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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 18TH DECEMBER, 2020 AT 10.31 AM  
MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT  
2020/392.**

**Present:** Councillors Neil Stock OBE (Leader of the Council)(Chairman), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships Portfolio Holder), Mary Newton (Business & Economic Growth Portfolio Holder), Alex Porter (Leisure & Tourism Portfolio Holder) and Michael Talbot (Environment & Public Space Portfolio Holder)

**Group Leaders Present by Invitation:**

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independent Group), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of the Tendring Independents Group)

**Also Present:** Councillor Gina Placey (Deputy Leader of the Tendring First Group)

**In Attendance:** Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Ian Ford (Committee Services Manager), Matthew Wicks (Housing Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant) and Charlene Haynes (IT Officer)

**92. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor G V Guglielmi (Deputy Leader of the Council & Corporate Finance & Governance Portfolio Holder).

**93. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the meeting of the Cabinet, held on Friday 13 November 2020, be approved as a correct record and be signed by the Chairman.

**94. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time.

**95. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

Covid Tiers – Essex

The Leader of the Council (Councillor Stock OBE) referred to the recent decision of the Government to keep the Districts of Tendring and Uttlesford and the Borough of Colchester in Covid Tier 2 whilst placing the rest of Essex into Tier 3. He was pleased

that the Secretary of State had listened to the pleas of Essex MPs not to put areas with lower rates of Covid infection into a higher Tier as this would have undermined the credibility of the whole process.

Councillor Stock also stated that he was encouraged by an answer given by the Secretary of State to a question asked in Parliament by Bernard Jenkin MP for Harwich & North Essex which indicated that if the infection rates continued to decline then Tendring could be placed into Tier 1 in the New Year.

The Leader of the Labour Group (Councillor I J Henderson) raised his concern that volunteers could be sent into schools in the New Year to administer Covid checks without having undergone a DBS check and that this raised issues of safeguarding and legality. The Leader of the Tendring First Group (Councillor Allen) stated that members of the public could enter schools without a DBS check but only if they were supervised at all times.

Councillor Stock shared Members' concerns as to the protection of pupils but was confident that the necessary safeguards would be put in place.

**96. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no announcements made by Cabinet Members on this occasion.

**97. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - DEVELOPMENT SITES FOR COUNCIL HOUSING**

Members recalled that, at the meeting of the Council held on 24 November 2020, the following motion had been moved by Councillor Placey and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

*“(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning permission for housing developments on those sites in order to maximise the income from such disposals; and*

*(b) That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”*

Cabinet was informed that none of three sites referred to in Councillor Placey's motion had yet been disposed of and no formal decision had been made in relation to any disposal. All of the sites were owned within the Council's General Fund and were currently used as small pieces of open space.

Members were advised that, in coming to decisions in relation to the management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council was obliged to ensure that the management of its assets were for the benefit of the District.

In addition, Section 123(1) of the Local Government Act 1972 indicated that, a local authority could dispose of land held by it in any way it wished so long as (in accordance with section 123 (2)) the land was disposed for a consideration not less than the best that could reasonably be obtained.

Furthermore, the General Disposal Consent Order (England) 2003 gave consent for disposal at below the best consideration reasonably obtainable provided that the under value was less than £2m and the proposal enhanced the environmental, economic or social well-being of the area.

Section 123(2A) Local Government Act 1972 indicated that, a local authority could not dispose of land held by it without advertising its intention to do so in the local press.

Similarly, where land could be owned within the Housing Revenue Account (HRA), Section 32 of the Housing Act 1985 together with the General Housing Consent 2013 gave the Council a discretionary power to dispose of land held under Part II of the Housing Act 1985 that had not been developed.

#### Planning Applications/Permissions

Cabinet was made aware that outline planning permission had been granted for residential development at Crome Road, Clacton-on-Sea and Dover Road, Brightlingsea. An application was in preparation for development at Hilton Close, Manningtree. In each case indicative work had indicated potential for one dwelling, (and possibly two at Crome Road), at each of the sites.

#### Council Strategies

Cabinet was reminded that the Council's adopted Housing Strategy identified the potential to construct additional housing within the HRA as part of the response to the target for 200 additional homes.

Additionally, the Property Strategy identified the desire to dispose of smaller and ineffective sites and to invest in play areas and larger open spaces. It also promoted identification, acquisition and development of sites for Council Housing.

It was reported that the three sites in question had been identified as part of a review of General Fund sites carried out pursuant to the Property Strategy objectives. Additionally, Property and Housing Team officers were working together to bring forward a series of sites within the HRA.

Members were aware that it was a corporate priority to construct Council Housing. Capacity was being built to follow the completion of starter homes at Jaywick Sands with further construction projects. It was likely that as the capacity of the team built it would be necessary to take a balanced view on sites in order to develop and sites to dispose of. Such a balanced approach would also allow attention to both housing and other capital programme projects and the funding of them.

It was therefore proposed that each site should be considered on its own merits in terms of options for disposal or development. Very generally speaking the various factors tended towards the retention of larger sites, sites in HRA and locations linked to existing

housing sites and the need to address other priorities and funding tended towards the disposal of smaller and isolated sites.

Accordingly it was suggested that Officers should consider all options for each site identified and outline the factors and reasoning behind recommendations when each of the sites was brought forward for decision on whether to dispose or develop.

In accordance with the provisions of Council Procedure Rule 12.6, Councillor Placey attended the meeting, explained her motion and responded to questions raised. Councillor Allen, the seconder of Councillor Placey's motion also explained its purpose.

Having considered the contents of Councillor Placey's motion to Council together with the information contained within the Officer report:-

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

**RESOLVED** that –

- (a) Cabinet thanks Councillor Placey for taking the time to explain her motion to Cabinet;
- (b) Officers continue with the process of assessing all unused land owned by the Council with a view to suitability for building council homes or sale as part of the process of asset management. Clearly a number of factors must be taken into account when making decisions in respect of each site, for example, whether there is a demand for council homes in that area and whether the site is suitable for such a use. In some cases disposal of the land may be a better option when everything is taken into account; and
- (c) a report, considering the options suggested in the motion, be presented at the Cabinet meeting scheduled for February 2021 with a view to presenting the outcome of Cabinet's review to Full Council in March 2021.

**98. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.2 - SCRUTINY OF THE WASTE AND RECYCLING COLLECTION SERVICE**

During the consideration of this item, Councillor I J Henderson declared for the public record that he was a member of Essex County Council's Climate Change Commission.

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 86 referred), the Committee had been provided with an overview of the Council's Waste and Recycling Collection Service.

Future ambitions of the service to further improve the recycling rates:

Members of that Committee had heard that the last of the main delivery of approximately 58,000 wheeled bins had been completed by the end of August 2019 and as such the wheeled bin service had been in operation for just over a year. The report of the Portfolio Holder for Environment & Public Space placed before Cabinet on the 16th February 2018 had anticipated that the fortnightly collection of residual waste from a wheeled bin service would reduce the amount of waste sent to landfill by an estimated

16% (4,500 tonnes) whilst increasing recycling by an estimated 3,100 tonnes and increasing the recycling rate by an estimated 8%.

The Committee had been made aware that the latest audited data supplied by ECC for the period of April 2019 to March 2020 had reported a reduction of waste sent to landfill by 7,363 tonnes, increasing recycling by 2,899 tonnes and increasing the recycling rate from the 2018/19 figure of 27.4% to a 2019/20 figure of 36.6%; an increase of 9.2%.

Those figures had not only met or exceeded the predicted ambitions of the new service, the new waste service had not become fully operational until the last week in August 2019, this indicated that with the first 5 months data based either fully, or partially, on the old weekly collection service, that the future performance of the fortnightly collection service would continue to over-achieve the initial targets set for the service.

It had been reported to the Committee that the Council's Recycling Officer had recently overseen the installation of a new bring site, located at ASDA in Clacton resulting in the installation of 6 additional glass banks, which had helped support and increase the network of bring sites across the District. Additionally the community bring site in Brightlingsea had seen a larger capacity tetrapak bank installed to help meet demand.

It had been further to the Committee that the Street Scene team had recently taken on a new technical administrator; the purpose of that position would be to provide additional administrative support to the team, which when combined with the increased use by residents and customers of the Authority's on line My Tendring portal reporting tool, would further improve the Council's responses to enquiries and complaints and critically, would free up the Recycling Officer to prioritise their workload in promoting and enhancing recycling within Tendring.

As highlighted above the team continued to work and build upon the foundations of the new waste service, continued to deliver wheeled bins, installed and provided additional bring sites and ensured all new build properties were provided with a full waste and recycling container set in a timely manner; those efforts could be reflected in the recycling data for September 2019 up to and including the end of April 2020; for that 8 month period which solely reflected the fortnightly collection service had recorded a recycling rate of 39.80%; an increase of 12.4% compared to 2018/19.

After much deliberation the Committee had commented and recommended to Cabinet that:

- (a) that the recommendation from 17 February 2020 about waste minimisation information to residents (perhaps in the annual council tax leaflet) is repeated;*
- (b) that the Cabinet be invited to set the aspiration for this Council over the next four years to reach the mean level of recycling for all local authority districts in the East;*
- (c) that (further to (b)) the aspirations information presented to the meeting be assessed and an action plan be developed to take relevant ones forward in the short, medium and long term aimed at achieving the aspiration referenced. This action plan to be submitted to this Committee;*
- (d) that work with primary schools on waste reduction, minimisation and recycling should start at the first practical opportunity and details of involvement be passed to*

*the relevant ward councillors in advance of such work commencing and explore possibility of funding for schools to support recycling; and*

- (e) *that details of all bring sites be submitted to the Committee detailing the recycling available, the extent of use as far as it is known, the collection frequency and the plans for improving them, the range of recycling to be made available to extend that provision and address any excess of use over capacity for it and the signage at those sites to be clear that side waste should not be left.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Environment & Public Space (Councillor Talbot):-

*“I would like to thank the Chair and the Committee for their recommendations and I too share their ambitions and future aspirations for the waste and recycling services provided to the residents of Tendring by this authority.*

*The officers continue to work tirelessly not only to improve and enhance our network of bring sites but to deliver projects over the period of the current contract which will provide residents with new opportunities to recycle more and reduce the amount of waste sent to Landfill.*

*I also look forward to the appropriate time when they can engage with primary school students in promoting the key messages of waste reduction and recycling, a key message which hopefully once installed in to them at an early age will stay with them throughout their adulthood and perhaps even share with their parents.*

*In relation to the aspiration to reach the mean level of recycling as compared against all local authorities in the East, with so many different waste and recycling arrangements in place, as Portfolio Holder we must ensure that any comparisons made to other authorities is based on a like for like basis and in doing so will provide us with a true and meaning comparison.”*

Councillor Talbot informed the meeting that the recycling rate for the month of September 2020 (the latest available) had been 42%.

Having considered the comments and recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for the Environment & Public Space’s response thereto:

It was moved by Councillor Talbot, seconded by Councillor Porter and:-

**RESOLVED** that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Environment and Public Spaces Portfolio Holder, in response thereto, be endorsed.

**99. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.3 - SCRUTINY OF THE LEISURE PROVISION BY THE COUNCIL IN THE DISTRICT**

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 87 referred), the Committee had been provided with an overview of the Leisure Provision by the Council in the District.

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The Committee had been updated on a number of items on the Sport and Leisure work programme by the Assistant Director for Economic Growth and Leisure (Mike Carran). Those items had included:-

- (1) the emerging District-wide Leisure Strategy as previously reported to it with progress made on the development of the Strategy;
- (2) the refurbishment of the Clacton Leisure Centre – a review of the arrangements for the refurbishment since they had last been presented to the Committee;
- (3) the sale of land to Clacton County High School, community access to the pitches on that land, management of that community access and the conditional works on the existing 3G pitches at the Leisure Centre with progress and timescales; and
- (4) the refurbishment of the Skate Park at the Leisure Centre – plans and timescales.

After much deliberation the Committee had commented and recommended to Cabinet that:

1. *the Committee notes the intentions of a sports and leisure strategy to be considered in early 2021. While the Committee would want a strategy as early as possible it believes that the additional time will ensure that the strategy can address the issues facing the District, including encouraging people to regress from being fairly active, to active and from inactive to fairly active and with provisions for those with disabilities. The Committee would welcome the early sight of the emerging strategy and the associated action plans to support delivery of that strategy. The strategy itself, should rightly address the position beyond COVID.*
2. *the intentions for the redevelopment of Clacton Leisure Centre has been shelved for the end of this calendar year and the Cabinet is reminded that this Committee has previously requested that the consultation with users should be undertaken and detailed examination of the costs of the works be undertaken to secure value for money and a positive contribution of the Council's aims of reducing its carbon foot print.*
3. *that proposals around Back 2 Business of Clacton's Skate Park to be refurbished, to be pursued and that the associated lessons from the site in Dovercourt delivered to the Harwich Town Council, be harnessed including funding for it.*
4. *the previous issue, of the vital importance of consistent and common branding identified by this Committee on 13 August 2020 in respect of tourism, should also be applied to leisure services to help promote the area and its facilities to residents and visitors.*
5. *all tenders for improvements to the leisure facilities contain a specific recommendation in respect of energy efficiency costs and savings and the long term impact of the carbon foot print of Tendring District Council.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Leisure & Tourism –

*“The Portfolio Holder for Leisure and Tourism welcomes the comments of the Resources and Services Overview and Scrutiny Committee. The emerging Sports Facilities strategy has rightly been postponed until there is a stable operating position for our Leisure Facilities and robust, long term decisions can be made. The strategy will be subject to consultation with the committee as well as wider partners and stakeholders.*

*The planned Leisure Centre refurbishment has been carefully prepared by appropriately skilled and experienced professionals and the specification of works will be robust and invite proposals for carbon reduction.*

*The Committee will have noted the refurbishment of Clacton Skate Park was incorporated in the short term plans for the Council’s Back to Business report. Officers will now work with park users to take the project forward and meet the aspirations of local people.*

*The Council has set out its objectives for branding in the draft Tourism Strategy, which will be finally considered in the New Year, following a period of consultation.”*

Having considered the comments and recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for Leisure & Tourism’s response thereto:

It was moved by Councillor Porter, seconded by Councillor Newton and:-

**RESOLVED** that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Leisure & Tourism Portfolio Holder, in response thereto, be endorsed.

**100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.4 - SCRUTINY OF THE FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE SECOND QUARTER 2020/21 AND LONG TERM FINANCIAL FORECAST UPDATE**

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 16 November 2020 (Minute 97 referred), the Committee had been provided with an overview of the Financial Performance report of the Council’s financial position against the budget as at the end of September 2020 as well as an updated long term financial forecast.

During the consideration of this report the Committee had made the following recommendations to Cabinet:-

- 1. That Cabinet be recommend to record the sincere appreciation for the sterling work of the revenue and benefits team and the Section 151 officer in rapidly developing and deploying grant schemes for businesses to help maintain the economic fabric of the District in these difficult times for those businesses.*
- 2. That consideration be given when reporting on the in-year position on the budget to include reference to the comparable position from the previous year.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Corporate Finance & Governance –

*“I thank the RSOS Committee for their comments; I actually recognised the sterling work by both, the Financial and Benefits and Revenue teams for the sterling work they have rendered to all of us, Members, Residents and Businesses alike, in my speech at the last Cabinet meeting on 13<sup>th</sup> November, when I presented the Financial Performance Report.*

*I would further add that it goes without saying that the work and effort undertaken by Officers across the whole Council in response to COVID19 has been incredible, which also includes Members. This has been placed on public record several times over the last few months.*

*In respect of point 2, the Committee are able to independently request what information they think they need to support their overview and scrutiny role regardless of whether or not it is included within reports to Cabinet. However, any request for additional information needs to balance its value with the level of Officer time required to produce and maintain it, especially given the complex nature of local authority accounting.”*

Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for Corporate Finance & Governance’s response thereto:

It was moved by Councillor Stock OBE, seconded by Councillor Porter and:-

**RESOLVED** that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

**101. LEADER OF THE COUNCIL'S ITEMS - A.5 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY**

During the consideration of this item Councillors Allen, Chapman, Scott and Stock OBE each declared for the public record that they had been recipients of Covid business support grants.

The Cabinet gave consideration to a report of the Leader of the Council (A.5) which notified Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

The Cabinet recalled that, as part of the Council’s response to the COVID-19 public health emergency the Council’s Monitoring Officer had produced a formal “Note on Decision Making Business Continuity Arrangements” which had set out the ways in which the normal operational business of the Council could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer’s formal Note, as issued on 20 March 2020, had contained, inter alia, the following information and advice:

*“The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:*

a. *Following a resolution of the Cabinet (subject to the Constitution), or*

b. *In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.*

*In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.*

*Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:*

- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

*Whilst it was anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”*

The Monitoring Officer had considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

It was reported that in making the decision in question the Leader of the Council had exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

Members were reminded that the decisions taken as a matter of urgency had related to:-

- (1) Tending Local Restrictions Support Grant Scheme (OPEN) [Published 20 November 2020]

Decision: (a) To approve a Local Restrictions Support Grant Scheme; and

- (b) To authorise the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

- (2) Tending Additional Restrictions Support Grant Scheme (ARG) [Published 30 November 2020]

Decision: (a) To approve an Additional Restrictions Support Grant Scheme; and

- (b) To authorise the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

Having considered the contents of the report:

It was moved by Councillor Stock OBE, moved by Councillor McWilliams and:-

**RESOLVED** that –

- (a) the contents of the report be noted; and
- (b) the urgent decisions taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.

**102. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.6 - FUTURE BOOKING OF TEMPORARY ACCOMMODATION HOSTEL IN CLACTON-ON-SEA**

The Cabinet gave consideration to a detailed report of the Housing Portfolio Holder (A.6) which sought its approval for the future use, by way of a licence to occupy, of a hostel in Clacton in which to provide temporary homeless accommodation.

Members were reminded that the Council had made use of a hostel in Clacton-on-Sea for temporary accommodation since 2018. Due to the accumulating value of the arrangement Cabinet approval was now required in order to enter into a future agreement.

The Cabinet was aware that homelessness applications, temporary accommodation placements and consequently Council spending had been increasing over recent years, a trend that showed no sign of reversing. Currently, temporary accommodation was sourced externally via this hostel, plus a small House in Multiple Occupation and other hotel and bed and breakfast establishments.

Cabinet also recalled that, in June 2020, it had approved the repurposing of Spendells House in Walton-on-the-Naze to temporary accommodation and that scheme was expected to be ready during the latter part of 2021.

The Housing Portfolio Holder (Councillor P B Honeywood) informed the meeting that the Planning Committee, at its meeting held on 15 December 2020, had granted planning permission for Spendells House to be converted into temporary accommodation to support those facing homelessness.

Having considered the information and advice contained in the Portfolio Holder's report:-

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

**RESOLVED** that Cabinet –

- a) notes the ongoing increase in temporary accommodation placements across the District and significant associated costs;
- b) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Housing, to enter into a twelve month "licence to occupy" arrangement in respect of 13 Beach Road, Clacton-on-Sea from January 2021; and

- c) subject to the availability of Government grant funding, value for money considerations and continuing need, authorises, in principle, the Corporate Director (Operations & Delivery), in consultation with the Portfolio Holder for Housing to extend the twelve month “licence to occupy” year-on-year thereafter.

**103. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MANOR PUBLIC HOUSE, RECTORY ROAD, GREAT HOLLAND, FRINTON-ON-SEA**

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.7) which sought its determination whether The Manor Public House, Great Holland met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by The Manor Reborn – an unincorporated body with more than 21 members registered to vote in the Tendring District. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from The Manor Reborn as shown identified in the plan included within Appendix A to the Portfolio Holder’s report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government’s non-statutory guidance defined an asset of community value as: *“Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”*. The Portfolio Holder’s report provided an assessment of the nomination.

The Cabinet therefore were required to consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account it was the Portfolio Holder’s recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder’s report and its appendix:-

It was moved by Councillor McWilliams, seconded by Councillor Stock OBE and:-

**RESOLVED** that The Manor Public House, Rectory Road, Great Holland, Frinton-on-Sea, Essex CO13 0JP does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council’s list of Assets of Community Value.

**104. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.8 - FREEHOLD SALE OF A RESIDENTIAL PROPERTY**

The Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.8) which sought its approval, in principle, for the revised terms for the freehold sale of a five bedroom residential property in Harwich which required substantial structural and maintenance work.

Cabinet recalled that, in December 2019, it had made the decision to dispose of a five bedroom residential property in Harwich which was in need of substantial structural repairs and maintenance work.

Following a structural engineers report on the condition of the property, commissioned by the prospective purchaser, a revised selling price had been negotiated reflecting the structural repairs identified as necessary. The revised terms were set out in the Portfolio Holders' private and confidential report that would be considered later in the meeting following the exclusion of the press and public.

It was reported that the house was currently vacant and had not been let since the last tenant had moved out in April 2019. Due to the nature and age of the house the maintenance and running costs were high and selling the property would avoid the Council having to spend upwards of £50,000 in capital works to solve dampness and structural problems. The use of the receipts could be added to funds already held from Right to Buy and/or Section 106 receipts and used to bring a more suitable additional dwelling(s) into the Housing Revenue Account that could immediately begin generating a return.

Having considered all of the information and advice contained in the Portfolio Holders' report:-

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

**RESOLVED** that Cabinet authorises, in principle, the revised terms for the freehold sale of the property and also authorises, in principle, the Corporate Director for Operations and Delivery to enter into a contract and transfer deed in order to complete the sale of the property, subject to the Cabinet's decision to be taken later in the meeting (following the exclusion of the press and public) in respect of the related Part B private and confidential report.

**105. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - UPDATED FINANCIAL FORECAST AND INITIAL BUDGET PROPOSALS 2021/22**

The Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.9) which submitted the updated financial forecast and proposed budget position for 2021/22 for its consultation with the Resources and Services Overview and Scrutiny Committee.

Cabinet was aware that a 'live' 10-year forecast was maintained and reported to Members throughout the year and that he most up-to-date position in December each

year was translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee. Therefore, as part of maintaining a 'live' forecast, the Portfolio Holder's report 'built' on the last position that had been presented to Cabinet on 13 November 2020.

It was reported that, despite the challenging financial and economic environment, confidence in the long term approach to the forecast remained, which was supported by the forecast risk fund. It was also noted that the managed position in terms of reserves continued to enable the Council to respond to exceptional events such as the COVID 19 crisis.

Members were informed that, at this stage of the budget process, there was a net deficit of £1.647m forecast in 2021/22, an improvement of £0.128m compared with the £1.775m deficit reported to Cabinet on 13 November 2020. Therefore, the forecast remained within the financial boundaries set out in the long-term plan.

Cabinet was advised that, although subject to potential changes over the remaining budget-setting period, the current forecasted deficit of £1.647m would be met by drawing money down from the forecast risk fund.

The Leader of the Council (Councillor Stock OBE) informed Members that the Local Government Finance Settlement for 2021/22 had been announced the previous day (17 December 2020). For Tendring, that Settlement had included:-

- a Revenue Support Grant (RSG) of £400,000;
- a New Homes Bonus (NHB) of £650,000; and
- a permission to increase Council Tax by up to £5.

Those changes emerging from the settlement in relation to the RSG and the NHB would be included in the figures that would be presented to Cabinet in January 2021 when it considered its final budget proposals for recommendation to Full Council in February 2021. The budget already included a proposed council tax levy increase of £5.

It was reported that once the final position for 2021/22 was determined, the remaining years of the 10-year forecast would be revised, set against the budget position for 2021/22 and would be reported to Members later on in the budget setting process.

Having considered all of the information and advice contained in the Portfolio Holder's report:-

It was moved by Councillor Stock OBE, seconded by Councillor McWilliams and:-

**RESOLVED** that Cabinet –

- a) approves the updated Financial Forecast and proposed position for 2021/22, as set out in item A.9 of the Report of the Corporate Finance & Governance Portfolio Holder and the Appendices attached thereto; and
- b) requests the Resources and Services Overview and Scrutiny Committee's consideration of, and comments on, this latest financial forecast and proposed position for 2021/22.

**106. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.10 - HOUSING REVENUE ACCOUNT ESTIMATES 2021/22**

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.10) which set out and sought its approval of the following for consultation with the Resources and Services Overview and Scrutiny Committee:

- a Housing Revenue Account (HRA) Budget for 2021/22 including the movement in HRA Balances;
- the level of fees and charges for 2021/22; and
- the HRA Capital Programme.

Members were informed that only limited changes to the HRA budget were proposed in 2021/22, pending a longer-term review of the HRA business plan during 2021.

Cabinet recalled that 2020/21 had been the first year that the Government had allowed rents to be increased following a 4-year period where they had been required to be reduced by 1% each year. In-line with rent setting guidance issued by the Regulator for Social Housing, rents were proposed to be increased by CPI + 1% in 2021/22 (a 1.5% increase) in order to continue the recovery from the foresaid 4 years of rent reductions. Therefore, the average weekly rent proposed for 2021/22 was £84.10 (£82.42 in 2020/21). Although the above increase in rents would generate additional income of £0.193m, other changes to the budget had more than offset this position with an overall deficit of £0.012m forecast for 2021/22.

Cabinet was informed that it was proposed to fund this relatively small deficit by drawing money down from the HRA General Balance, which was estimated to total £5.257m at the end of 2021/22 after taking into account that adjustment.

It was reported that the proposed HRA Capital Programme for 2021/22 totalled £3.457m and would continue to provide for a range of schemes and projects. The Capital Programme included a revenue contribution of £0.281m in order to support new build and acquisition projects. That on-going budget could either support the direct cost of projects within the capital programme or meet the borrowing costs that were likely to be required to deliver the 200 new properties the Cabinet had committed to provide.

Also discussed within the Portfolio Holders' report was the potential to fund an increase in the level of borrowing required in order to deliver the new build projects at the speed and scale committed to.

It was felt that the HRA general balance retained a strong financial position against which the HRA 30 year Business Plan could be further developed. 'Old' HRA debt continued to reduce year on year as the principal was repaid with a total debt position at the end of 2021/22 forecast to be £36.777m (a reduction of £1.664m compared with the figure at the end of 2020/21).

Having considered all of the information and advice contained in the Portfolio Holders' report:-

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

**RESOLVED** that Cabinet –

- (a) approves a 1.5% increase in dwelling rents in 2021/22;
- (b) approves the 2021/22 Scale of Charges, as shown in Appendix B to item A.10 of the joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder;
- (c) approves the Housing Revenue Account (HRA) Budget for 2021/22, as set out in Appendix A to the aforementioned joint report, along with the HRA Capital Programme and the movement in HRA Balances / Reserves, as set out in Appendix C and Appendix D respectively to the aforesaid report and
- (d) requests the Resources and Services Overview & Scrutiny Committee's consideration of, and comments on, the HRA budget proposals for 2021/22.

**107. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**108. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Stock OBE, seconded by Councillor Porter 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 Item 18 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

**109. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD SALE OF A RESIDENTIAL PROPERTY**

**RESOLVED** that Cabinet -

- (a) approves the revised terms for a freehold disposal to the named individual; and
- (b) authorises the Corporate Director (Operations and Delivery) to enter into a contract to dispose of the site on the terms set out and subject to such other terms that he considers necessary.

The Meeting was declared closed at 11.45 am

**Chairman**