

Public Document Pack

Cabinet

23 April 2021

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 23RD APRIL, 2021 AT 10.30 AM
THE MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

Present:	Councillor N R Stock OBE	Leader of the Council (Chairman)
	Councillor G V Guglielmi	Deputy Leader of the Council & Portfolio Holder for Corporate Finance and Governance
	Councillor P B Honeywood	Portfolio Holder for Housing
	Councillor L A McWilliams	Portfolio Holder for Partnerships
	Councillor M C Newton	Portfolio Holder for Business & Economic Growth
	Councillor A O J Porter	Portfolio Holder for Leisure and Tourism
	Councillor M J Talbot	Portfolio Holder for Environment & Public Space

Group Leaders Present by Standing Invitation: Councillors J B Chapman (Leader of the Independents Group), I J Henderson (Leader of the Labour Group), G G I Scott (Leader of the Liberal Democrats Group) and G R Placey (Deputy Leader of the Tendring First Group)

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Michael Carran (Acting Corporate Director (Place & Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Anastasia Simpson (Assistant Director (Partnerships)), Andy White (Assistant Director (Building and Public Realm)), Mark Westall (Head of Customer and Commercial Services), Ian Ford (Committee Services Manager), Peter Russell (Executive Projects Manager - Housing), William Lodge (Communications Manager) and Matt Cattermole (Communications Assistant)

163. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Allen (Leader of the Tendring First Group) and M E Stephenson (Leader of the Tendring Independents Group).

164. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 19 March 2021 be approved as a correct record.

165. DECLARATIONS OF INTEREST

In relation to item 14 (Report of the Partnerships Portfolio Holder – A.5 – Determination of a Nomination to Register an Asset of Community Value: The Allotments, Wivenhoe Road, Alresford), Councillor Scott declared a personal interest in this item insofar as he was both a local Ward Member and a Member of Alresford Parish Council.

Later on in the meeting when the aforementioned item was considered by Cabinet, Councillor I J Henderson also declared a personal interest in relation to a question that he asked about the legal status of allotments in general and, in particular, those within the Harwich and Dovercourt area insofar as he was both a local Ward Member and a Member of Harwich Town Council.

166. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements made by the Leader of the Council on this occasion.

167. ANNOUNCEMENTS BY CABINET MEMBERS

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

168. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

169. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

There were no matters referred to the Cabinet by a Committee on this occasion.

170. LEADER OF THE COUNCIL'S ITEMS - A.1 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

The Cabinet gave consideration to a report of the Leader of the Council (A.1) 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 decision taken as a matter of urgency had related to:-

“Proposed Changes to Business Grants / Financial Support Schemes [Published 31 March 2021]

Decision: That the Leader of the Council, on behalf of the Cabinet, approves:-

- a) the revised Additional Restrictions Grant Policy, as detailed in the Report of the Chief Executive;*
- b) the proposals relating to the LRSG (OPEN) business grant scheme and the Local Council Tax Support Payment Scheme, as set out in the Chief Executive’s report and authorises the Assistant Director (Finance & IT) to determine the final grant / payment amounts with the overall cost of the schemes not exceeding the associated funding made available by the Government; and*
- c) a delegated power to the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the three schemes set out above in order to reflect any emerging Government guidance as necessary.”*

Having considered the contents of the report:

It was moved by Councillor Stock OBE, moved by Councillor G V Guglielmi and:

RESOLVED that –

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

171. LEADER OF THE COUNCIL'S ITEMS - A.6 - FREEPORT EAST

The Cabinet gave consideration to a report of the Leader of the Council (A.6) which provided it with a high level update and sought its support for Tendring District Council to form part of the Freeport East Board and develop governance arrangements for future partnership working in order to meet the timescales set by Government for the formal designation of Freeport East.

Members were aware that throughout 2020, the Council had worked with public and private sector partners on a bid to present a compelling case for developing Freeport East (which included Harwich International Port and Felixstowe Ports, as one of the Government's nominated Freeports, following the UK's exit from the EU.

It was reported that, following an announcement by the Chancellor of the Exchequer at his budget speech on 3 March 2021, written confirmation had been received by Government that: *'Freeport East bid has been selected to progress to the next stage of Freeport designation.'*

Cabinet was reminded that, essentially, Freeports were innovative hubs, which boosted global trade, attract inward investment and increased prosperity in the surrounding area. The formation of Freeport East, which was a combined bid covering the ports of Harwich and Felixstowe, was expected to create over 13,500 jobs. Many of those would be highly skilled. In addition, goods brought into a Freeport did not normally attract a requirement to pay duties until they left the Freeport and entered the domestic market. No duty at all was payable if they were re-exported.

Cabinet was made aware that there were now several steps required before confirmation of Freeport status and Civil Servants would be working with partners towards formal confirmation. The key elements of this would be:

- *Completion of Governance Arrangements for the Freeport East Board;*
- *Completion of a Business Case for Freeport East (two phase process submission of an Outline Business Case (OBC) and Full Business Case (FBC), setting out how seed capital funding would be spent and connecting this investment to the wider Freeport proposal and the delivery of the policy objectives); and*
- *Designation of the Tax Sites and Customs sites authorisation.*

Members were informed that a Freeport was a cross-sector and cross-industry development. Freeport East was based upon a partnership between both private and public sectors. Appropriate governance arrangements would be required and developed on the basis of partnership working and joint approaches, in which the District Council would play a part. Determining those governance arrangements was an early part of the process and Government had confirmed that they were looking for Freeports to be designated by the end of 2021, so any delay in local decision making could impact on timescales and the ability to receive Government's approval.

It was likely that throughout the formation of the Freeport work programme, Cabinet would be required to make further decisions, and where possible those would be taken through the normal Cabinet cycle. If the Leader of the Council was required to exercise his urgency powers and take a Portfolio Holder decision, he would do so following consultation with a Portfolio Holder's working group and would reporting back to Cabinet at its next meeting.

Having considered the contents of the Leader of the Council's update report:-

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

RESOLVED that Cabinet –

- a) supports Tendring District Council forming part of a Freeport East Board and developing governance arrangements for future partnership working within the context of this report;
- b) notes that the Leader of the Council will allocate Freeport East to his Portfolio and be the lead Member Representative on the Freeport East Board, or similar, if required;
- c) welcomes the Leader's intention to form a cross-party Portfolio Holder Working Group to ensure consultation and engagement across the Council;
- d) notes and endorses that the Leader of the Council may be called upon to exercise his delegated powers under the Council's Constitution, to make urgent single Portfolio Holder decisions in relation to Freeport East, subject to undertaking consultation with the Working Group and reporting back to Cabinet thereafter;
- e) delegates authority to the Chief Executive to nominate such officers he determines to be appointed as officer representatives to any Freeport Board, shadow or otherwise, steering group, or similar; and
- f) approves the inclusion of the Freeport East project within the Corporate Key Priority Actions for 2021/22, to ensure progress is monitored, acknowledging milestones will need to be formulated as the project progresses.

172. LEADER OF THE COUNCIL'S ITEMS - A.7 - COMMUNICATIONS STRATEGY

The Cabinet gave consideration to a report of the Leader of the Council (A.6) which enabled it to consider whether to adopt a new Communications Strategy.

It was reported that the Council's Communications Strategy had been last reviewed in July 2016 and that it needed updating in order to reflect changes in communications best practice, wider societal changes, and the changes to the ways in which Tendring District Council (TDC) operated.

A draft Communications Strategy had therefore been drawn up to reflect those changes. It sought to explicitly align communications with the Corporate Plan, and set out a vision to improve links between communications and council projects; as well as building upon the recent expansion of the Communications Team.

Cabinet was aware that a key finding of the LGA Peer Review held in early 2018 identified that TDC should do more to publicise and celebrate the great work that it did and adopt an improved approach to project management.

Having considered the contents of the proposed new Communications Strategy:-

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

RESOLVED that the draft Communications Strategy 2021 be approved and adopted.

173. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - CLACTON AND HOLLAND-ON-SEA CLIFF STABILISATION: PHASE 2

The Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.2) which sought its -

- (i) authority for a scheme of work to stabilise failed and failing cliffs at Holland-on-Sea; and
- (ii) recommendation to Council to use £1.5m currently held in reserves to support the overall funding of the proposed remedial works, which would stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

It was reported that, since February 2020, three areas of cliff in Holland-on-Sea had collapsed or been identified as likely to collapse. If the stability of those areas was not addressed the collapse would continue to progress putting at risk the public highway and infrastructure within it. Public services and amenity would be compromised.

Members were reminded that the Council's emerging Tourism Strategy sets out a 10 point plan, which included the development of the local seafront offer, with the coast being fundamental to the local visitor economy. Tourism was estimated to be worth more than £402 million to the District, and was responsible for over 8,980 jobs, equivalent to 17.9% of the District's employment.

Cabinet was advised that the securing of the cliff areas was in line with corporate priorities and criteria set out in the emerging Annual Capital and Treasury Strategy, specifically safeguarding assets; reducing risks; and seeking to limit future exposure to costs and liability.

Members were informed that monitoring of the movement was continuing to take place. Design of remedial measures had been completed and tenders invited and received within the allocated budget. Evaluation of those tenders was ongoing and separate decisions would be made, subject to the funding decision of Full Council, to appoint a contractor and an engineer to oversee the work.

Cabinet was made aware that if no action was taken further collapse of the cliffs was likely which would expose the Council to significant reputational, financial and legal risk. The potential consequences of not addressing the matter are set out in the options appraisal and risk sections.

It was reported that the lowest tender was in the sum of £1,930,212.92. An allocation of funding in excess of this would be felt to be prudent in order to allow for contingencies and potentially increasing material costs, with a total budget of £2.131m therefore proposed. Subject to Cabinet's approval of the proposed remedial works, it would be recommended to Full Council to utilise £1.5m from the existing beach recharge reserve to support the overall funding required to meet the cost outlined above.

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

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

RESOLVED that Cabinet –

- a) subject to Full Council agreeing to the allocation of funding, approves the project to stabilise the damaged cliff areas at Holland-on-Sea;
- b) subject to a) above, approves the inclusion of the cliff stabilisation scheme within the 2021/22 Capital Programme with a budget of £2.131m, to be funded by utilising £1.5m from the existing beach recharge reserve along with the £631k already set aside for this project;
- c) recommends to Full Council that it approves the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme;
- d) instructs officers to seek ways to generate external funding to offset cliff stabilisation costs; and
- e) approves on-going representations being made to Government in the light of recent experiences and the continuing, significant and financial challenges faced by the Council in this area.

174. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.3 - SME / SMALL HOUSE BUILDING PROJECT UPDATE

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.3) which update it on the Small to Medium-sized Enterprise (SME) /Small House building Project and sought its approval for the acceptance of a proposal submitted.

Cabinet recalled that the Council had adopted its Housing Strategy 2020-2025 in September 2020 and that one of its key priorities was to deliver additional Council housing in the District for local households. An Acquisitions & Development Policy had subsequently been adopted in October 2020 in order to facilitate this delivery. In November 2020, the Council had been one of over fifty local authorities who had expressed an interest in working with Local Partnerships (a joint venture between the Local Government Association, HM Treasury and the Welsh Government) to deliver a project aimed at increasing engagement with the SME sector to deliver additional Council housing locally. In late December 2020, the Council had been advised that its bid for consultancy had been successful along with two other local authorities, namely Cornwall and Thurrock Unitary Councils.

It was reported that this project had commenced in January 2021. The aim of the project was to generate scheme proposals from local SME's on land that they owned or could purchase to deliver Council housing. The SME's were required to commit to securing planning consent and developing new affordable homes which the Council would then purchase at fixed prices, with the Council making staged milestone payments to the builders. As part of the consultancy package from Local Partnerships, the Council had been provided with four templates to assist in engaging with the SME sector, namely:

Invitation to Submit Proposal (ISP) – an easy to understand document for the SME's to complete if they wanted to come forward with proposals and which set out the Council's evaluation criteria and guide/benchmark prices per unit.

Golden Brick Development Agreement (GBDA) – a sample contract with land and housing with title passing to the Council on the final stage payment. The agreement provided for staged payments to be made once certain aspects of the build had been completed and therefore ensured a regular cash flow to the builder.

Ready Reckoner – a financial viability model that used local financial factors (e.g. grant rates, local housing allowance, borrowing rates, social housing rents etc.) to produce a guide price envelope for each affordable house type; and

Base Specification – a sample building specification for the Council to adapt to its own requirements.

In return, the Council was required to identify the types of affordable housing required and a budget below approved EU procurement thresholds. The Council was also required to populate the Ready Reckoner with local information to establish pricing levels and to develop and agree a promotional campaign to attract interest from local SME builders. The early weeks of the project had therefore been spent on adapting and amending the templates to meet local requirements. It was agreed that the Council would look to purchase homes on sites delivering 3-9 homes in total as this would reduce the level of obligations the developer would be required to pay through a Section 106 agreement.

Cabinet was informed that this project had gone 'live' on 1st February 2021 and as the project was time-limited in terms of the consultancy provided by Local Partnerships, the SME's had been advised to return their ISP's by 5th March 2021. As part of the publicity campaign, 44 local SME's had been contacted directly about the project; the project had been promoted on Twitter and a press release had been produced for the local press. The Portfolio Holder for Housing had also taken part in a local radio interview. Once the project went live, ten ISP's had been sent to local SME's who had expressed an interest in the scheme.

Members were made aware that, at the close of business on 5th March 2021, only one ISP had been received and the details of the submission were contained in the related 'Part B' report on the Agenda which proposed a development of three x two bedroom dwellings.

Cabinet was advised that although only one ISP had been received, Officers had been contacted by 5 local SME's who could not submit ISP's within the strict deadline for submissions but had advised that they would be interested in working with the Council on future sites. Officers were confident that there was an appetite from local SME's to

work with the Council in the future and that the lessons learnt from the project and the template documents could be used to continuously engage with the SME sector to bring forward small sites for the development of Council housing but without the requirement for bids to be submitted within strict time-frames.

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

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

RESOLVED that Cabinet –

- (a) notes the contents of the report;
- (b) authorises the Corporate Director (Operations & Delivery) to continue a process of engagement with the SME sector to deliver Council housing in the District, making use of the learning from this project; and
- (c) authorises the Corporate Director (Operations & Delivery), in consultation with the Assistant Director for Governance, to enter into a contract to purchase the three bungalows (as set out in the related private and confidential report) for housing purposes, subject to planning permission being granted for the dwellings.

175. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.4 - ADOPTION OF THE CCTV CODE OF PRACTICE

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.4) which submitted the Tendring District Council (TDC) CCTV Code of Practice and the Surveillance Camera Commissioner's 12 Guiding Principles and sought their official adoption by the Cabinet of those documents on behalf of the Council.

It was reported that, at the end of December 2018, the Council's Internal Audit team had reviewed the working practices with regards to CCTV systems within the Council. A 'moderate risk' had been found and an improvement notice had been issued. Since that time a CCTV Code of Practice had been drafted (attached as Appendix 1 to the Portfolio Holders' joint report) and a new set of Operational Procedures (Appendix 2 to that report) had been written. Both the Code and the Operational Procedures had been endorsed as fit for purpose by the Internal Audit Manager. The Corporate Enforcement Group, the Assistant Director (Governance), the Information Governance and IT Services Manager, and the Safer Communities Manager had also been consulted and their comments incorporated within the Code.

Members were informed that the Code of Practice took into consideration the Surveillance Camera Commissioner's 12 Guiding Principles and gave CCTV operators a framework to work within. The new set of TDC Operational Procedures would cover every CCTV camera that the Council owned, including the cameras within TDC premises, and as such would offer support and guidance to any Officers across the Council that had to use CCTV as part of their role.

Direction from the Surveillance Camera Commissioner required that the Council should adopt a CCTV Code of Practice, which was published on the corporate website, and communicated to all staff that needed to comply with it. At this point the new Operational Procedures should be rolled out across the Council, along with a training programme, so that all departments were following the same rules.

Cabinet was made aware that once the Code was adopted TDC could apply for a third-party accreditation that would show any specific areas where TDC could improve its systems and procedures or engage an external professional expert from NASCAM (National association of Surveillance Camera Mangers). In advance of this there were known areas that would need attention, namely:

- *In consultation with our partners in Essex Police, and also through public engagement, TDC should review the CCTV System yearly to ensure it was meeting its stated aims. This review would also include the current location of fixed CCTV cameras and any specific areas of crime where a new camera location (either a fixed or rapid deployment) should be considered. This was overdue but would commence once the Code was adopted.*
- *Many TDC cameras were old and did not have the privacy software that could be used to pixelate any areas where the cameras were looking directly at a residents' premises. Although the cameras were generally sited to cover public open spaces there were a number of instances where private addresses were overlooked. Currently, TDC mitigated this issue with the privacy and confidentiality training that its staff undertook however those old cameras would need to be replaced to address this issue fully.*
- *CCTV training was overdue for Operators in the Control Centre, but also had never taken place for other responsible officers around the Council. An in-house training programme would need to be developed and rolled-out across the Council.*
- *A number of cameras had been identified as no longer meeting the aims and objectives of the CCTV system and had been taken out of commission. A future decision would be required as to whether those cameras were removed completely or replaced. It was proposed that this decision be made as part of the annual review.*

It was suggested that, in the future, there could be the need for further cameras to be added if knowledge of new crime or anti-social behaviour hot spots became apparent. At the outset the Council's Senior Responsible Officer (SRO) for CCTV would be notified of this knowledge which might be derived from information received from Essex Police, or directly from services within the Council. The SRO would discuss the matter with the Assistant Director (Partnerships), in consultation with the Portfolio Holder for Housing, and any other relevant Portfolio Holder and Assistant Director or Head of Service, dependent on the nature or location of the circumstances in accordance with the CCTV Code of Practice. Any future decision to deploy cameras would be taken with due regard to the 12 guiding principles in order to ensure a reasonable and proportionate response and recorded accordingly.

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

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

RESOLVED that Cabinet –

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- (a) adopts the CCTV Code of Practice for Tendring District Council and the 12 Guiding Principles, as set out in Appendix A to item A.4 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder;
 - (b) authorises the Assistant Director (Partnerships) to deploy future cameras and decide their location in accordance with the Code of Practice and the 12 Guiding Principles; and
 - (c) requires that any such decision to deploy will only be made in consultation with the Portfolio Holder for Housing and the Council's Senior Responsible Officer for CCTV, following a compliant proposal being submitted by the relevant Assistant Director or Head of Service, who in their turn will have consulted with the relevant Portfolio Holder, dependent on the nature of the circumstances.

176. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.5 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE ALLOTMENTS, WIVENHOE ROAD, ALRESFORD CO7 8AQ

Earlier on in the meeting, under Minute 165 above, Councillor Scott had declared a personal interest in this item insofar as he was both a local Ward Member and a Member of Alresford Parish Council.

During the consideration of this item by Cabinet, Councillor I J Henderson also declared a personal interest in relation to a question that he asked about the legal status of allotments in general and, in particular, those within the Harwich and Dovercourt area insofar as he was both a local Ward Member and a Member of Harwich Town Council.

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.5) which sought its determination whether The Allotments at Wivenhoe Road, Alresford 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 Alresford Parish Council. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received for The Allotments at Wivenhoe Road, Alresford, 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 land nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the land 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 Allotments at Wivenhoe Road, Alresford, Essex CO7 8AQ do 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.

177. MANAGEMENT TEAM ITEMS

There were none on this occasion.

178. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi 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 17 and 18 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.

179. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 19 MARCH 2021

It was **RESOLVED** that the exempt minute of the meeting of the Cabinet, held on Friday 19 March 2021, be approved as a correct record.

180. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - B.1 - DETAILS OF THE INVITATION TO SUBMIT PROPOSAL RECEIVED THROUGH THE SME/SMALL HOUSEBUILDING PROJECT

RESOLVED that Cabinet –

- (a) notes the contents of the report;
- (b) approves the inclusion of a budget within the HRA Capital Programme in 2021/22 funded by Section 106 contributions; and
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Assistant Director (Governance) to enter in to a Development Agreement based on the draft as attached in Appendix A to the Portfolio Holder's report, contracting to purchase the three bungalows, subject to planning permission being granted, for their delivery on the site and on such other terms as set out in the report.

The Meeting was declared closed at 11.15 am

Chairman

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