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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 8TH OCTOBER, 2021 AT 10.30 AM  
IN THE COUNCIL CHAMBER AT THE COUNCIL OFFICES, THORPE ROAD,  
WEELEY, CO16 9AJ**

<b>Present:</b>	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 E T Allen (Leader of the Tendring First Group), 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), C P Winfield (Leader of the Holland-on-Sea Group) and M Bush (Deputy Leader of the Tendring Independents Group)

**Also Present:** Councillor V E Guglielmi

**In Attendance:** Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Gary Guiver (Acting Director (Planning)), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Tom Gardiner (Head of Economic Growth), Ian Ford (Committee Services Manager) and Matt Cattermole (Communications Assistant)

**50. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor M E Stephenson (Leader of the Tendring Independents Group).

**51. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 17 September 2021, be approved as a correct record and be signed by the Chairman.

**52. DECLARATIONS OF INTEREST**

In relation to Agenda Item 7 - Leader of the Council's Items – A.1 – The Making (Adoption) of the Alresford Neighbourhood Plan, Councillor Scott declared a Personal Interest insofar as he was both a Ward Member and a Parish Councillor for Alresford.

In relation to Agenda Item 9 - Cabinet Members' Items – Report of the Partnerships Portfolio Holder – A.3 – Determination of a Nomination to Register an Asset of Community Value: Imperial Hall, 75 Pole Barn Lane, Frinton-on-Sea, Councillor Allen declared a Personal Interest insofar as he was both a Ward Member and a Parish Councillor for Frinton-on-Sea.

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

The Leader of the Council (Councillor Stock OBE) reminded Members that Stage 5 of the Women's Cycle Tour was taking place that day in the District of Tendring.

The Leisure & Tourism Portfolio Holder (Councillor Porter) informed the meeting that the first riders would be coming into Clacton-on-Sea at around 12.30 p.m.

**54. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no announcements made by members of the Cabinet on this occasion.

**55. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

**56. LEADER OF THE COUNCIL'S ITEMS - A.1 - THE MAKING (ADOPTION) OF THE ALRESFORD NEIGHBOURHOOD PLAN**

Earlier on in the meeting Councillor Scott had declared a Personal Interest in this matter insofar as he was both a Ward Member and a Parish Councillor for Alresford.

The Cabinet gave consideration to a report of the Leader of the Council (A.1) which sought its approval to 'make' (adopt) the Alresford Neighbourhood Plan as part of this Council's statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan.

Members were aware that Alresford Parish Council had prepared a 'Neighbourhood Plan' for its area that had passed through all of the necessary stages of the plan-making process as set out in the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and, finally, a local referendum.

It was reported that, if the majority of those who voted in a referendum were in favour of the Neighbourhood Plan, it must be 'made' (adopted) by the Local Planning Authority within 8 weeks of the referendum. An Order must be made by the local authority before it had effect. The Neighbourhood Plan document would then be made available on both the District Council's and Parish Council's websites, and stakeholders would be notified, in accordance with Regulation 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Cabinet was informed that, in an official referendum held on Thursday 9<sup>th</sup> September 2021 which had been administered by Tendring District Council, residents of the Parish of Alresford had been asked: “Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Alresford to help it decide planning applications in the neighbourhood area?” With an overall turnout of 24.7%, 483 residents had voted ‘YES’ and 18 residents had voted ‘NO’ – a vote of 96.4% in favour of the plan.

Having considered the contents of the report, the result of the official referendum and in order to enable the Alresford Neighbourhood Plan to be formally made and adopted:-

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

**RESOLVED** that –

- (a) the result of the referendum held on Thursday 9<sup>th</sup> September 2021 in the Parish of Alresford be noted;
- (b) the Alresford Neighbourhood Plan, as attached as Appendix 1 to item A.1 of the Report of the Leader of the Council, be formally ‘made’; and
- (c) the necessary publicity and notifications be administered in accordance with Regulation 20 of The Neighbourhood Planning (General) Regulations 2012, as amended.

**57. LEADER OF THE COUNCIL'S ITEMS - A.2 - KEY PRIORITY ACTIONS 2021/22 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE HALF YEAR POINT**

Cabinet had before it a report of the Leader of the Council (A.2) which provide it with an update on the positive progress with the Key Priority Actions adopted for 2021/22 towards the Council’s Corporate Plan themes for 2020/24.

Members were fully aware that the Corporate Plan 2020/24, adopted by Council, set out the strategic direction and policy objectives for the Council over that period. Taking those Corporate Plan themes on board Cabinet, at its meeting held on 19 March 2021, had adopted a series of key priority actions for 2021/22 with individual milestones for each of those actions. The Leader of the Council’s report now provided an opportunity to report on the six month position on each of those key priority actions and the specified milestones.

Cabinet also recalled that the Leader of the Council had added to the key priority actions, approved by it in March 2021, in relation to Freeport East. The Leader’s report included progress with that action as well.

Members were aware that circumstances generally, and with progressing individual key priority actions, could impact on the individual milestones associated with those actions. The Appendix to the Leader’s report invited Cabinet to realign those milestones.

In addition, to the key priority actions, Cabinet recalled that it had also approved a performance reporting arrangement for those actions and the milestones associated with those priority actions. In accordance with that arrangement, the detail of performance at the end of Quarter 1 (i.e. April to June 2021) had been placed on the

Council's website in the 'Transparency' data section. All Councillors had been advised by email of the data being placed there. That arrangement had envisaged reporting on the six month position to this meeting of Cabinet.

Cabinet was advised that the Quarter 3 position on the key priority actions for 2021/22 was due to be reported to Cabinet on 28 January 2022 when it was intended that it would finalise its proposals for the key priority actions for 2022/23. That meeting would also recommend to full Council the Council's budget for 2022/23. The final position at the end of 2021/22 in respect of the key priority actions for that year would also be reported in 2022/23 and it was hoped to align this with the budget outturn position.

In considering the Leader's report, Cabinet reflected on the range of significant matters that the Council had delivered in those six months. It had been a busy six months and a range of the bids, and deliverables in that period were set out in the "Background" section of the report.

Having considered the contents and implications to the Council and the District 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) notes the contents of the report; and
- (b) approves the realignment of particular milestones for particular key priority actions, as highlighted in the Appendix to item A.2 of the Report of the Leader of the Council.

**58. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.3 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: IMPERIAL HALL, 75 POLE BARN LANE, FRINTON-ON-SEA, CO13 9NQ**

Earlier on in the meeting Councillor Allen had declared a Personal Interest in this matter insofar as he was both a Ward Member and a Parish Councillor for Frinton-on-Sea.

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.5) which sought its determination whether Imperial Hall, 75 Pole Barn Lane, Frinton-on-Sea 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 Frinton and Walton Heritage Trust. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received for Imperial Hall, 75 Pole Barn Lane, Frinton-on-Sea, 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 was 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 not meet the criteria as set out in Section 88 of the Localism Act 2011 and that therefore the building should not 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 Stock OBE, seconded by Councillor G V Guglielmi and:-

**RESOLVED** that –

- (a) a decision on this matter be deferred in order to allow further discussions (to be facilitated as necessary by Officers of the Council) to take place between the Frinton & Walton Heritage Trust and the owners of the Imperial Hall in an effort to come to a mutually acceptable position;
- (b) the Corporate Director (Operations & Delivery) be authorised, in consultation with the Portfolio for Partnerships, to make the decision on this matter following the outcome of those discussions referred to in resolution (a) above; and
- (c) the decision referred to in resolution (b) above be subject to the call-in process set out in the Council's Constitution.

**59. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.4 - JAYWICK SANDS COVERED MARKET AND MANAGED WORKSPACE**

Cabinet had before it a joint report of the Business & Economic Growth Portfolio Holder and the Housing Portfolio Holder (A.4) which sought its authority to make a direct award to COLBEA as the Operating Partner for the Jaywick Sands Covered Market and Managed Workspace to be based on a Licence to Occupy and Service Contract. The joint report also sought Cabinet's approval to increase the Council's financial contribution for the enabling works and operating costs of the facility for year one. The joint report also provided an update on the project's current delivery status.

Cabinet recalled that, at its meeting held on 21 May 2021, it had approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands, and had made associated decisions to enable the development to proceed.

Cabinet had further agreed to seek approval from the Secretary of State under Section 12 of the Housing Act 1985 to use the land (which was held in the Housing Revenue

Account – HRA) for non-housing purposes and to seek approval under Section 32 of the Housing Act to dispose of the land by way of a lease to the Council's Operating Partner. COLBEA had already been identified as the Council's preferred Operating Partner through a procurement exercise undertaken earlier in the year, for which the specification had set out the Council's contribution to the operating costs and referred to a lease arrangement in Modules 3 and 4.

It was reported that, following feedback from the Ministry for Housing, Communities and Local Government (now the Department for Levelling Up, Housing & Communities), Officers had reviewed the options of a lease, a licence, and a service contract, carefully considering the financial implications for the Council and the sharing of risk with COLBEA, our Operating Partner, in order to enable a successful project delivery. The details of that review were included in the finance section of the Portfolio Holders' joint report. COLBEA had also requested certain changes to the provisions in the Heads of Terms of the lease.

Cabinet was informed that that review had led Officers to recommend that a Service Contract for Management of the Facility and Business Support Service and a Licence to Occupy would enable the most effective project delivery for the benefit of the community, better share risk between the Council and COLBEA, and avoid an accounting anomaly that would lock up the land value of the project (£300,000) in an unusable reserve, and would also keep the land for the project within the HRA.

Members were advised that a Service Contract and Licence to Occupy, in addition to the new provisions proposed by COLBEA, the Operating Partner, differed from the original procurement sufficiently that it was no longer viable to continue with the previous procurement exercise in its entirety. One of the options open to the Council would be to commence a fresh procurement tender to select an Operating Partner against the new terms, however, at this stage, such a process would impact on the project's tight delivery timetable. Given that the Council had only received two bids during the original procurement exercise, and that the successful Operating Partner was the only applicant with deep experience of managed workspace delivery, it was proposed by the Portfolio Holders that a direct award be made to COLBEA for this part of project.

It was reported that, at the Council's request, COLBEA had reviewed, in detail, the running costs for the centre based on the original tender documentation and as a result had requested a further £45,000, in addition to the previously agreed £45,000 for the year one operating costs. Changing from a full repairing lease to a Service Contract and Licence to Occupy would reduce COLBEA's financial risk. Subject to Cabinet's decision, the Interim Corporate Director (Project Delivery), in consultation with the Business and Economic Growth Portfolio Holder, would negotiate with COLBEA on the terms and conditions of the Service Contract, Licence to Occupy and any changes to the agreed operating subsidy within the parameters set out in the Portfolio Holders' joint report.

Cabinet was further reminded that, at its meeting held on 21 May 2021, it had been presented with two development scenarios (Scenario A – a development proposal based on the original concept design and structured within the funding allocation of £2,127,535 and Scenario B – a development based on an updated design and requiring additional funding in the value of £300,000 resulting in a total scheme value of £2,427,535).

Members were aware that construction material costs had been seen to increase as the country 'unlocked' from the Covid-19 pandemic and that once tender prices came in for the construction, there was a potential risk that the current budget would be insufficient to deliver the project as planned. In that eventuality, Cabinet would be updated with the available options and any necessary approvals would be sought.

Cabinet had also decided on 21 May 2021 to endorse the submission of a Planning Application for the Scenario B scheme given that Essex County Council had indicated that it was minded to fund a further £300,000 in support of the enhanced scheme. Subsequent to Cabinet's meeting in May 2021, Essex County Council had confirmed that such funding would be made available (as funding of last resort) and Officers had received a draft funding agreement for approval.

Members were advised that the 'Workspace' was accessed via Lotus Way and abutted an un-adopted road (named 'Brooklands'). Essex County Council had carried out a visual inspection of that road and had requested £25,000 in project costs to enable them to complete the works on that road plus associated drainage in support of the delivery of the Workspace project.

It was reported that, subsequent to the Cabinet's meeting in May 2021, the Council's Planning Committee had assessed, reviewed and approved the Council's Planning Application and in so doing the Scenario B scheme had been approved for development at the beginning of July 2021.

Cabinet was informed that securing planning consent by the end of July 2021 had been one of two conditions placed on the award of GBF funding by the South East Local Enterprise Partnership (SELEP) and had been an impediment to the Council being issued with a Funding Agreement. The SELEP (via its Accountable Body – Essex County Council) had now issued the Council with a formal Funding Agreement for signature (which would be completed and signed in accordance with the delegation authorised by Cabinet on 21 May 2021). This would allow the Council to draw down funds from the SELEP's GBF pot in support of project costs already incurred and against future project expenditure.

Having considered the Portfolio Holders' joint report and the information, advice and proposals contained therein and to allow this project to continue to progress towards a satisfactory conclusion:-

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

**RESOLVED** that Cabinet –

- (a) notes the feedback from the Ministry for Housing, Communities and Local Government (now the Department for Levelling Up, Housing & Communities) regarding the Council retaining ownership of the Jaywick Sands Covered Market and Commercial Space once constructed;
- (b) grants an exemption to the Council's Procurement Procedure Rules, having considered the recommendation from the Council's Section 151 Officer and the Monitoring Officer, in order to allow a direct award to the Council's Operating Partner, COLBEA, to enter into a Service Contract for the Management of the Facility and to provide a Business Support Service;

- (c) authorises the Interim Corporate Director (Project Delivery), to agree the terms and conditions of the Service Contract, within the context of the principles set out in the Portfolio Holders' joint report, and in consultation with the Portfolio Holder for Housing and the Portfolio Holder for Business and Economic Growth;
- (d) endorses the granting of a Licence to COLBEA to occupy the property on terms to be agreed by the Interim Corporate Director (Project Delivery), in consultation with the Portfolio Holder for Housing and the Portfolio Holder for Business and Economic Growth;
- (e) endorses the allocation of up to an additional £70,000 from the budget set aside to support housing in Jaywick to the Jaywick Sands Covered Market and Managed Workspace project, with the final amount being agreed by the Interim Corporate Director (Project Delivery), in consultation with the Portfolio Holder for Housing and the Portfolio Holder for Business and Economic Growth; and
- (f) authorises the Council's Section 151 Officer, in consultation with the Portfolio Holder for Corporate Finance and Governance, to make the necessary changes to the Council's General Fund and Housing Revenue Account budgets to reflect the decisions made.

**60. CABINET MEMBERS' ITEMS - REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER - A.5 - NORTH ESSEX ECONOMIC BOARD: COLLABORATION & FUNDING AGREEMENT**

Cabinet had before it a report of the Business & Economic Growth Portfolio Holder (A.5) which sought its approval to enter into a Collaboration and Funding Agreement with the local authority partners that together comprised the North Essex Economic Board (NEEB), and to allocate 10% of the North Essex Councils' Additional Restrictions Grant (ARG) funding in support of the Board's COVID-19 recovery interventions.

The Cabinet's authority was also sought for the Portfolio Holder for Business & Economic Growth and Corporate Finance and Governance to be authorised to approve future projects agreed by the NEEB that fell within this 10 percent of the District's ARG funding.

Members were aware that the Government had made funding available to local authorities through its Additional Restrictions Grant scheme (ARG) in order to support businesses that had been severely impacted by COVID-19 related restrictions.

It was reported that, at its meeting held on 11 November 2020, NEEB had determined (subject to constituent member approval) to establish a pool of top sliced ARG funding (10 percent of each District's allocation) in support of sub-regional (North Essex) business support and skills interventions approved by the Board in order to support the area's COVID-19 recovery. Ten percent of Tendring District Council's (TDC) ARG grant equated to £293,000. However, it was not expected that this full amount would be required as TDC and other Councils had already spent funds on 'Click It Local' which had formed part of this agreement and Essex County Council (ECC) was currently taking forward the Business Support element of the programme which had come in below the anticipated budget of £150,000 per Council thereby reducing the budget to £120,000 per District for this programme. In addition, Braintree District Council were leading the skills element of the programme.

Cabinet was informed that, with all North Essex Councils contributing to the ARG pool, the Board would have a project fund of £1.65m. ECC had not received ARG funding, but had contributed a further £220,000 to cover elements of the programme that the ARG could not pay for such as staffing and marketing costs.

Members were reminded that NEEB was a partnership of local authorities comprising: Braintree, Maldon, Tendring, Uttlesford, Colchester, Chelmsford, and Essex County Council. TDC's representative on the board was the Portfolio Holder for Business and Economic Growth (Councillor Mary Newton) plus Officer support from the Council's Economic Growth Team.

By pooling resources it was felt that the partners would be able to implement a range of sub-regional project interventions that together would have a positive impact on the economic recovery of North Essex. Interventions would also focus on the delivery of skills necessary to support businesses and to get residents of working age back into employment.

It was reported that the partners had endeavoured to provide business support that complimented localised projects currently running within their Districts which included such schemes as Tendring's Business Support Service which had been delivered by Colbea. The programme of support to business had been developed to align with the Council's Back to Business Delivery Plan, helping the District of Tendring to recover from the challenges of the pandemic.

Members were made aware that NEEB had identified six 'quick win projects. These were as follows:

- Click it Local
- Digital Support
- Importing & Exporting
- Financial & Debt Management
- Start-up Support
- Business Navigation

Cabinet was reminded that the first of the projects supported by NEEB had been Click it Local, albeit given the need to set-up the Collaboration and Funding Agreement, this had been contracted separately by each local authority partner rather than through a single contract. Members recalled that the Click it Local scheme had been launched in the Tendring District on 27<sup>th</sup> April 2021. The scheme provided an online platform enabling local independent shops and retailers to be able to compete with the likes of Amazon on convenience and choice. NEEB partners had determined to extend this initiative until the end of the financial year (i.e. March 2022) and to keep it free of charge for those businesses signed up to the platform.

Members were advised that, following the launch of Click it Local in Districts across North Essex, the partners had initiated a procurement exercise (led by ECC) to secure contractors to provide a range of Business Support and Skills related interventions tailored to meet the needs of businesses across North Essex. To this end Officers representing the seven local authority partners had recently evaluated the tenders received vis-à-vis five support programmes. Those had included:-

### Business Navigation Support

The aim of this procurement was to appoint a specialist organisation to deliver free business navigation support across North Essex. Its primary purpose was to increase the number of businesses accessing business navigation services from within the NEEB area. It was expected that additional dedicated Business Support Navigators would be used to help North Essex businesses to identify relevant programmes, initiatives and/or funding schemes currently on offer across Essex and to assist in accessing the support available.

### Pre-start and start-up business support

This procurement was for the business start-up support element of the programme. The aim was to deliver free advice and support to individuals who had ambitions to start a business and to assist a start-up business during their first 12 months of trading. The service would include the provision of learning, advice, mentoring and networking.

### Specialist importing and exporting advice

This procurement was for the free importing and exporting advice support element of the programme. The service would provide free, structured one-to-one and one-to-many bespoke advisory support to businesses who currently traded, or who wanted to begin to trade, both within Europe and with the rest of the world.

### Financial and debt management support

The primary purpose of this procurement was to provide free, one-to-one financial and debt management support and advice to businesses, alongside navigation services which signposted businesses to other financial support programmes, in order to create and safeguard jobs and support business growth and survival across North Essex.

### Business digitising and e-commerce support

This procurement was for the business digitising and e-commerce support element of the programme including cyber security. The aim was to deliver free support especially as digital transformation was key to the recovery of businesses, with the need to switch to online platforms as alternative and additional sales channels.

Overall, it was reported that partners' ARG contributions had until now remained within the budgets held by each of the second tier authorities with the understanding that the monies would be transferred to ECC as required (subject to the approval of a Collaboration and Funding Agreement).

ECC was now seeking TDC's agreement to the Collaboration and Funding Agreement and that the Council transferred 10 percent of its top sliced ARG funding to an account to be held and managed by ECC.

This allowed TDC two options:-

Option 1: To approve the terms of the draft Collaboration and Funding Agreement and agree to make available 10 percent of the ARG and continue to support the NEEB

projects as agreed on the 17<sup>th</sup> November 2020. This would allow TDC to continue its support for businesses via the six quick win interventions outlined above; or

Option 2: To not sign the Collaboration and Funding Agreement and withhold the ARG funding which the Council's Board representative had approved, in principle, in November 2020. This option could irreparably damage the Council's reputation and its standing with other NEEB partners.

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

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

**RESOLVED** that Cabinet -

- (a) approves the maximum allocation of £293,000 from the Additional Restrictions Grant Fund (ARG) to Essex County Council for the purposes of delivering the projects identified by the North Essex Economic Board (NEEB) on the terms and conditions, as set out in the Collaboration and Funding Agreement, attached as Appendix A to item A.5 of the Report of the Business & Economic Growth Portfolio Holder; and
- (b) authorises the Portfolio Holder for Business & Economic Growth and the Portfolio Holder for Corporate Finance and Governance to agree future projects agreed by the NEEB that fall within this 10 percent of the District's ARG funding.

**61. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.6 - SCRUTINY OF THE USE OF SECTION 106 MONIES**

Cabinet was informed that, at its meeting held on 15 July 2021 (Minute 14 referred) the Resources and Services Overview & Scrutiny Committee ("the Committee") had scrutinised the use of Section 106 monies.

After a detailed discussion the Committee had recommended to Cabinet the following:-

1. *To the extent that it is not happening at present, details of the proposed schemes using S106 funds in a particular ward be advised as a routine to the local Ward Councillor(s) and consideration be given to the views expressed by the Ward Councillor(s) on the proposed scheme before and decisions are taken to implement the scheme.*
2. *That, for those parts of the District that are parished, the relevant Town or Parish Council be advised about S106 funds that had been secured and whether they could bid for schemes to be funded or identify schemes for officers to consider.*
3. *That, for those parts of the District that are un-parished, the locality descriptor should be the relevant District Ward rather than 'Clacton' so as to improve the understanding of the figures shown for that area.*

4. *That an annual statement be made on the amounts of monies received in S106 funds, the total sum held by the Council in S106 funds and the sums spent on schemes in that year against the common obligations of:*
  - *Public open space*
  - *Affordable Housing*
  - *Education*
  - *Highways*
  - *Town centre Improvements*
  - *Health*
5. *To note the commitment if the Council's Assistant Director for Finance and IT that the S106 spreadsheet publicly available on the Council's website would be amended to include commitments so that the sums shown are clear and complete.*

Cabinet had before it the response of the Portfolio Holder for Corporate Finance & Governance thereto which was as follows:-

*"Taking each point in turn, my comments are as follows:*

- 1) *Agreed - This will be reflected in future decision making processes, where the views of the ward councillor will be required before the associated decision can be finalised and published.*
- 2) *Existing processes already provide a proportionate response to the issue raised, as the information is published on the Council's website where Town and Parish Council can access it on a self-service basis rather than having to introduce a further layer of unnecessary administration. However we can consider further sign-posting support / opportunities in future.*
- 3) *& 5) Agreed – both points raised will be addressed via the associated review by the S151 officer.*
- 4) *Similar to the response to point 2) above, existing processes already provide this information which will be enhanced in future years by the commitments made above."*

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

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

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

## **62. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**63. 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 Item 15 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.

**64. EXEMPT MINUTES OF THE MEETING HELD ON FRIDAY 17 SEPTEMBER 2021**

It was **RESOLVED** that the exempt minutes of the meeting of the Cabinet, held on Friday 17 September 2021, be approved as a correct record and be signed by the Chairman.

The Meeting was declared closed at 11.54 am

**Chairman**