
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 25TH FEBRUARY, 2022 AT 11.06 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

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

Group Leaders Present by Standing Invitation: Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman BEM (Leader of the Independents Group), Ivan Henderson (Leader of the Labour Group), Mark Stephenson (Leader of the Tendring Independents Group) and Colin Winfield (Leader of the Holland-on-Sea Group)

Also Present: Councillors Andy Baker and Gina Placey (Deputy Leader of the Tendring First Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Michael Cook (Licensing Manager) and Matt Cattermole (Communications Assistant)

125. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Carlo Guglielmi (the Deputy Leader of the Council & Portfolio Holder for Corporate Finance and Governance) and Gary Scott (the Leader of the Liberal Democrats Group).

126. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 28 January 2022, be approved as a correct record and be signed by the Chairman.

127. DECLARATIONS OF INTEREST

There were no Declarations of Interest made on this occasion.

128. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**Russia's Invasion of the Ukraine**

The Leader of the Council (Councillor Neil Stock OBE) referred to the “chilling events” of the last couple of days which had seen the Ukraine invaded by Russia and which was “very worrying and concerning for us all.” He suggested that Members’ message to their residents should be to ‘keep calm and carry on’ and for everyone to be as productive as they possibly could in order to help minimise the impact on the UK of the sanctions imposed on Russia which would seriously affect the world’s economy, fuel supplies and food supplies, especially of grain.

The Leader also suggested that residents could help by donating monies to the relief charities working in the Ukraine and by writing to their local Member of Parliament to make them aware of their feelings on this. He had also requested the Chief Executive to consider lighting up the Town Hall in the colours of the national flag of the Ukraine as a small token of this District’s support for the Ukraine.

The Leader of the Labour Group (Councillor Ivan Henderson) proposed that a letter be sent in either the Leader’s name or in the name of the Chairman of the Council to the Prime Minister to support the UK Government’s sanctions against Russia and to condemn Russia’s actions.

Councillor Neil Stock OBE agreed that this was an excellent idea and further proposed that the letter should be signed by the Leaders of all the political groups on the Council in a show of collective solidarity.

Covid-19 Memorial

Further to the decision taken by Full Council at its meeting held on 30 November 2021 (Minute 94 referred), the Leader of the Council informed Cabinet that he had requested the Portfolio Holder for Partnerships (Councillor Lynda McWilliams) to work with Councillor Mark Stephenson on the installation of a Covid-19 Memorial and to report back to Cabinet in due course. He urged them to ‘think positive and think big’ and gave by way of an example of a public art project the “Angel of the North”.

Kinder Transport Statue in Harwich

The Leader of the Council referred to the successful appeal by the Harwich Kindertransport Memorial and Learning Trust Limited to fund a statue to commemorate the role of the Port and People of Harwich in welcoming the 10,000 unaccompanied Jewish children who came, in the period December 1938 to September 1939, as refugees to Britain from Berlin, Vienna, Prague, Gdańsk, Hamburg arriving in Harwich via the Hook of Holland before eventually travelling onto Liverpool Street Station in London. The project had been supported by the Association for Jewish Refugees (AJR), The Federal Republic of Germany, Tendring District Council, Harwich Town Council, Harwich Haven Authority, Essex Community Fund, The Grassroots Foundation, The Bridges Impact Foundation and the University of Essex.

Essex artist Ian Wolter had created a bronze life-size statue which would evoke the arrival of the children by ship and for which planning permission had been granted to erect the statue on Harwich Quay near the RNLI Station later on in 2022.

129. ANNOUNCEMENTS BY CABINET MEMBERS

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

130. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

131. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE HOUSING ISSUES IN THE DISTRICT - EXTERNAL PARTNERS

Cabinet was aware that, at its meeting held on 10 January 2022 (Minute 33 referred), the Community Leadership Overview & Scrutiny Committee ("the Committee") had undertaken an enquiry (within the Corporate Plan Theme of Community Leadership) into how joined up public services were to address the housing needs in the District.

As part of the Committee's enquiry, the Committee was provided with a written report from the Council's Portfolio Holder for Housing. The report referenced the Council's Housing Strategy (approved in October 2020) and how the Council was working with statutory and non-statutory partners to deliver homes to local people, tackle homelessness, to make best use of the Council's housing stock and to support residents in their homes and communities. The Committee was given information on the how the strategy focussed on external partnership working to achieve its priorities. The Committee heard oral submissions from three external partners, namely Anglia Care Trust, Priest Property Consultants and Peabody Floating Support.

After a discussion the Committee had **RECOMMENDED** to Cabinet that it should:-

- a. *encourage real estate investment trust investment in purchasing low quality HMO's and investing in them to produce good quality self-contained affordable units.*
- b. *sign posting those who apply to join the housing register to organisations to support debt management, maximising benefits, over-coming isolation and other issues they may struggle with.*
- c. *securing additional accommodation for those with vulnerabilities who are rough sleeping, to continue and develop early intervention with Landlords to resolve issue rather than moving to evictions.*

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

"The meeting served as a useful reminder of all the work that goes on in our housing service and the wide range of partner organisations who we work with to support residents of our District. The recommendations to Cabinet all tie back to commitments already made in our Housing Strategy and in the Homelessness and Rough Sleeping Strategies and as such I have no further comments to make."

Having considered the recommendations of the Community Leadership Overview & Scrutiny Committee, together with the responses of the Housing Portfolio Holder thereto:-

It was moved by Councillor Paul Honeywood, seconded by Councillor Neil Stock OBE and:-

RESOLVED that the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the responses of the Housing Portfolio Holder thereto be endorsed.

132. LEADER OF THE COUNCIL'S ITEMS - A.2 - HIGHLIGHT PRIORITY ACTIONS FOR 2022/23 AND MONITORING DELIVERY OF THOSE ACTIONS

Cabinet gave consideration to a report of the Leader of the Council (A.2) which informed it of the outcome of the consultation with the public, partners and the two Overview and Scrutiny Committees on its provisional highlight priority actions for 2022/23. Cabinet was also requested to determine its highlight priority actions for 2022/23 against which performance would be monitored and reported on in that year.

Cabinet recalled that, at its meeting held on 17 December 2021, it had considered a provisional list of highlight priority actions, which had been prepared following consultation with individual Portfolio Holders and the Leader of the Council. These had then been submitted to the two Overview and Scrutiny Committees in order to engage with those Committees on the priority actions to be adopted and the performance monitoring of the delivery of those actions. In addition, between the dates 5 - 19 January 2022, local partner organisations and the public had been invited to submit views on the initial priorities.

It was reported that the Community Leadership Overview and Scrutiny Committee, at its meeting held on 10 January 2022, had considered Cabinet's request for feedback. The Cabinet's request for feedback had also been submitted to the Resources and Services Overview and Scrutiny Committee at its meeting held on 12 January 2022. Set out at Appendix B to item A.2 of the Report of the Leader of the Council were the views of the two Overview and Scrutiny Committees and a summary of the views from the public and partner organisations.

Having duly considered the feedback from the consultation process together with all of the information contained in the Leader of the Council's report:-

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

RESOLVED that -

- (a) the outcome of the consultation with the public, partner organisations and the two Overview and Scrutiny Committees on the provisional list of highlight priority actions agreed by Cabinet on 17 December 2021, as set out at Appendix B to item A.2 of the Report of the Leader of the Council, be received and welcomed; and
- (b) the highlight priority actions for 2022/23, as set out at Appendix A to the aforesaid report, be formally adopted by Cabinet.

133. LEADER OF THE COUNCIL'S ITEMS - A.3 - PRINCIPLE OF DISPOSAL OF LAND FOR ACCESS TO ADJOINING REDEVELOPMENT VIA HOUSING ESTATE LAND IN STOURVIEW AVENUE, MISTLEY

Cabinet gave consideration to a report of the Leader of the Council (A.3) which sought its approval, in principle, to dispose of land in Stourview Avenue, Mistley in order to provide access to an adjoining potential development.

It was reported that the Council had freehold ownership of land in Stourview Avenue and adjoining roads. The land included dwellings and areas for a range of related amenity uses ("an estate"). The estate was of mixed tenure but the majority of the dwellings remained in the Council's ownership and were tenanted. The estate area was shown edged red on the plan attached at Appendix A to item A.3 of the Report of the Leader of the Council.

Cabinet was informed that a developer sought access to adjoining potential development land (as shown edged pale blue on the aforementioned plan attached at Appendix A) via a verge and a section of scrub land to the east of Stourview Avenue. That land was within the estate and the sale of it offered the opportunity for the Council to gain a capital receipt and to facilitate new homes with very little effect on the existing housing areas. The plan attached as Appendix A showed the potential access, which had planning permission, coloured magenta.

Members were made aware that Officers and a commercial agent acting for the Council had negotiated terms for the freehold disposal of the verge land and an isolated area north of the Council's housing. Full details of the terms of the option were contained in the related private and confidential report of the Leader of the Council which would be considered later on in the meeting following the exclusion of the press and public.

Cabinet was advised that, ordinarily this report would be presented by the Corporate Finance & Governance Portfolio Holder. However, in this case the Portfolio Holder had declared an interest and had asked for the report to be presented by the Leader of the Council instead.

Having duly considered the information and advice contained in the Leader of the Council's report:-

It was moved by Councillor Neil Stock OBE, seconded by Councillor Paul Honeywood and:-

RESOLVED that Cabinet agrees, in principle, to dispose of the land in question in Stourview Avenue, Mistley in order to facilitate access to a proposed adjoining development.

134. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.4 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.4) which sought its approval of the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

Members were informed that the Review of the Constitution Portfolio Holder Working Party (CRWP)'s membership included the Portfolio Holder and Councillors Allen, Barry,

Coley, I J Henderson, M E Stephenson, Talbot, Wiggins and Winfield (with Councillors Fowler and Placey as designated substitutes). The CRWP had met on 19 November 2021, 17 December 2021, 14 January 2022 and 31 January 2022.

It was reported that the main proposals covered a number of miscellaneous amendments to the Council Procedure Rules, Articles of the Constitution, Overview and Scrutiny Procedure Rules, the Property Dealing Procedure and the Procurement Procedure Rules in order to ensure that the Council's Constitution remained effective, efficient and consistent at an operational level. The key changes to each of those documents were highlighted within the body of the Portfolio Holder's report.

In addition, there were proposals relating to matters including the size of Committees (following a review previously requested by Full Council), start times for meetings of the Council and various Committees, consideration of motions at Full Council meetings, training for members of an overview and scrutiny committee, moving to a "paperless" working environment, and a protocol for the live webcasting of meetings.

Having duly considered all of the information, proposals and advice contained in the Corporate Finance & Governance Portfolio Holder's report and in order to enable the this matter to be submitted to Full Council in accordance with the requirements of the Council's Constitution:-

It was moved by Councillor Neil Stock OBE, seconded by Councillor Mary Newton and:-

RESOLVED -

1. That Cabinet **RECOMMENDS TO COUNCIL** that:
 - (a) the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A – K, & M attached hereto this report, and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council;
 - (b) with effect from the Annual Meeting of the Council on 26 April 2022, the Committees listed below be reduced in size as follows:-

Audit = 5 Members (from 7 Members);
Human Resources & Council Tax = 7 Members (from 9 Members);
Licensing & Registration = 7 Members (from 9 Members); and
Planning Policy & Local Plan = 9 Members (from 11 Members).
 - (c) the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.
 - (d) commencing with the newly elected Council in May 2023, Members of the Tendring District Council will operate in a "paperless" environment e.g. by providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents.

- (e) in the meantime Members of the Tendring District Council continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.
- (f) in relation to Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees), the Monitoring Officer be authorised to define what is meant by the word “mandatory” and to also decide whether the training offered/provided is/was sufficient and “fit for the purpose” to be contained within guidance and issued to members of those Committees accordingly.
- (g) the reduction in the number of formal scheduled meetings for the Council’s overview and scrutiny committees should be maximised to focus on the principles established in the Executive – Overview & Scrutiny Protocol and work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council’s Corporate Plan.
- (h) the Protocol for the webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees, as set out in Appendix L, be approved and incorporated into Part 6 of the Constitution and that it comes into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.
- (i) Council notes that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-
- Article 12 (Officers);
 - Removal of those provisions within the Council’s Constitution that had been inserted in accordance with the (now defunct) “Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]”;
 - The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee; and
 - The list of Proper Officers within the Scheme of Delegation.
2. That Cabinet **agrees** that:
- (a) the definition of a Key Decision, as contained in Article 13.03 of the Council’s Constitution, be reviewed as part of the annual review of the Council’s Treasury Strategy;
- (b) the Councillor Development Portfolio Holder Working Party be requested to consider and report back to Cabinet whether, in the light of the Centre for Governance & Scrutiny’s recommendation, members of this Council’s overview and scrutiny committee(s) should receive mandatory training; and
- (c) the Deputy Chief Executive & Monitoring Officer be requested to produce and submit to the Leader of the Council, for his consideration, terms of reference and a scheme of delegation for a Road Naming Portfolio Holder Working Party.

135. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.5 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2022/23 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.5) which sought its approval of the Annual Capital and Treasury Strategy for 2021/22 (including Prudential and Treasury Indicators) for submission to Council on 29 March 2022, subject to consultation with the Resources and Services Overview Scrutiny Committee.

Members were reminded that the Local Government Act 2003 and supporting regulations required the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice.

Cabinet recalled that the current editions of the above codes that the Council's capital and treasury activities reflected had been issued in December 2017. These included the requirement to publish a Capital Strategy, which from 2019/20 had been combined with the Treasury Strategy into one document, and which was required to be updated / approved annually.

Cabinet was informed that CIPFA had published revisions to both of the above codes in December 2021, but as part of the associated announcements, they had confirmed that they would not be fully implemented until the 2023/24 financial year. Local Authorities therefore did not have to amend or revise the Capital and Treasury Strategy for 2022/23. However, CIPFA had stated that Local Authorities should make their best endeavours to adhere to the new provisions and not undertake any new investments which would not be consistent with those changes.

It was reported that, although the revised codes would be reflected in future years, there were no changes included within the proposed Capital and Treasury Strategy for 2022/23 that conflicted with the aforementioned request to ensure new investments followed the new provisions.

The proposed Annual Capital and Treasury Strategy for 2022/23 was before the Cabinet, as set out in Appendix A to item A.5 of the Report of the Corporate Finance & Governance Portfolio Holder.

Members were made aware that the Capital Strategy element of the combined document covered the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.

Members were further informed that the Treasury Strategy element of the combined document covered the various elements that satisfied the requirements of the various codes that governed the borrowing and investment activities of the Council and had been prepared in the light of advice received from the Council's Treasury advisors and reflected the relevant codes and guidance.

The Prudential and Treasury indicators were included as an Annexe to the combined strategy and were therefore included within the aforementioned Appendix A.

Cabinet was advised that, under the Prudential Code, the Council had freedom over capital expenditure as long as it was prudent, affordable and sustainable. The Prudential Indicators either measured the expected activity or introduced limits upon the activity, and reflected the underlying capital appraisal systems and enabled the Council to demonstrate that it was complying with the requirements of the Prudential Code.

Members were reassured that the Council's investments would be undertaken in accordance with its Treasury Management Practices. These had been expanded to include the use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remained at their current extremely low levels it was likely that a significant proportion of the Council's investments would continue to be in Government securities such as with other Local Authorities. Issues such as the business rates grant process associated with COVID 19, continued to demonstrate the need to maximise flexibility in the range of counterparties the Council used plus rates paid by the Debt Management Office had again been negative during Autumn 2021.

It was reported that, as was always the case, other 'quality' investment opportunities would always be explored during the year, in consultation with the Council's external advisors, in order to maximise returns on investments within a continuing and overall risk-averse / aware approach.

Cabinet was informed that it had been initially proposed by Officers to seek the Portfolio Holder for Corporate Finance and Governance's agreement to the Strategy for submitting to the Resources and Services Overview and Scrutiny Committee as part of the required consultation process. However, due to continuing work pressures, including those associated with on-going COVID 19 related activities and the extended Statement of Account process, a revised timescale was proposed. It was therefore now proposed to seek the Cabinet's initial agreement to the Strategy via this report and then to ask the Resources and Overview and Scrutiny Committee to consider it at their meeting due to be held on 21 March 2022. Any comments that the Resources and Overview and Scrutiny Committee had would be submitted directly to the Full Council meeting on 29 March 2022 where Council would be asked to consider and approve the Strategy.

The Portfolio Holder felt that the above reflected a pragmatic approach to ensure that the Strategy could be approved ahead of the financial year it related to. However, it was also recognised that if the comments of the Resources and Overview and Scrutiny Committee required further exploration / investigation, then they could be considered and reported back to Full Council at a later date, where potential in-year revisions to the Strategy could be considered.

Having duly considered all of the information, proposals and advice contained in the Corporate Finance & Governance Portfolio Holder's report and in order to enable this matter to be submitted to Full Council in accordance with the requirements of the Council's Constitution:-

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

RESOLVED that Cabinet agrees that -

- a) the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) be submitted to Full Council for its approval, subject to consultation with the Resources and Services Overview and Scrutiny Committee; and
- b) the Portfolio Holder for Corporate Finance and Governance be authorised to explore potential borrowing options associated with the redevelopment of the Honeycroft site for inclusion within the Annual Capital and Treasury Strategy that would be presented to Full Council on 29 March 2022.

136. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.6 - ADOPTION OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY

Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.6) which sought its approval of the amended and updated draft Gambling Policy (as previously agreed by the Licensing and Registration Committee on 17 January 2022) and to recommend the Policy to the Full Council for formal adoption at its meeting due to be held on 29 March 2022.

Cabinet was reminded that the Council was required to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005 and to widely consult on that review with responsible authorities and other interested parties. The Council had to have a Gambling Policy agreed, published and in place at all times.

Members were made aware that Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) described the functions of formulating or preparing a plan or strategy, as referred to within Regulation 4(1), that were not to be the sole responsibility of an Authority's Executive. This included a Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005. Consequently, any recommendation onto Full Council should be endorsed and approved by the Cabinet. This meant that for this Council the Policy must be adopted by Full Council on recommendation from the Licensing and Registration Committee and Cabinet. Following its adoption by Full Council the Policy had to be then published on the Council's web site and by way of a public notice in a local newspaper.

It was reported that the review and renewal of this Policy had been subject to a public consultation and a final draft of the Policy had been considered and agreed by the Licensing and Registration Committee at its meeting held on 17 January 2022.

Having duly considered the amended Policy and in order to enable this matter to be submitted to Full Council in accordance with the requirements of the legislation:-

It was moved by Councillor Lynda McWilliams, seconded by Councillor Paul Honeywood and:-

RESOLVED that Cabinet –

- a) approves the final draft Statement of Gambling Policy, as set out in Appendix A to item A.6 of the Report of the Partnerships Portfolio Holder, for recommendation onto Full Council for its formal adoption and publication; and
- b) agrees that any further amendments to the Gambling Policy that are minor, or administrative only, in nature are delegated to the relevant Assistant Director, in consultation with the Chairman of the Licensing and Registration Committee and the Portfolio Holder for Partnerships, without the need for further public consultation or adoption.

137. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER AND THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER - A.7 - BACK TO BUSINESS AND CORPORATE INVESTMENT PLAN

Cabinet had before it a joint report of the Corporate Finance & Governance Portfolio Holder and the Business & Economic Growth Portfolio Holder (A.6) which updated it on the success of the Back to Business Programme and sought its agreement to move to a Corporate Investment Plan to support accelerated delivery.

Members were aware that the Council had co-ordinated some of its investment over the last two years through the Back to Business Plan in response to the Covid 19 Pandemic. In line with the Capital Strategy, other investments and cost pressures had been managed via the financial strategy and in-year financial performance reports. This approach had been supported by earmarking reserves and budgets with the aim of managing such costs separately to the annual budget cycle. As a result the Council had protected the underlying base revenue budget as far as possible.

It was reported that, in response to previous peer reviews and the annual governance statement action plan (including points raised by the Council's External Auditor), the opportunity had been taken to review the corporate framework against which projects and investments were prioritised. This was felt timely given the limited funding available to the Council outside of the money required to operate its key front line services and other day to day operations.

It was considered that Back to Business had galvanised the Council to counter the impacts of the pandemic, successfully delivering projects against the themes of 'Strive', 'Thrive' and 'Live'. It had enabled the Council to respond to the economic challenges Tendring had faced, for example, providing businesses with advice and supporting the development of Freeport East. The Council had also attracted tourists to the Coast and had engaged local residents during the Pandemic, including the Octopus Ahoy! sculpture trail, Clacton 150 Anniversary flights and the Clacton 150 Heritage Trail from Jaywick Sands to Holland Haven. Back to Business had also supported well-being, with over twenty well-being hubs set up in Tendring and Colchester schools.

Cabinet was informed that this new approach had therefore allowed the Council to merge the Back to Business Plan into a new Corporate Investment Plan along with the other proposals for schemes and projects that flowed from initiatives and strategies, in order to compete for the Council's scarce resources. It also enabled a reinvigorated approach to reviewing existing 'cash backed' schemes and projects where they could be considered against other emerging issues in order to ensure the Council's money was being put to effective use in the short, medium and long term.

From now on, the Corporate Investment Plan would bring together a fuller pipeline of opportunities to be funded, which would enable the various competing priorities to be considered in a consistent way.

Members were advised that the new Corporate Investment Plan would include the following key elements:-

“A decision making process, including a Corporate Investment Board to agree the project Pipeline, and which projects to recommend for progression towards a formal decision to allocate resources to deliver.

Criteria / Priority Drivers to help decision makers to prioritise and choose between competing proposals, including a project’s impact on the Council’s priorities, its financial implications, statutory obligations and risk mitigation.

A Pipeline of projects showing: projects in delivery moving to completion; approved projects with published decisions against them; and a long list of proposals yet to be decided on whether to progress. The pipeline of proposals will be refreshed as new opportunities emerge, new challenges need to be resolved, and priorities change.

Annex 3 offers a proposed first iteration of pipeline projects, which includes the projects raised at Full Council on 15 February 2022. Annex 3 is not exhaustive. Additional projects will start to be added to this plan as part of the first Corporate Investment Board in March 2022, with future boards adding / reconsidering projects within the pipeline where necessary.

Funding to allocate or reallocate to a Corporate Investment Fund to enable the Council to put resources to the recommended projects from the Pipeline. This approach to budgeting makes transparent funding that is set against projects that are in delivery, and Corporate Investment Plan funding that remains available to be allocated through the process to future projects.”

It was recognised that this new approach would develop in the months ahead, in particular, as the pipeline of project proposals matured, and the first Corporate Investment Board started to consider projects to add to, and progress from, the pipeline.

It was also drawn to Members’ attention that, as part of developing the plan, a number of existing budgets would be reviewed with the aim of identifying those that could potentially be repurposed to support projects within the Corporate Investment Plan. This work was currently on-going and would be considered for inclusion within the available funding that could support the plan going forward.

Pursuant to the provisions of Article 7.08 (1.5(ii)) of the Council’s Constitution, the Leader of the Labour Group (Councillor Ivan Henderson) requested that the minutes record his Group’s opposition to the inclusion of Officers as part of the strategic decision making process by the Corporate Investment Board.

In response, the Monitoring Officer (Lisa Hastings) confirmed that she had no concerns with what was being proposed with the Corporate Investment Board, whose primary function would be to make recommendations to the Cabinet or individual Portfolio Holders, as appropriate.

The Chief Executive (Ian Davidson) also gave an assurance that the Officers' role would be to give their professional advice only and not to participate in the making of any decisions.

Having duly considered all of the information and advice contained in the Corporate Finance & Governance Portfolio Holder's and Business & Economic Growth Portfolio Holder's joint report and in order to enable this matter to move forward:-

It was moved by Councillor Neil Stock OBE, seconded by Councillor Michael Talbot and:-

RESOLVED that Cabinet –

- (a) notes the work completed under the Back to Business programme;
- (b) agrees to implement a Corporate Investment Plan approach along with establishing the associated Corporate Investment Board, as set out in the joint report of the Corporate Finance & Governance Portfolio Holder and the Business & Economic Growth Portfolio Holder (report A.7);
- (c) requests Portfolio Holders to explore with Officers further items for consideration by the proposed first meeting of the Corporate Investment Board in March 2022;
- (d) (i) agrees to the creation of a one-off Members' Small Grant Scheme to make available £1,000 to each Member for the support of Her Majesty The Queen's Platinum Jubilee celebrations within the District and authorises the Assistant Director (Finance & IT) and the Deputy Chief Executive to finalise the conditions, in consultation with the Leader of the Council and make the necessary arrangements to enable Members to access this funding as soon as possible;

(ii) agrees that the total cost of the scheme of £48,000 be funded from the existing Tendring Community Fund budget; and
- (e) agrees that a cross-party Member working group is set up to explore the establishment of a local scholarship scheme and that Officers be requested to set up the first meeting of the group in consultation with the Portfolio Holder for Partnerships.

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

Cabinet had before it a detailed joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.8) which sought its approval, in principle, for the freehold sale of a five bedroom residential property in Harwich requiring substantial maintenance work.

It was reported that the property in question was a 'non-traditional' Council house in need of substantial maintenance work and had been identified as surplus to requirements. In November 2021 authority had been obtained to commence the Property Dealing Procedure and list the property for open market sale.

Members were informed that the property had been on the market with a local Estate Agent for a number of weeks and an offer had been received. This offer had been provisionally accepted subject to the decisions of the Cabinet.

Cabinet was advised that the offer accepted was equal to the market value of the property, as determined by the valuations obtained and as such the disposal would be in accordance with the General Consents Order.

Having considered the information and advice contained in the Portfolio Holders' joint report and to enable this matter to continue to progress to a satisfactory conclusion:-

It was moved by Councillor Neil Stock OBE, seconded by Councillor Paul Honeywood and:-

RESOLVED that Cabinet –

- (a) authorises, in principle, the freehold sale of the property; and
- (b) subject to its decision on terms to be taken later on in the meeting following the exclusion of the press and public, authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the sale of the property. However, should this sale fall through, the Corporate Director (Operations and Delivery) may continue to accept offers £10,000 above or below the sale price or to go to auction via the recommended reserve price.

139. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER 2021/22 AND LONG-TERM FINANCIAL FORECAST UPDATE

Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.9) which provided it with an overview of the Council's financial position against the budget, as at the end of December 2021 and also presented it with an updated long term forecast.

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

It was reported that the position to the end of December 2021 showed that, overall, the General Fund Revenue Account was underspent against the profiled budget by £8.044m (after excluding variances against COVID 19 grant supported activities, such as business grants, this position was revised to a net overspend of £4.243m). It was acknowledged that other expenditure or income trends could still be developing / 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.

Members were informed that, 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 in this report, there were no other 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.

Cabinet was made aware 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 Portfolio Holder's report.

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 third quarter, it had been possible to make an additional contribution to the fund of £123k, which supported the requirement set out in the long term forecast of identifying in-year savings of £500k each year, where possible.

In respect of the updated long term financial forecast:

It was reported that there had been no changes made to the forecast position considered by Full Council on 15 February 2022 as part of agreeing the detailed budget for 2022/2023.

Cabinet was aware that the identification of on-going savings remained an important element of the long-term financial plan. The developing zero based framework in which to identify the required level of savings formed part of the key priority actions set out in the Council's Corporate Plan.

It was important to continue to deliver against the longer-term approach to the budget as it continued to provide a credible alternative to the more traditional short-term approach, which would require significant additional savings to be identified much earlier in the financial cycle.

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

It was moved by Councillor Neil Stock OBE, seconded by Councillor Paul Honeywood and:-

RESOLVED -

- (1) That, in respect of the financial performance against the budget at the end of December 2021, Cabinet agrees:
 - (a) that the position as at December 2021 be noted; and
 - (b) that the proposed in-year adjustments to the budget, as set out in Appendix H to item A.9 of the Report of the Corporate Finance & Governance Portfolio Holder, be made.
- (2) That, in respect of the Updated Long Term Forecast, Cabinet agrees that the latest position be noted and that the Resources and Services Overview and Scrutiny Committee be consulted on the most up-to-date position.

140. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.10 - HOUSING OMBUDSMAN

Members were reminded that the Council's Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any

decision or omission had given rise to maladministration. This report concerned omissions that the Housing Ombudsman had determined were serious maladministration on the part of this Council.

It was reported that, on 14 December 2021, the Housing Ombudsman had determined a complaint submitted to it in relation to the handling of repairs by the Council at one of its tenanted properties. The Housing Ombudsman had also considered the Council's handling of the resident's complaint about those repairs and its record keeping about the repairs. The conclusion of the Housing Ombudsman in respect of the complaint had been as follows:

1. *Severe maladministration by the landlord regarding its handling of repairs to the resident's property.*
2. *Maladministration by the landlord regarding its handling of the resident's complaint about those repairs.*
3. *Service failure by the landlord regarding its record keeping about those repairs.*

Cabinet was informed that the property concerned was a Grade II listed building and had been suffering a long-standing issue of water penetration through the roof. In part, the complaint related to work undertaken by those contracted to undertake the repairs and that the repairs had not fully addressed the water penetration into the property. The complainant had advised the Ombudsman that issues with the roof, and resultant damage inside the property, had been going on for over a year. Finding mutually convenient times for inspections to be undertaken had, again in part, added to the length of time taken by the Council to address those issues. Apologies had been issued for those matters and the sum of £100 had been offered in recognition of the complainant's time and trouble in pursuing the matter. This had been declined before the complainant had then taken the matter to the Housing Ombudsman.

Members were made aware that from the information provided to the Housing Ombudsman, it had been apparent to them that the Council had attended the property on various occasions since the resident's initial repair reports. The Ombudsman did though state that the records had not provided a precise chronology regarding how it had handled the repairs and whether it had, at the time of the complaint, fully established the root cause of the issue. The records presented had shown, in this specific case, considerable and unacceptable delays between the investigative work being undertaken and repair works being commissioned and then the outcome of checks of the works undertaken.

Cabinet was further informed that, in respect of the handling of the complaint, the Housing Ombudsman had criticised the Service for not properly addressing the delays in the handling of the particular repairs, not acknowledging the impact the delay in the repairs was having on the tenant, not demonstrating a timeline to 'put the matter right' and failing to reference the requirements of the Council's own complaints process. The Council's subsequent and further corporate response to the complaint had also been commented on by the Ombudsman although this was to suggest that the offer of £100 to the complainant was modest and inadequate.

It was reported that the Ombudsman had ordered that an award of £2,110 be paid to complainant and this payment had been made. It had also ordered a final inspection of the property to be carried out with a letter to the complainant setting out a plan of action

to address the necessary works. This too had been undertaken and confirmation of this and the payment referred to had been provided to the Housing Ombudsman.

Further steps the Housing Ombudsman had set out were:

- *The Council should carry out a review of its findings and remedies set out in this report and draw up an action plan to improve its repairs service delivery. This review should be led by a suitably senior member of staff (Head of Service or equivalent).*
- *The Council should review the performance of the individual contractors used in this case and ensure that any performance related matters are raised via its contract management and monitoring processes.*
- *The Council should ensure that its overall contract management and monitoring of contractor performance is robust and that any lessons learned from its complaint investigations are fed back to the relevant parties.*
- *The Council should review its record keeping procedures in relation to repairs, taking into account the comments in this investigation report. It should ensure that it has robust record keeping arrangements in place which allow it to provide clear audit trails of all actions taken.*
- *The Council should share the Housing Ombudsman's Complaint Handling Code with all staff dealing with resident complaints and ensure they have had up to date training regarding best practice in responding to complaints.*

In response to the above, the Corporate Director (Operations and Delivery) had advised:

"The Assistant Director for Building and Public Realm has commenced a review of the repairs processes. A Senior Surveyor has been given specific responsibility for implementation of Oneserve, availability of data and for the operational level of service review. Further changes are likely as a result of the process.

The term maintenance contractor at the initial stages of the matter has been wound up. The interregnum during the procurement of the replacement term contractor created a period of development with a number of external contractors involved in repairs. The new term maintenance contractor has been appointed and working relationships are improving. The Council's in house housing repairs team is also now established and building a reputation for prompt attendance, flexible response and customer satisfaction.

The IT systems procured for the use of the team coupled with additional staff proposed for restructure (subject to decision and recruitment will supplement the outcome of the processes review.

The Council has procured additional IT systems: auditor to record inspections including photographs videos and readings and Oneserve to retain and make available property data and to manage works. The auditor system is fully deployed and Oneserve is in the process of being fully applied following acquisition in December 2021.

The Complaint Handling Code has been provided to the team leader and senior surveyors. Further training is being sourced at the time of writing."

Members' attention was drawn to the fact that, over at least the past ten years, this had been the first report from the Housing Ombudsman to indicate that there had been maladministration by this Council in its role as a landlord.

Cabinet noted the foregoing.

141. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Neil Stock OBE, seconded by Councillor Michael Talbot 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 18 and 19 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.

142. LEADER OF THE COUNCIL'S ITEMS - B.1 - TERMS FOR THE DISPOSAL OF LAND FOR ACCESS TO ADJOINING REDEVELOPMENT VIA HOUSING ESTATE LAND IN STOURVIEW AVENUE, MISTLEY

RESOLVED that Cabinet -

- (a) approves the terms summarised in the Background and Current Position section of item B.1 of the Report of the Leader of the Council to dispose of unused land in Stourview Avenue, Mistley in order to facilitate access to a proposed adjoining development; and
- (b) authorises the Corporate Director (Operations & Delivery) to dispose of the land to the named developer on the terms set out and on such other terms that he considers appropriate, if at variance to the foregoing.

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

RESOLVED that Cabinet -

- (a) approves the proposed terms for the freehold sale of 16 Angel Gate, Harwich; and
- (b) authorises the Corporate Director (Operations & Delivery) to enter into a contract and transfer deed to complete the purchase of the property on the terms set out and subject to such other terms that he considers necessary, or should the sale fall through, that he may continue to accept offers £10,000 above or below £277,500 or to go to auction via the recommended reserve price.

The Meeting was declared closed at 12.02 pm

Chairman