

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 12TH NOVEMBER, 2021 AT 10.33 AM
IN THE ESSEX HALL, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

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

Group Leaders Present by Invitation:

Councillors Jayne Chapman (Leader of the Independent Group) (except items 83 - 88), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group), Colin Winfield (Leader of the Holland-on-Sea Group), Michael Bush (Deputy Leader of the Tendring Independents Group) and Gina Placey (Deputy Leader of the Tendring First Group)

Also Present: None

In Attendance: Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Interim Corporate Director (Projects Delivery)), Gary Guiver (Acting Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), John Fox (Public Health, Wellbeing & Environmental Protection Manager) and Matt Cattermole (Communications Assistant)

65. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mary Newton (the Portfolio Holder for Business & Economic Growth), Terry Allen (Leader of the Tendring First Group) and Mark Stephenson (Leader of the Tendring Independents Group).

The Chief Executive (Ian Davidson) was unable to attend the meeting as he was observing Covid-19 self-isolation protocols. He therefore joined the meeting remotely.

66. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 8 October 2021, be approved as a correct record and be signed by the Chairman.

67. DECLARATIONS OF INTEREST

In relation to Agenda Item 13 – the Report of the Corporate Finance & Governance Portfolio Holder relating to the Tendring Colchester Border Garden Community

(TCBGC) Joint Committee (A.7), Councillor G V Guglielmi declared for the public record that he was one of this Council's representatives on the TCBGC Member Group.

68. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) announced that he would, at this point of the meeting, take an urgent item, namely a statutory report of the Monitoring Officer.

Cabinet was reminded that, under Section 5A of the Local Government and Housing Act 1989, the Monitoring Officer was under a statutory duty to report to Cabinet in relation to an executive function, if they considered that any omission had given rise to unlawfulness. The requirements of Section 5A were reflected within Article 12 of the Council's Constitution.

It was reported that a 50% reduction of the approved charge for the Leisure Centres Membership Fee had been implemented in 2020 during the transition back to a full service. A briefing note had been presented to the Council's Management Team at the time, which had included a proposal for a free month in August 2020, but highlighting that those suggestions would still be the subject of formal decisions. Fees had then been increased to 75% of the approved charge at the beginning of 2021. Unfortunately, no formal decisions had been made, recorded or published in relation to the reductions implemented.

Cabinet was informed that it was not able to retrospectively agree the backdated fees, but that it might wish to endorse the free month; the reduction to support the transitional period during restrictions being lifted (50% in 2020) and through the on-going refurbishment (25% in 2021). In addition, Cabinet was requested to approve the 25% reduction in fees going forward for the remainder of 2021/22 and request options available to future leisure centre fees, which would be reviewed in January 2022. The funding of those fees and its impact on the Council's Revenue Budget in 2021/22 was covered within the Financial Performance Report as reported under Minute 78 below.

Members were aware that, in respect of the financial implications in 2020/21, adjustments to the budget were included within the financial performance reports during the year, including the outturn position for 2020/21 that had reflected the phased reopening of the facilities. It was important to highlight that the adjustments made to the budget reflected the overall impact of the pandemic, which included the reduction in fees, along with the support from the Government's Sales, Fees and Charges Compensation Scheme.

The Interim Corporate Director (Lee Heley) outlined to Cabinet that internal control arrangements had been increased and an Economy and Leisure Governance Plan had been implemented and that the Monitoring Officer would receive regular updates on the decision making.

Having considered the information and advice contained within the Monitoring Officer's statutory report:-

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

RESOLVED that Cabinet –

- (a) receives and notes the Monitoring Officer's report and in response, endorses the reduction in Leisure Centre Membership Fees during 2020 and 2021 to support the transitional period during COVID-19 restrictions being lifted and the refurbishment of Clacton Leisure Centre;
- (b) approves the 25% reduction in Leisure Centre Membership fees for the remainder of 2021/22, subject to the agreement of the proposed in-year adjustments to the budget, as set out in Appendix H to the Financial Performance Report – Second Quarter 2021/22;
- (c) notes a review of Leisure Centre Membership Fees for 2022/23 will be undertaken and requests that the decision is made by the Portfolio Holder for Leisure & Tourism; and
- (d) acknowledges that internal control arrangements have been increased and an Economy and Leisure Governance Plan has been implemented and that the Monitoring Officer will receive regular updates on the decision making.

69. ANNOUNCEMENTS BY CABINET MEMBERS

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

70. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

71. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE LAWFUL AND UNLAWFUL USE OF E-SCOOTERS AND THE EXTENT OF THE POLICING ACTION AGAINST THOSE UNLAWFULLY USING THEM

Cabinet was aware that, at its meeting held on 27 September 2021 (Minute 12 referred) the Community Leadership Overview & Scrutiny Committee ("the Committee") had scrutinised the lawful and unlawful use of e-scooters and the extent of the policing action against those unlawfully using them.

After a detailed discussion the Committee had **RECOMMENDED** to Cabinet:-

"That representations be made to the Department of Transport to the effect that riders of E-Scooter must be required to wear safety helmets, that E-Scooters be required to generate a low level noise to make them audible for safety reasons and that they are fitted with indicator lights."

The Cabinet had before it the response of the Partnerships Portfolio Holder thereto as follows:-

"I endorse the Committee's recommendations that representations be made to the Department of Transport for the specified safety improvements."

Having considered the recommendation of the Community Leadership Overview & Scrutiny Committee, together with the response of the Partnerships Portfolio Holder thereto:-

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

RESOLVED that the recommendation made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Partnerships Portfolio Holder thereto be endorsed.

72. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.2 - SCRUTINY OF THE COUNCIL'S SEAFRONT SERVICES

Cabinet was aware that, at its meeting held on 20 September 2021 (Minute 23 referred), the Resources and Services Overview & Scrutiny Committee ("the Committee") had scrutinised the Council's Seafronts Services and, in particular, coastal defence and cliff stabilisation projects.

After a detailed discussion the Committee had **RECOMMENDED** to Cabinet that:

- a) *"where observation reveals cliff slippages, all communication with Beach Hut Licensees in respect of Cliff Stabilisation and safety, is consistently shared with the relevant District Ward Councillors; and*
- b) *the undertaking of a survey of cliff vulnerability across the 26 kilometres of coast line for which this Council is responsible and beach levels in the 23 bays created in 2013/14 in the Clacton-on-Sea and Holland-on-Sea areas be undertaken as an imperative piece of work in the next few months and thereby address the concerns raised by the Committee on 22 June 2020 (Minute 62 refers) and on 21 September 2020 (Minute 85 refers)."*

The Cabinet had before it the response of the Leisure & Tourism Portfolio Holder thereto as follows:-

"I would like to thank the Committee for their comments. To reply specifically to the points made:

1. *I entirely agree with the idea of keeping ward councillors fully involved. I know that the officers involved in the beach huts service specifically already seek to keep ward councillors involved in decisions. I have asked that they redouble their efforts in this regard and hope that there are even fewer exceptions to this good practice in the future.*
2. *Past studies on the Holland-on-Sea cliffs have been carried out at some expense by a large engineering company. It's unrealistic to expect to be able to completely predict the location and extent of future cliff failures. That's because the cliffs tend to have naturally formed with a limited factor of safety and failures caused by changing factors outside of the Council's, or anyone's, control. I don't think that it is viable to commission further surveys of this kind. However, the Coastal Manager is working with a local engineer with regard to the conduct of a series of visual inspections and some analysis that will give us greater insight into the*

stability of the main cliffs in the District, at a cost that can be accommodated. I have asked that the findings are reported back to me when completed.

- 3. The District Council has funded and begun a significant cliff stabilisation project at Holland-on-Sea this year. The work will be completed during the winter, in time for next year's season. This project has significantly affected the Council's reserves. It is my view that the Council cannot itself afford to address future cliff issues in isolation. I have requested further investigations and advice on the Council's liability for cliff work and the extent to which external funding can be called upon to assist."*

Having considered the recommendations of the Resources and Services Overview & Scrutiny Committee, together with the response of the Leisure & Tourism Portfolio Holder thereto:-

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Leisure & Tourism Portfolio Holder thereto be endorsed.

73. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.3 - SCRUTINY OF PARTICULAR ELEMENTS OF THE COUNCIL'S SPORT AND LEISURE SERVICE

Cabinet was aware that, at its meeting held on 20 September 2021 (Minute 22 referred), the Resources and Services Overview & Scrutiny Committee ("the Committee") had scrutinised particular elements of the Council's Sport and Leisure Service, including the Council's developing Leisure Strategy (and how this would inform investment to address areas where Tendring was below comparable averages in activity levels), the commissioned works being undertaken at Clacton Leisure Centre (CLC) and the refurbishment of the CLC Skate Park.

After a detailed discussion the Committee had **RECOMMENDED** to Cabinet:-

"That the Committee's request that an updated draft District-wide Leisure Strategy be brought forward as speedily as possible for consultation and that the Strategy should seek to enable a fresh direction to the delivery of leisure facilities and address the issues facing the District, including encouraging people to progress from being fairly active to active and from inactive to fairly active and the provision for those with disabilities."

The Cabinet had before it the response of the Leisure & Tourism Portfolio Holder thereto as follows:-

"I would like to thank the Committee for proposing a fresh approach, and to commend staff for implementing it in a way that encourages more activity, including:-

- £617,000 invested in Clacton Leisure Centre, upgrading changing rooms, sauna, LED lighting and the air handling unit in the health suite, and new wetside changing rooms, to complete by Christmas;*

- £250,000 allocated to a new Clacton Skatepark to be completed next Summer;
- £670,000 from ECC and the Football Foundation to fund and install a 3G football pitch at Clacton; and
- £30,000 to support up to 120 people on a 12 week GP referral scheme to TDC leisure facilities.”

Having considered the recommendation of the Resources and Services Overview & Scrutiny Committee, together with the response of the Leisure & Tourism Portfolio Holder thereto:-

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Leisure & Tourism Portfolio Holder thereto be endorsed.

74. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.4 - SCRUTINY OF HOUSING VOIDS

Cabinet was aware that, at its formal meeting held on 15 July 2021 (Minute 15 referred) as well as two informal meetings held on 2 September and 15 September 2021 the Resources and Services Overview & Scrutiny Committee (“the Committee”) had scrutinised Housing Voids and the work of the Council’s Housing Allocations Team.

After those detailed discussions the Committee **RECOMMENDED** to Cabinet that:-

- “(1) *the resources available for the Housing Allocations Service of the Council be reviewed in order to ensure that it is able to deliver the rapid response and excellent customer service to those on the Housing Register, and those applying, and thereby contribute further to reducing the average time Council Homes remain untenanted by moving all paper work to a digital format.*
- (2) *following the commission of an informal audit to review to allocation of adapted properties, that changes be made to the process, so that a selection of individuals on the Housing Register are waiting for adapted homes and we should rightly seek to achieve the best match, where possible, this should not be pursued to the extent that individual properties remain untenanted for long periods of time due to infrequent offers to those on the Register and in need of housing.*
- (3) *the temporary measures introduced in 2021 to control expenditure in year on improvements to void Council Homes be continued going forward (as such if the kitchen is functional and efficient to maintain it will not be replaced only for the reason of upgrading it).*
- (4) *the IT solutions for the separate sections of the Council dealing with Housing Allocations and Council Home repairs and maintenance be enhanced so that there is a shared resource that can support the council with a range of data that the current separate systems were unable assist efficiency of the Council as a whole.*

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- (5) *a more active and purposeful approach be undertaken than at present in respect of the recharging of former tenants who had left items to be removed or otherwise in a condition requiring remedial/repair works and that these charges be linked from commencement with any debts for unpaid rents by those tenants in order to assist an efficient recovery process.*
 - (6) *the current 14 month trail in respect of an in house team to undertake Council House repairs, be actively reviewed to ensure opportunities are taken during that trial, to support skills development and recruitment and retention measures enhancement (including if appropriate market forces enhancements for certain specialist skills and attraction of those with relevant accreditation to work for the Council; maybe part-time).*
 - (7) *the Portfolio Holder for Housing be encouraged to establish a Housing Working Party to continue the focus on Housing Voids and the issues considered in the enquiry by this Committee (including those reflected in these recommendations).*
 - (8) *an appropriate Key Performance Indicators be developed around timescales for untenanted Council Homes to be offered and re-tenanted, the undertaking of repair/refurbishment of Council Homes and recovery of costs incurred due to the condition of properties once vacated by former tenants etc and shared with Councillors together with periodic detail of achievement against those Indicators.*
 - (9) *proposals for a stock condition survey be drawn up and consider the benefits to the Council in identifying issues with the Council's Housing Stock and thereby assist it to improve its plan for expenditure through the Housing Revenue Account in the short, medium and longer term."*

The Cabinet had before it the response of the Housing Portfolio Holder thereto as follows:-

"I would like to thank the Committee for their comments. To reply specifically to the points made:

1. *Since the last meeting of the Committee the allocations team has been working hard to allocate available properties and I am pleased to be able to advise that at the time of writing there are no general purpose properties available to let that are not allocated or subject to offer to prospective tenants. I would like to particularly mention the Housing Solutions and Allocations Manager, the Senior Housing Solutions and Allocations Officer and the team's apprentice and thank them for the work that has been done to achieve this. Looking into the future the team is presently implementing a new software package which will make the process easier for the team and I hope and expect that this will allow the team to maintain the position that has been achieved.*
2. *The team have reviewed processes internally as mentioned and rebalanced the allocations process to give a stronger emphasis on allocating properties at a higher frequency than on perfectly matching any adaptations present to prospective tenants.*
3. *The nature of works carried out at properties has been severely cut back for timing and financial reasons. It may be advantageous to review that as the position is*

regularised into the future, time and financial constraints may allow a winding back of some of the control measures.

- 4. The teams are working with a shared spreadsheet at present. They also have separate specialist software for each. I agree that a link between the two packages would be a useful area for future development.*
- 5. I agree that once the position on void properties overall is dealt with a greater emphasis on recovery of costs would be appropriate, potentially including external debt recovery services. I think however that it is important to remember that former tenants can sometimes be untraceable or unable to pay any debts. A proportionate response will be required.*
- 6. I understand that Mr White's comments at the Committee's meeting were intended to highlight the potential issues with the recruitment of specialist tradespeople such as electricians and gas fitters. The limited duration of the trial period is also a consideration in the attractiveness of the team to potential tradespeople. The team is recruiting at the moment and depending on the outcome measures such as market forces could be applied.*
- 7. I have established a pattern of fortnightly meetings with my colleague the Portfolio Holder for Finance and Governance, Chief Executive, Corporate Director and Assistant Directors to monitor progress.*
- 8. The group above has established performance measures. The teams are currently adapting the spreadsheet and records seeking to calculate them efficiently:*

For publication:

- Quarterly financial void position – income lost and %*
- Quarterly void average time from date void to date re-let*

For internal monitoring only: the group has requested a small number of indicators focussing on monthly turnover of properties, number of long term voids, turn-around times and costs.

- 9. I have asked the teams to investigate the feasibility of a stock condition survey. I am aware of overspends on repairs in the last two years and the need for investment in energy efficiency and other programme items. The potential for expenditure on surveys needs to be considered against the need for direct investment in the stock. A balance has to be struck and I propose to make a decision on a stock survey when the pros and cons are reported."*

Having considered the recommendations of the Resources and Services Overview & Scrutiny Committee, together with the response of the Housing Portfolio Holder thereto:-

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Housing Portfolio Holder thereto be endorsed.

75. **MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.5 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS AND CRITERIA FOR LOCAL LISTING OF 'NON DESIGNATED HERITAGE ASSETS'**

Cabinet was aware that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 19 October 2021 (Minute 16 referred), had considered a comprehensive report (and appendices) of the Acting Director (Planning) which had reported to it the first five in a series of ‘Conservation Area Appraisal and Management Plans’ that had been prepared for the Council by Essex Place Services, as well as the proposed criteria for the inclusion of buildings and structures on a ‘Local Heritage List’. The report had also sought the Committee’s recommendation to Cabinet that they be published for public consultation purposes and that proposals for a Local List of non-designated heritage assets be invited.

The Committee’s decision at its meeting held on 19 October 2021 had been as follows:-

“RESOLVED *unanimously that the Planning Policy and Local Plan Committee –*

- (a) approves, in principle, the new Conservation Area Appraisal and Management Plans for: Clacton Seafront (Appendix 1); Dovercourt (Appendix 2); St. Osyth (Appendix 3); Thorpe-le-Soken (Appendix 4); and Thorpe Station & Maltings (Appendix 5); as well as the proposed Criteria for assessing buildings and structures for inclusion on a ‘Local Heritage List’ of non-designated heritage assets (Appendix 6);*
- (b) recommends to Cabinet that the above documents (forming Appendices 1-6) be published for consultation with the public and other interested parties;*
- (c) recommends further to Cabinet that a six month exercise be undertaken to invite suggestions from the community and other interested parties for structures to include on the Local Heritage List of non-designated heritage assets; and*
- (d) notes that Conservation Area Appraisal and Management Plans for the District’s other Conservation Areas will be brought before the Committee in due course over the next 12 months.”*

Having considered the recommendations of the Planning Policy & Local Plan Committee, together with the information contained in the reference report and its appendices:-

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

RESOLVED that –

- (a) the new Conservation Area Appraisal and Management Plans for: Clacton Seafront (Appendix 1); Dovercourt (Appendix 2); St. Osyth (Appendix 3); Thorpe-le-Soken (Appendix 4); and Thorpe Station & Maltings (Appendix 5); as well as the proposed Criteria for assessing buildings and structures for inclusion on a ‘Local Heritage List’ of non-designated heritage assets (Appendix 6) be published for consultation with the public and other interested parties; and*

- (b) a six month exercise be undertaken to invite suggestions from the community and other interested parties for structures to include on the Local Heritage List of non-designated heritage assets.

76. LEADER OF THE COUNCIL'S ITEMS - A.6 - GROUNDS MAINTENANCE SERVICE

Further to Minute 36 of the formal meeting of the Cabinet held on 17 September 2021, the Cabinet gave consideration to a report of the Leader of the Council (A.6) which sought to enable Cabinet to decide whether suggest to Council that an amended motion be supported in relation to a motion submitted by Councillor I J Henderson to the meeting of the Council held on 13 July 2021 relating to the Council's grounds maintenance service.

Members were aware that the Leader of the Council had suggested that the Cabinet could, in fact, recommend to Council that an amended motion be supported and that he had further suggested that the wording of that amended motion could be as follows:-

"This this Council:-

- (a) *notes that concerns have been raised that a perceived lack of regular grass cutting and weed clearance could result in a negative visual impact for those seeking to enjoy Tendring's Sunshine Coast;*
- (b) *commends the work and dedication of the Council's staff working within the Grounds Maintenance Service Team whilst acknowledging the need to avoid any complacency;*
- (c) *therefore requests that the Portfolio Holder for the Environment & Public Space, in conjunction with the Corporate Director (Operations & Delivery), undertakes a review of the Council's Grounds Maintenance Policy and the operational procedures of the Grounds Maintenance Service Team with a view to seeking further performance improvements for the public good;*
- (d) *recommends that the Portfolio Holder for the Environment & Public Space submits the outcome of that review to the Resources and Services Overview & Scrutiny Committee for its consideration and comments; and*
- (e) *recommends that the Portfolio Holder for the Environment & Public Space submits the outcome of that review together with the comments of the Resources and Services Overview & Scrutiny Committee to Cabinet in order to enable Cabinet to decide if the Grounds Maintenance Policy should be amended."*

Having considered the Leader's suggested amended motion and in order to enable this matter to be brought to a conclusion at the meeting of the Full Council due to be held on 30 November 2021, without fettering the discussion of the original motion:-

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

RESOLVED that Cabinet does not put forward an amended motion to Full Council.

77. **CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.7 - TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE**

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.7) which sought its approval for referral to Full Council the draft terms of reference of a Joint Committee to be established for the Tendring Colchester Borders Garden Community together with Tendring District Council, Colchester Borough Council and Essex County Council.

Members were aware that the Tendring Colchester Borders Garden Community (TCBGC) was located across Tendring District Council's (TDC) and Colchester Borough Council's (CBC) Local Planning Authority's area, and that accordingly those Councils could consider establishing a Joint Committee made up of members from both of those Councils.

Cabinet recalled that both TDC and CBC had now adopted a common Section 1 of their Local Plan, which had the shared vision of sustainable development and allocation of TCB Garden Community, which would be further defined through a joint Development Plan Document (DPD) providing detailed parameters and policies (as required within Section 1 – Policies SP7 & 8).

It was felt that due to the joint nature of Section 1 there was a case to be made for a Joint Committee for Tendring and Colchester, which would also include members from Essex County Council (ECC), continuing with the existing partnership working on this project. This format had been adopted elsewhere and linked into decisions around infrastructure and possibly other County matters.

Cabinet was advised that it was possible to delegate various functions to a Joint Committee but that at this stage the proposed Terms of Reference for the Joint Committee would be limited to planning functions related to preparing for plan making through the DPD process; and development control and determination of planning applications for TCBGC against the common Section 1 and adopted DPDs.

It was reported that ECC had also proposed to transfer/delegate their relevant planning functions to the Joint Committee for the Tendring Colchester Borders Garden Community.

Members were informed that the alternative to establishing a Joint Committee, was to leave the current arrangements in place such that Cabinet and/or the relevant Committee of both Councils would be involved in the decision making process for production of the Draft DPD. Once the DPD was adopted, the relevant Council's Planning Committee would deal with any individual planning application in their area. This latter option could present some complications associated with managing the practicalities, introducing delay to the process and it was therefore considered beneficial to advance the joined up and partnership approach through to decision making.

Cabinet was reminded that the Tendring Colchester Borders Garden Community Member Group had assessed the various options and considered the joint committee approach for both the TCBGC joint DPD and Development Control functions would best demonstrate the Councils' continued partnership commitment to delivering the Garden

Community, provide increased confidence to developers and remove delayed individual decision making through working together for the benefit of the residents in both areas.

Members were assured that the establishment of the Joint Committee would be limited to the TCBGC and all other local planning authority functions would remain unaffected and rest with TDC and CBC.

The proposed Terms of Reference and Scheme of Delegation of the TCBGC Joint Committee were set out in Appendix A to the Portfolio Holder's report and consequential amendments to TDC's Planning Policy and Local Plan Committee delegated functions and responsibilities were set out in Appendix B thereto.

Cabinet was informed that further executive functions related to the TCBGC could be delegated by the Leader of the Council, as the project developed and a partnership agreement might be deemed necessary between the Councils to formulate arrangements between them.

Cabinet was aware that the Planning Policy & Local Plan Committee had considered this same matter at its meeting held on 11 November 2021. At that meeting that Committee had decided:-

"That the Planning Policy & Local Plan Committee recommends to Full Council that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;*
- (b) a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.1 of the Report of the Deputy Chief Executive & Monitoring Officer; and*
- (c) the third elected Member of the Joint Committee to be appointed by the Full Council should be a Member from a political group that is not represented on the Cabinet."*

The Leader of the Council made the following statement on this matter:-

"We are confident that this recommendation of the TCB Member Group will prove to be a success, however, as with any new governance arrangements, including the terms of reference, they can be reviewed over time."

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

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

RESOLVED that Cabinet –

- (a) endorses the proposal that a joint Development Plan Document be prepared together with Colchester Borough Council, and further that a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community;
- (b) agrees that all three Councils should be represented on the appointed Joint Committee with full voting rights;
- (c) agrees that executive functions in relation to the preparation of the joint Development Plan Document are delegated to be discharged by the appointed Joint Committee in accordance with Sections 101(5) and 102(1)(b) of the Local Government Act 1972;
- (d) agrees that each Council should be represented on the appointed Joint Committee with 3 members each under Section 102(2) of the Local Government Act 1972, one of which will be a member of the Cabinet, appointed by the Leader of the Council;
- (e) agrees the Terms of Reference for the Joint Committee, as set out in Appendix A to item A.7 of the Report of the Leader of the Council, for recommendation onto Full Council in respect of non-executive functions;
- (f) endorses the Leader of the Council to delegate further executive functions to the Tendring Colchester Borders Garden Community Joint Committee, in consultation with the Monitoring Officer and the Section 151 Officer;
- (g) authorises the Acting Director (Planning), in consultation with the Leader of the Council and the Portfolio Holder for Corporate Finance and Governance to enter into a partnership agreement between the Councils, if deemed necessary, in order to support the operation of the Joint Committee and Tendring Colchester Borders Garden Community project; and
- (h) authorises the Portfolio Holder for Corporate Finance and Governance to allocate further financial contributions from the existing Garden Communities budget to support the Tendring Colchester Borders project for the purposes of local plan making.

RECOMMENDED TO FULL COUNCIL that:

- (i) a Tendring Colchester Borders Garden Community Joint Committee be appointed for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.7 of the Report of the Portfolio Holder for Corporate Finance & Governance;
- (j) Part 3 of the Constitution (Responsibility of Functions) be amended to include the Terms of Reference of the Joint Committee; and
- (k) the Terms of Reference of the Planning Policy and Local Plan Committee be amended, as set out in Appendix B to the aforementioned report.

78. **CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.8 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE SECOND QUARTER 2021/22 AND LONG TERM FINANCIAL FORECAST UPDATE**

The Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.8) which provided it with an overview of the Council's financial position against the budget as at the end of September 2021 and also with an updated long term forecast.

In respect of the in-year financial position at the end of September 2021:

Cabinet was informed that the position to the end of September 2021, as set out in more detail within the appendices to the Portfolio Holder's report, showed that overall the General Fund Revenue Account was underspent against the profiled budget by £8.483m (after excluding variances against COVID 19 grant supported activities, such as business grants, this position was revised to a net overspend of £4.372m). It was acknowledged that other expenditure or income trends might still be emerging with the position also largely reflecting the timing of other general expenditure and/or income budgets. However, any significant issues arising to date had been highlighted and comments provided as necessary within the Portfolio Holder's report.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out within the report, there were other no major issues that had been identified to date. Any emerging issues would be monitored and updates provided in future reports, which would include their consideration as part of updating the long term financial forecast.

It was reported that some necessary changes to the 2021/22 budget had been identified which were set out in Appendix H, with an associated recommendation also included within the report. That same appendix also set out a number of further changes to the budget that reflected the on-going impact of COVID 19, the costs of which would be met by using the general financial support provided by the Government.

Members were advised that the net impact of the budget adjustments would be moved to, or from, the Forecast Risk Fund. At the end of the second quarter, it had been possible to make a small contribution to the fund of £40,000, which supported the requirement set out in the long term forecast of identifying in-year savings of £500,000 each year.

Cabinet was made aware that a half-year treasury management review had been carried out with a summary set out within the report along with an associated recommendation to temporarily increase the aggregate limit of funds that could be placed overnight with the Council's bankers for the period that the offices would be closed over the Christmas break.

It was proposed that this Council continue to be a member of the Essex Business Rates Pool if it remained advantageous to do so in 2022/23.

It was also proposed to bring the Member's COVID-19 small grant scheme to a close by 31 March 2022.

In respect of the updated long term financial forecast:

It was reported that the forecast had been reviewed and updated at the end of September 2021 and that it continued to reflect the ongoing impact of COVID-19 as necessary. The updated forecast was set out in Appendix I.

Members were informed that work remained on-going in consultation with the various Services across the Council in order to identify savings within a zero based approach along with unavoidable cost pressures, that remained subject to review for inclusion or otherwise in the detailed budget report that would be presented to Cabinet in December 2021.

Cabinet was advised that, overall, the long term forecast could still provide an effective method of managing financial risks but that the annual deficit or surplus position for each year of the forecast had been revised. The on-going impact from the COVID-19 pandemic was still evolving and it was therefore important to highlight that the money set aside in the Forecast Risk fund should not be seen as overly cautious as sensitivity testing had indicated that the fund could be depleted within as little as 3 years if a number of factors arose during the same period.

A detailed review of risks associated with the long term forecast was subject to on-going review and was separately reported within Appendix J.

As mentioned during the development of the longer term approach to the budget over recent years, it was important to continue to deliver against the plan as it continued to provide a credible alternative to the more traditional short term approach, which would require significant savings to be identified in 2022/23.

In terms of delivering against the forecast for 2022/23 and beyond, work remained on-going across the various strands set out in Appendix I.

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

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

RESOLVED –

1. That, in respect of the financial performance against the budget at the end of September 2021:-
 - (a) the current position be noted;
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.8 of the Report of the Portfolio Holder for Corporate Finance & Governance, be approved;
 - (c) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas 2021 break;

- (d) the Council continues to be a member of the Essex Business Rates Pool in 2022/23 if it remains financially advantageous to do so; and
- (e) the closing date for Members to submit claims under the Members' COVID-19 small grant scheme be set as 31 March 2022.

2. That, in respect of the Updated Long Term Forecast:-

the updated forecast be approved and that the Resources and Service Overview and Scrutiny Committee be consulted on the latest position.

79. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.9 - FREEHOLD SALE OF LAND AT BEACON HILL FORT, HARWICH

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.9) which sought its approval, in principle, for the freehold disposal of land at Beacon Hill Fort, Harwich.

Members were aware that Tendring District Council (TDC) owned part of the Beacon Hill Fort, which was a Scheduled Ancient Monument and that the other part was in private ownership. Over the years suitable uses for the site had been explored and agreements proposed between TDC and the private owners but none of those had come to fruition.

It was reported that, one of the past difficulties in bringing this site into use had been the complications created by there being more than one owner. TDC's past attempts to purchase the privately owned parts of the Fort had proved unsuccessful and, in June 2018, a decision had been taken to initiate the Property Dealing Procedure in order to explore disposal options for TDC's land at this site.

All those with an interest in the area had been contacted and details of the provisional terms for the disposal were contained within item B.1 of the private and confidential Report of the Portfolio Holder for Corporate Finance & Governance which would be considered by Cabinet later on in the meeting following the exclusion of the press and public.

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

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

RESOLVED that Cabinet agrees, in principle, to the freehold sale of the Council owned land at Beacon Hill Fort, Harwich.

80. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.10 - UPDATE ON THE TENDRING DISTRICT COUNCIL CHILDREN & YOUNG PEOPLE (C&YP) STRATEGY 2021 - 2024, & TENDRING C&YP PARTNERSHIP DELIVERY PLAN 2021/2022

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.10) which presented it with an update of the Tendring District Council's Children and Young People (C&YP) Strategy 2021 – 2024, including the Tendring C&YP Partnership Delivery Plan for 2021/2022.

It was reported that the updated Tendring C&YP Strategy 2021-2024 (Appendix A), identified the key priorities for the Council as follows:-

- (i) Feeling Safe and Connected to Place;
- (ii) Improving attainment levels, enhancing skills and career opportunities;
- (iii) Enjoying active, healthy lifestyles and good mental health; and
- (iv) Working to encourage active young citizens who have a voice.

Members were informed that the new Tendring Delivery Plan for 2021/2022 (Appendix C) reflected those key strategic priorities. Fundamental to this strategy was the Council's commitment to working in partnership, recognising that much more could be delivered by working together with all agencies.

Cabinet was aware that the overall responsibility and accountability for meeting the needs of children and young people in the District of Tendring lay with Essex County Council (ECC) as the lead authority. However, this Council played an important role to:-

- Identify local needs of the community;
- Agree local priorities;
- Support and influence partners in respect of these priorities; and
- Ensure that resources are targeted effectively.

Appendix B to the Portfolio Holder's report provided Cabinet with an update on the C&YP Delivery Plan for 2019/2020.

Cabinet was informed that the Tendring Children and Young People Strategy aimed to support the Council's Corporate Plan 2020-2024, Essex County Council's Children and Young People's Strategic Plan 2016 and the North East Essex Alliance Live Well/Start Well model. A number of those projects would contribute to the developing Anchors work across Essex.

Members were advised that consideration had also been given to the young person's voice/feedback through the ECC Youth Service survey and the recent 'deep dive' work regarding C&YP undertaken by Healthwatch Essex to inform Community Asset Mapping.

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

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

RESOLVED that Cabinet endorses -

- (a) the update of the Tendring Children and Young People Strategy 2021-2024 (Appendix A); and

(b) the new Tendring District Council Children and Young People Partnership Delivery Plan 2021/2022 (Appendix C) in support of the Council's Corporate Plan priorities.

81. **CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.11 - FREEHOLD SALE OF A RESIDENTIAL PROPERTY IN HARWICH BY AUCTION**

Cabinet had before it a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.11) which sought its approval, in principle, for the freehold sale at Auction of a five bedroom residential property in Harwich requiring 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 that required substantial structural repairs and maintenance work.

In December 2020 the price of the sale had been re-negotiated following a structural engineer's report on the condition of the property, which had been commissioned by the prospective purchaser. That sale had since fallen through and approval was now sort for the property to be put to Auction, on the terms set out in item B.2 of the private and confidential Joint Report of the Portfolio Holder for Corporate Finance & Governance and the Portfolio Holder for Housing which would be considered by Cabinet later on in the meeting following the exclusion of the press and public.

Members were reminded 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' joint report:-

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

RESOLVED that Cabinet agrees, in principle, the property be now sold at Auction.

82. **CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.12 - ACQUISITION OF LAND AT THE JUNCTION OF SEA WAY AND TAMARISK WAY, JAYWICK SANDS**

Cabinet had before it a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.12) which sought its approval, in principle, for the acquisition of the freehold of the former café building and adjoining dwelling in Sea Way, Jaywick Sands.

It was reported that the land in question adjoined the ten starter homes recently constructed by the Council off Tamarisk Way, Jaywick. It was a key location that marked the transition between the Village and Brooklands areas and the first visual reference point of the manifestation of the Council's regeneration aspirations.

Members were informed that the café building had been vacant and derelict for some time and that the adjoining dwelling was currently occupied by a private sector tenant.

The Portfolio Holders felt that an opportunity existed to acquire the two properties in order to further commit to the regeneration of Jaywick; improve the environment around the new homes; and potentially provide for some further development in the future.

Cabinet was advised that the Council had recognised that due to the difficult market conditions in the Jaywick area, high quality private sector housing development was potentially not viable and therefore unlikely to take place. The Council, in its Community Leadership and housing provider roles, was seeking to kick-start regeneration of the area by direct housing development in order to both improve housing conditions for local residents and stimulate a change in market conditions. Normal valuation models did not work in Jaywick given the viability issues. Whilst viability was a concern, the Council could take a longer term view in respect of its investment in the area and take account of non-financial factors.

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

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

RESOLVED that Cabinet approves, in principle, the acquiring of the site of the former café building and adjoining dwelling in Sea Way, Jaywick.

83. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.13 - THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2022/23 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2022/23

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.13) which sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2022/23 (LCTS) (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2022/23; and
- Annual MRP Policy Statement for 2022/23.

Cabinet was aware that this report outlined the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions, discounts and premiums for 2022/23.

It was reported that given the impact on residents from welfare reforms, including universal credit, along with the on-going impact from COVID19, it was proposed to

continue with the principle of providing financial stability wherever possible to Tendring claimants. It was therefore proposed to keep the 2022/23 LCTS scheme the same as for 2021/22, which provided for a maximum discount of 80% for working age claimants.

Members were informed that the associated exceptional hardship policy had also been subject to annual review and it was not proposed to make any changes from the scheme operating this year and so it would remain available to support eligible claimants. Additional financial support had been made available to claimants via this scheme, supported by associated COVID-19 grant funding from the Government.

Cabinet was advised that, in respect of discretionary council tax discounts and exemptions, it was proposed to continue with the same level of discounts set for 2021/22 with no changes therefore proposed for 2022/23.

Members were reminded that, following on from Full Council agreeing, in principle, to implement council tax premiums on empty properties from 1 April 2022, the maximum premiums allowable were now included in this report for Cabinet's approval.

Cabinet recalled that a policy to enable council tax discounts to be awarded to young people leaving care had been agreed as part of the budget setting process for 2021/22. It had also been agreed to back date the support to 1 April 2020. It was proposed to continue to provide the same level of support in future years, with the unchanged policy for 2022/23 set out within the Portfolio Holders' joint report and associated recommendations.

The Annual Minimum Revenue Provision Policy Statement had also been reviewed for 2022/23 with no changes proposed.

Cabinet was advised that if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council on 30 November 2021, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and not available until later on in the budget cycle.

Cabinet was informed that given the recommendation to continue with the existing LCTS scheme, it was not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it would be considered by Full Council at its scheduled meeting on 30 November 2021.

Having considered the proposals submitted by the Portfolio Holders and in order to enable these matters to be forwarded onto Full Council for final adoption:-

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

RESOLVED that Cabinet agrees that -

- a) the LCTS scheme for 2022/23 remains the same as the current year, as set out as Appendix A to item A.13 of the joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder and recommends to full Council:

- i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;
 - ii) that subject to a)i) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2022;
- b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the aforementioned joint report;
- c) the discretionary Council Tax exemptions, discounts and premiums for 2022/23 be as set out in the appendices to the aforesaid joint report and recommends to full Council:
- i) that the locally determined council tax discounts, as set out in Appendix C be approved;
 - ii) that the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;
 - iii) that the discretionary council tax premiums, as set out in Appendix E, be approved;
 - iv) that the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2022; and
- d) it further recommends to full Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2022/23, as set out in Appendix F, be approved.

84. MANAGEMENT TEAM ITEMS

There were none on this occasion.

85. 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 22 to 24 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.

86. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD SALE OF LAND AT BEACON HILL FORT, HARWICH

RESOLVED that Cabinet approves that –

- (a) the freehold sale of the land at Beacon Hill Fort, excluding the Radar Tower to the named individual be completed on the terms set out in the report and for the sum of £150,000;

- (b) the freehold sale of the Radar Tower to the named organisation be completed on the terms set out in the report and for the sum of £1; and
- (c) in the event that the terms require variation, the Portfolio Holder for Corporate Finance and Governance be authorised to agree any other such terms as he sees fit.

87. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.2 - TERMS FOR THE FREEHOLD SALE BY AUCTION OF A RESIDENTIAL PROPERTY IN HARWICH

RESOLVED that Cabinet approves –

- (a) the sale at Auction of the freehold property in question subject to a reserve price of £110,000.00; and
- (b) the completion of the freehold sale following the auction date at the price achieved, provided this is no less than the reserve price set above.

88. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - B.3 - ACQUISITION OF LAND AT THE JUNCTION OF SEA WAY AND TAMARISK WAY, JAYWICK SANDS

RESOLVED that -

- (a) the proposed terms for the acquisition of the properties, as set out in the Current Position section of item B.3 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder be approved and that the acquisitions be completed on these terms; and
- (b) should a variation to the terms be required, the Assistant Director (Governance) be authorised to agree any other such other terms as she considers appropriate.

The Meeting was declared closed at 11.53 am

Chairman