
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 11TH OCTOBER, 2019 AT 10.30 AM
ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Joy Broderick (Independent Living Portfolio Holder), Carlo Guglielmi (Deputy Leader of the Council and Corporate Finance & Governance Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships Portfolio Holder), Mary Newton (Business and Economic Growth Portfolio Holder), Alex Porter (Leisure and Tourism Portfolio Holder) and Michael Talbot (Environment and Public Space Portfolio Holder)

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Gary Scott (Leader of the Liberal Democrats Group), Mark Stephenson (Leader of the Tendring Independents Group) and Graham Steady (Deputy Leader of the Independent Group)

Also Present: Councillors Delyth Miles (except items 42 - 49) and Gina Placey

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Tim Clarke (Head of Housing and Environmental Health), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Matt Cattermole (Business Support Assistant)

42. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Chapman (Leader of the Independent Group) and I J Henderson (Leader of the Labour Group).

43. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 13 September 2019 be approved as a correct record and signed by the Chairman.

44. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time though later on in the meeting as recorded below:-

- (1) Councillor G V Guglielmi declared a personal interest during the discussions on report A.1 – House Building by Tendring District Council – when such discussions

- touched on the subject of Gifted Units insofar as he was a Director of the Lawford Housing Enterprise Trust; and
- (2) Councillors G V Guglielmi, P B Honeywood and M E Stephenson each declared a personal interest during the discussions on report A.3 – Freehold Disposal of Land at Vista Road, Clacton-on-Sea and Freehold Acquisition of Land at Rush Green, Clacton-on-Sea insofar as they were also Elected Members of Essex County Council.

45. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Ministerial Visit to Harwich Port

The Leader of the Council (Councillor Stock OBE) informed Cabinet that there had been a Ministerial visit to the Port of Harwich the previous day. The Secretary of State had been impressed with the level of BREXIT resilience planning and preparation at the Port especially as Harwich was the designated ‘resilience port’ for Dover.

Councillor Stock reported that, together with Councillor I J Henderson (a local ward member for Harwich and the County Councillor for the Harwich Division), he had taken the opportunity to ‘lobby’ hard the Secretary of State that the business case, revised route and funding for the urgent upgrade of the Hare Green to Harwich stretch of the A120 be produced as a matter of urgency given the extremely poor condition of the road. He made the point that in the present circumstances it would be a waste of public money to repair the road given the needed upgrade.

Therefore, Councillor Stock stated that he would be liaising with Essex County Councillor Kevin Bentley, the County Council’s Portfolio Holder for Infrastructure with a view to sending a joint letter to the Secretary of State that would reinforce the points made by Councillors Stock and Henderson at the Ministerial site visit.

46. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

47. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were none on this occasion.

48. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

There were none on this occasion.

49. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

50. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.1 - HOUSE BUILDING BY TENDRING DISTRICT COUNCIL

Councillor G V Guglielmi declared a personal interest during the discussions on this item when such discussions touched on the subject of Gifted Units insofar as he was a Director of the Lawford Housing Enterprise Trust.

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.1) which set out the proposed aspiration of the Council to deliver good quality, affordable housing to support economic growth within the District and to ensure that the Council delivered on its commitment to further underpin the housing led renewal process in Jaywick Sands by providing safe new housing as part of the housing led regeneration strategic priority.

Members were aware that the District of Tendring, together with London and other parts of the South East, was facing a shortage of homes of all tenures and, in particular, a shortage of good quality homes which were affordable to those on lower to middle incomes. The shortage of homes was pushing up market sale prices and rents to unaffordable levels for some households. Equally it was recognised that to attract new employment a good mix of aspirational as well as more affordable housing must be available for workers. Currently, many new developments were designed to maximise development profit and so properties were frequently small, lacking storage space and were unimaginatively designed.

However, it was reported that recent planning approvals and build out rates across Tendring suggested that the local market might be reacting differently but this might also be just a lag ahead of the slow down which had seen house prices fall in London, indeed they had fallen for 18 consecutive months, which would no doubt have an impact on build out rates and would also squeeze the space standards and suitability of new homes.

The Cabinet was advised that until such time as the housing market stabilised it would be premature to look to undertake new build other than to deliver housing at social rents in order to ensure that for those priced out of the market the Council could support those households. Should the market change and the option for the Council to enter the "home ownership" market then at that time a further options report would be brought forward.

Members were further advised that clearly there were also areas such as Jaywick Sands where it was difficult to attract traditional developers due to the lack of market confidence. This was another area where Tendring District Council could take a lead to reshape the market. The Council had been recognised as "Housing Business Ready" following an audit by the Housing and Finance Institute and so it needed to build upon the good foundations already established within the Council to influence the market and deliver new homes.

Cabinet was made aware that detailed proposals would be brought forward on a site specific basis as and when development opportunities were identified, but that this report set the overall framework and context within which such decisions would be made. Each site specific proposal as well as that framework would also take into account the overarching direction which would be established by the emerging Housing Strategy.

Members were also informed on the proposed approach to some small complications which had arisen on gifted units, which, as this was a unique proposition, did not appear to have arisen previously or anywhere else in the country and, therefore, there were no precedents to rely upon.

Having considered the information provided in the report including the financial, risk and other implications and the legal advice provided by Officers:-

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:-

RESOLVED that Cabinet –

- (a) endorses the approach proposed in respect of building new Council owned homes;
- (b) approves, “in principle”, to build 200 new Council houses on the basis that any proposed specific site development opportunities will be approved by Cabinet on an individual business case and will reflect the overarching direction established via the emerging Housing Strategy;
- (c) approves the accepting of Gifted Units under Section 106 Planning Agreements with on-going responsibility for service charges incurred by management companies and, in some instances, a requirement for the Council to become shareholders in such companies; and
- (d) authorises the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Housing and the Head of Governance and Legal Services, to agree the final terms and conditions for the transfer of Gifted Units including the management company governance arrangements.

51. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND LEISURE & TOURISM PORTFOLIO HOLDER - A.2 - BUSINESS PLAN FOR CLACTON LEISURE CENTRE

Further to Minute 22 of the meeting of the Cabinet held on 19 July 2019, Members gave consideration to a joint report of the Corporate Finance and Governance Portfolio Holder and the Leisure and Tourism Portfolio Holder (A.2) which requested approval of the business case in order for the proposed asset improvement works (with an allocated budget of £525,000) at Clacton Leisure Centre to proceed.

It was reported that those asset improvement works, with associated energy efficient adaptations would assist the Council in its objective to achieve high quality facilities throughout the District, together with improving customer access to services. Enhancing sports facilities would also compliment work which was currently taking place on the Sport England Local Pilots project, which had recently attracted £10m of investment spread between Tendring, Colchester and Basildon Councils.

Cabinet was informed that improving the quality of the leisure centre environment would in turn improve the customer experience at Clacton Leisure Centre. The refurbishment would provide a facility which users would expect from a modern leisure centre and which would contribute to the Council's 10 year strategy by driving down the subsidy through both increasing membership numbers and casual users, along with reducing expenditure on maintenance issues associated with the deterioration of the areas subject to the proposed refurbishment.

The business case was set out in the Project Management Scoping Document, which was before Members as Appendix A to the Portfolio Holders' report. The key issues were that:

- (1) the proposed works were the first phase of a wider Sports Facilities Strategy which would be considered by Cabinet in November 2019. This asset improvement scheme was considered to be the first priority of a number of projects due to be considered. Good quality changing facilities were the foundations of providing a high quality service in leisure provision and improvements to this basic function were considered essential prior to progressing in other areas;
- (2) the refurbishment would improve customer service and perception to both retain and attract new customers;
- (3) due to savings on maintenance costs and increased income from activities, the return on investment would be 8% despite this being an asset improvement scheme; and
- (4) there would also be a reduction in the carbon footprint of the facility through energy efficient adaptations added through the refurbishment.

Having considered the information provided in the report and the appendix attached thereto:-

It was moved by Councillor Porter, seconded by Councillor G V Guglielmi and:-

RESOLVED that Cabinet –

- (a) approves the business case for asset improvement works to Clacton Leisure Centre; and
- (b) agrees to proceed with the project set out in the 'Clacton Leisure Refurbishment' report previously reported to Cabinet in July 2019, with the Head of Sport and Leisure be delegated to undertake the necessary procurement in accordance with the Council's procurement procedure rules.

52. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.3 - FREEHOLD DISPOSAL OF LAND AT VISTA ROAD, CLACTON-ON-SEA AND FREEHOLD ACQUISITION OF LAND AT RUSH GREEN, CLACTON-ON-SEA

Councillors G V Guglielmi, P B Honeywood and M E Stephenson each declared a personal interest during the discussions on this item insofar as they were also Elected Members of Essex County Council.

The Cabinet gave consideration to a report of the Corporate Finance and Governance Portfolio Holder which enabled it to consider objections and comments received in respect of the potential disposal of public open space and also consider whether to approve, in principle, the various property transactions and contractual arrangements required in order to facilitate the extension of the sixth form facility at Clacton County High School and the improvement of public open space at Rush Green.

Members were reminded that Tendring District Council (“TDC”) owned the freehold of land including Clacton Leisure Centre and the Vista Road Recreation Area. The land lay adjacent to Clacton County High School in Walton Road, Clacton-on-Sea (“CCHS”). CCHS was an Academy school under the umbrella of Sigma Trust (“ST”).

In addition, TDC owned the freehold of land including Rush Green Bowl and the Rush Green Recreation Area. That land lay adjacent to the Tendring Education Centre site formerly known as Bishops Park.

It was reported that Essex County Council (“ECC”) had approached TDC with a proposal to expand and improve secondary education in Clacton and in the District by expanding CCHS in order to accommodate additional 11-16 year olds and by creating a new sixth form facility.

Cabinet was informed that in order to meet space requirements ECC needed to expand the CCHS site in order to accommodate the additional pupils. ECC had therefore requested that a defined area of land be transferred from TDC to ECC with the intent that it would then be transferred to ST for the purpose of the extending the education facility, in a manner yet to be finalised.

Members were advised that as the land in question was held by TDC as public open space and recreation land a public notice had been published (as required by section 123 of the Local Government Act 1972) advertising TDC’s intention to dispose of the land. Responses received at the time of printing the Portfolio Holder’s report were attached as Appendix D to that report and consideration of those responses were set out in the body of the report.

Cabinet was made aware that discussions between ECC and TDC officers had led to a proposal that included:

1. TDC transferring the land identified off Vista Road, shown edged red in Appendix A to ECC;
2. ECC transferring the land identified off Jaywick Lane, shown edged red in Appendix B to TDC;
3. TDC granting rights of access to ECC and ST for construction access, general access and installation and use of services in the car park and access roads adjoining the Leisure Centre and School sites;
4. ECC, TDC and ST entering into a revised joint use agreement currently related to the football changing room but proposed to encompass:
 - a. a revision in relation to the changing room;
 - b. regulation of the use and management of the car park and access;
 - c. facilitation of public use of the area transferred to ECC at Vista Road outside of school hours;
 - d. facilitation of the use, by ST during school hours, of the all-weather pitch owned by TDC;
5. ECC transferring a sum of money to part fund the replacement of the all-weather pitch and fund the various improvement works at both of the locations as indicated on the plans save for the potential multi-purpose building which would be subject to separate TDC business case; and
6. TDC being obliged to procure and carry out all of the key improvements and would at its discretion use the remaining funds to carry out the other improvements indicated on the plans.

Members were reminded that the existing all-weather pitch, parking and various other features at the sites were in need of some investment and refurbishment. The aforementioned proposals would enable TDC to assist with the facilitation of educational improvements as well as taking a more holistic view of the potential upgrading of facilities both at Vista Road and at Rush Green.

Members placed on record their appreciation to the Head of Property Services (Andy White) and his Team for their excellent work in bringing this matter to such a successful conclusion.

Having considered the information provided in the report and appendices and, in particular, the financial, risk and other implications, the legal advice provided by Officers and the public representations received in response to the public notice:-

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:-

RESOLVED that Cabinet –

- (a) having considered the objections and comments received, as set out in Appendix D to the Portfolio Holder's report, in respect of the potential disposal of public open space, agrees that the loss of public open space is outweighed by the provision of a new extended school facility and by the provision of a dedicated sixth form education facility in the District;
- (b) approves, in principle,:
 - a. the freehold disposal of land at Vista Road, Clacton-on-Sea, as shown edged red on the plans in Appendix A, for the purposes of educational provision, relying on the General Consent Order for the reasons set out within the report;
 - b. the freehold acquisition of land at Rush Green Clacton-on-Sea, as shown edged red on the plans in Appendix B, for the purposes of public open space;
 - c. the granting of rights for access and installation and use of services in the Council's retained land at Vista Road;
 - d. the revision and extension of an existing shared use agreement related to changing rooms in order to include grass and artificial pitch areas;
 - e. the Council entering into an umbrella agreement with Essex County Council in order to encompass the foregoing to then secure funding from Essex County Council for various improvement works in return for the various rights granted and Tendring District Council's undertaking to procure and carry out key improvement works at the Vista Road site;
- (c) authorises officers to procure, contract and carry out the key improvement works and such other works that are shown on the plans and listed at Appendix C and other improvements that are considered necessary by the Corporate Director (Operational Services), subject to the sufficiency of funding;

- (d) authorises the Deputy Chief Executive and the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Corporate Finance & Governance, to enter into the necessary legal agreements to deliver this project.

53. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND HOUSING PORTFOLIO HOLDER - A.4 - FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY

The Cabinet gave consideration to a joint report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder (A.4) which sought its approval for the freehold purchase of a residential property within the District.

It was reported that Officers were working with a family who were threatened with homelessness due to mortgage arrears but who also had a need for an adapted property. It was likely that the Council would be in a position where it needed to find suitable accommodation in order to prevent or relieve such homelessness. However, for a number of years the Council had had a very strong demand for the needed size of property which had been adapted to assist tenants with disabilities. Turnover of such tenancies was very low and it was very unlikely that a property suitable for this family would become available.

Cabinet was informed that the property currently occupied by the family had been purchased from the Council a number of years ago through the Right to Buy scheme. Taking a broad and pragmatic view of what were very unusual and complex circumstances it was felt that an effective option for the Council would be to explore the purchase of this property that was already undergoing adaptations via a Disabled Facilities Grant. This would bring a further adapted property into the housing stock whilst discharging a statutory homelessness duty.

Members were made aware that the family had been accepted onto the Council's Housing Register and were in a high priority banding that would qualify them for a property such as this were it to become available. It was therefore proposed that the family become tenants of the property upon completion of the sale.

Cabinet was advised that the Housing Manager and the Development & Building Manager had both visited the property and were in agreement that it was a suitable property to bring back into the Council's housing stock. In addition, a Chartered Surveyor valuation had been obtained and a purchase price agreed with the family.

Having considered the information provided in the report:-

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:-

RESOLVED that Cabinet authorises, in principle, the freehold purchase of the property, subject to its decision to be taken later in the meeting in relation to the terms of the contract and the transfer of deeds necessary to complete the purchase of the property.

54. MANAGEMENT TEAM ITEMS

There were none on this occasion.

55. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor P B Honeywood and:-

RESOLVED that under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 15 to 17 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

56. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 13 SEPTEMBER 2019

It was **RESOLVED** that the Exempt Minute of the meeting of the Cabinet held on Friday 13 September 2019 be approved as a correct record and signed by the Chairman.

57. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD DISPOSAL OF LAND AT VISTA ROAD, CLACTON-ON-SEA AND FREEHOLD ACQUISITION OF LAND AT RUSH GREEN, CLACTON-ON-SEA

RESOLVED that Cabinet, having had regard to its discretionary powers under the General Disposal Consent Order (England) 20013, -

- (a) approves the terms for the freehold disposal of Land at Vista Road to Essex County Council (ECC), as scheduled in the Current Position section of the Portfolio Holder's report;
- (b) approves the terms for the freehold acquisition of Land at Rush Green from ECC as scheduled in the aforementioned Current Position section;
- (c) approves the terms for the terms for the granting of works access over Land at Vista Road to ECC, as scheduled in the above mentioned Current Position section;
- (d) approves the terms for the granting of an easement for installation and use of services under of Land at Vista Road to ECC, as scheduled in the aforesaid Current Position section;
- (e) approves the terms for the addition/revision/extension of the joint user agreement related to the football changing rooms to include shared use of the transferred land, car park, access and all-weather pitch at Vista Road with Sigma Trust and/or ECC, as scheduled in the previously mentioned Current Position section;
- (f) authorises the acceptance of £1,010,315 from ECC together with the undertaking to complete the key improvements and to expend the other funding only on improvements at the Vista Road and Rush Green sites;
- (g) authorises Officers on receipt of the funds to procure and complete works as (f) above, including the commissioning of advisors and contractors as required;
- (h) authorises the Deputy Chief Executive to conclude detail of the terms as scheduled in the aforementioned Current Position section; and
- (i) authorises the Deputy Chief Executive to enter into the various contracts as above, and any umbrella or supplemental contracts that he considers necessary, all on the terms set out and subject to such other terms that he considers necessary.

58. **CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND HOUSING PORTFOLIO HOLDER - B.2 - TERMS FOR THE FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY**

RESOLVED that Cabinet –

- (a) approves the terms for the freehold purchase of the property; and
- (b) authorises the Deputy Chief Executive to enter into a contract and transfer deed in order to complete the purchase of the property on the terms set out and subject to such other terms that he considers necessary.

The Meeting was declared closed at 11.36 am

Chairman