needs, loss of autonomy, increased competition, and existing legislation allowing collaboration without competition.
2. Career Track becomes an Approved Employer Provider: this option was disregarded because it required a higher apprenticeship wage budget, limited regional reach, and reduced adaptability to demand changes.
3. Utilise Alternative Local Authority Providers: this option was disregarded due to lack of prioritisation for Tendring, potential decline in support and success rates, unmatched local understanding, and significant role in staff recruitment and retention.

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

None

Consultation with Ward Member:

N/A

Contact Officer:

Katie Wilkins, Assistant Director (People)

* 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.