

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 16TH DECEMBER, 2022 AT 10.30 AM
COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

PRESENT:

Councillor N R Stock OBE
Councillor J D Bray
Councillor G V Guglielmi

Councillor P B Honeywood
Councillor L A McWilliams
Councillor M C Newton
Councillor A O J Porter
Councillor M J Talbot

PORTFOLIO:

Leader of the Council (Chairman)
Portfolio Holder for Planning
Deputy Leader of the Council & Portfolio Holder for
Corporate Finance and Governance
Portfolio Holder for Housing
Portfolio Holder for Partnerships
Portfolio Holder for Business & Economic Growth
Portfolio Holder for Leisure & Tourism
Portfolio Holder for Environment & Public Space

Group Leaders Present by Invitation:

Councillors E T Allen (Leader of the Tendring First Group)(except items 75 – 82), J B Chapman BEM (Leader of the Independents Group)(except items 85 (part) – 90), I J Henderson (Leader of the Labour Group), G G I Scott (Leader of the Liberal Democrats Group)(except items 86 – 90), C P Winfield (Leader of the Holland-on-Sea Group) and A P H Baker (Deputy Leader of the Tendring Independents Group)

In Attendance:

Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), 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) and Keith Durran (Committee Services Officer)

75. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor M E Stephenson (Leader of the Tendring Independents Group).

76. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 4 November 2022, be approved as a correct record and be signed by the Chairman.

77. DECLARATIONS OF INTEREST

The Leader of the Council (Councillor Stock OBE) declared an Interest in relation to his announcement below (Minute 78) insofar as he was a Director of Freeport East Limited.

Later on in the meeting (Minute 87 - A.7 – Determination of a Nomination to Register an Asset Of Community Value: St John's Ambulance Hall, 55 Station Road, Manningtree), Councillor G V Guglielmi declared for the public record that he was a local Ward Member for Manningtree but that he did not in any way consider himself to be pre-determined in this matter.

78. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Freeport East Limited

Earlier on in the meeting the Leader of the Council (Councillor Stock OBE) had declared an Interest in relation to this announcement insofar as he was a Director of Freeport East Limited.

The Leader of the Council (Councillor Stock OBE) was pleased to inform Cabinet that Freeport East Limited was now formally incorporated and had a properly appointed Board, Chairman and Chief Executive.

Devolution

Councillor Stock OBE referred to the Levelling Up and Regeneration Bill a core element of which was the intention to give effect to the framework for the greater devolution of powers from central government. The Government had a levelling up mission that 'by 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement' and Councillor Stock OBE referred to the recent devolution deals for Norfolk and Suffolk.

Councillor Stock OBE reminded Members that over the last few months Leaders and Chief Executives from across Greater Essex (i.e. the County Council, the District, Borough and City Councils and the two Unitary Authorities) had been exploring the potential opportunities and implications of the devolution framework and what the potential benefits could be for Essex residents, communities, businesses and partners. To that end, Councillor Stock OBE, in his capacity as the Chairman of Essex Leaders & Chief Executives had recently written to all Borough, City, District and County Councillors in Greater Essex to offer them the opportunity to attend an online briefing on either 20 December or 21 December 2022 to receive an overview of the work that had been undertaken locally to date, as well as an opportunity to find out more about the Government's devolution framework and the planned next steps in the process.

The Chief Executive and the Portfolio Holder for Corporate Finance & Governance also addressed the meeting on this matter and Councillor Stock OBE then responded to comments made by the Leader of the Labour Group (Councillor I J Henderson).

79. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements by Cabinet Members on this occasion.

80. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - PETITION: GREEN SPACE DEVELOPMENT AND SALE - HOLLAND HAVEN

Members were aware that an e-petition submitted by Sharon Tyler, as lead petitioner, had been received on 8 October 2022. The petition had been signed by 171 persons and stated:-

“We the undersigned petition the Council to not sell or develop the green spaces by The Gap and at Haven Avenue/The Esplanade in Holland-on-Sea.”

Members were reminded that asset management was an executive function and that therefore the Cabinet was the appropriate body to consider this matter.

It was reported that in accordance with the Council’s adopted Scheme for Dealing with Petitions the receipt of this Petition had been reported, for Members’ information, to the meeting of the Full Council held on 22 November 2022. This matter had now been investigated and a report prepared and presented to this meeting of the Cabinet on the basis that the Petition contained between 30 and 249 signatures.

Having discussed the petition it would be for Cabinet to decide what action, if any, would be taken.

Cabinet was made aware of the Assistant Director (Building and Public Realm)’s assessment and advice as follows:-

“Following a motion put to the full Council in November 2020 by Councillor Placey the Cabinet requested a review of Council owned assets that could be used for the construction of new Council homes or used or released in return for capital receipts in order to support Council priorities.

As part of that exercise sites in Holland-on-Sea were identified for further consideration along with a number of other sites throughout the District. A total of 69 sites were identified, with three already pending action after earlier decisions.

A report for Cabinet’s consideration was prepared identifying the sites and inviting determination of in respect of which of them to commence the property dealing procedure. Three previously identified sites were identified for priority disposal action, two of the then identified sites were identified for action.

On 15 July 2022 Cabinet agreed the identified priority actions and decided to progress with the property dealing procedure in relation to all of the identified sites.

Officers have begun to progress the identified priority actions, as resources permit, but no detailed assessment of any of the other sites has yet been undertaken.

On 4 November 2022 Cabinet considered a report outlining the Council’s financial outlook including a number of housing and property investment requirements that could not be funded.

It is likely that looking forward it will be increasingly necessary to practice asset management in order to deliver property and other obligations and aspirations.

Section 123 of the Local Government Act 1972 provides that any proposal for disposal of open space must be advertised in the local press and representations taken into account. Any planning application will necessitate statutory and neighbour consultation

and due consideration to any responses. Both of these would happen at a later stage in the property dealing process. Cabinet may wish to note the petition, thank the petitioner and request that these views and others are taken into account as the property dealing procedure unfolds, subject to available resources.”

Cabinet also had before it the following comment submitted by the Portfolio Holder for Corporate Finance and Governance:-

“The sites at Holland on Sea have been identified as part of a process to review potential development or other options throughout the District. They should not be considered in isolation or outside of that process. No decision has yet been taken to build on or dispose of any land. This process was begun following questions raised at the full Council and has consumed considerable time and effort to get to this stage. Given the Council’s financial position and aspirations for housing and public space improvement the Authority must look towards careful use and rationalisation of its properties in order to reduce costs, avoid clinging to unproductive space and facilitate investment in services and facilities.”

A local Ward Member, Councillor Winfield, at the request of the lead petitioner who had been unable to attend the meeting, presented the petition to Cabinet on behalf of the petitioners and read out a statement that had been provided to him by Ms Tyler.

Having duly considered the Petition together with the information provided in the report:-

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

RESOLVED that Cabinet notes the petition, thanks the petitioner and requests that these views and others are taken into account as and when the property dealing procedure unfolds, subject to available resources.

81. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

82. LEADER OF THE COUNCIL'S ITEMS

There were no items referred to the Cabinet by the Leader of the Council on this occasion.

83. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.2 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Cabinet’s approval was sought in respect 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 that purpose.

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, the Procurement Procedure Rules, the Financial Procedure Rules and Delegated Powers in order to ensure the

Council's Constitution remained effective, efficient and consistent at an operational level.

A summary of the proposed changes compared to the existing parts of the Constitution was provided under each heading in the background section of the Portfolio Holder's report and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it was in accordance with legislation, where necessary.

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, and in order to enable those recommendations to be submitted to the Full Council for approval and adoption:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Bray 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 to D and F to N attached hereto this report, with the exception of the proposed changes to Council Procedure Rules 12 and 14 (as contained within Appendix A) which are deferred at this time;
 - (b) Council notes and endorses the Monitoring Officer's firmly reiterated advice that Members using the "Approval of the previous Minutes" item on agendas as a way of raising matters from that previous meeting, whether loosely connected or not, is not acceptable as such actions did not comply with the need to give the requisite public notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law;
 - (c) Council further notes and endorses the proposed change to Article 7.08 (Cabinet Procedure Rule 1.5); and
 - (d) Council additionally notes that:-
 - (i) the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing to issue guidance in the area of "call-ins" of Executive decisions and so it is likely that this Council will need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once that guidance is issued;
 - (ii) the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn 2023;
 - (iii) the Council's Procurement Strategy and the Procurement Procedure Rules will need to be reviewed once the Procurement Bill (HL) currently

at Report Stage in the House of Lords is enacted and come into effect; and

- (iv) the review of the Council's procedure for Planning Committee Site Visits as set out in the Members' Planning Code and Protocol (in Part 6 of the Constitution) is still ongoing although at this current time no constitutional changes have been highlighted as being necessary.

2. That Cabinet **resolves** that Cabinet Procedure Rule 1.5 be amended to reflect the proposed change, as set out in Appendix E attached hereto this report.

Note: The proposed changes to Council Procedure Rules 12 and 14 (as contained within Appendix A) will be further considered at an All Members' workshop and thence re-considered at a meeting of the Review of the Constitution Portfolio Holder Working Party.

84. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - UPDATED GENERAL FUND FINANCIAL FORECAST INCLUDING PROPOSED BUDGET CHANGES IN 2022/23 ALONG WITH BUDGET PROPOSALS FOR 2023/24

Cabinet considered the updated financial forecast, including budget changes in 2022/23 and budget proposals for 2023/24 for consultation with the Resources and Services Overview and Scrutiny Committee.

Cabinet was aware that a 'live' 10-year forecast was maintained and reported to Members throughout the year and that the most up-to-date position in December each year was translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee.

As part of maintaining a 'live' forecast, this Portfolio Holder report 'built' on the last position that had been presented to Cabinet on 4 November 2022. With this in mind, further adjustments had been identified for 2022/23 and 2023/24 as set out in Appendix A to this Portfolio Holder report.

As set out in the earlier reports to Cabinet, this year had seen a number of emerging issues both nationally and globally that had had a significant impact on the Council's own financial position e.g. inflation, supply chain disruption, energy cost increases, commodity price increases along with associated secondary impacts.

However, the Council had maintained a prudent and sustainable approach to its long term plan, which had provided the 'platform' against which it could consider its financial position in response to the very challenging economic position it now faced.

It was reported that further changes to the long-term forecast had been made since 4 November 2022, with a revised position set out in Appendix B.

In comparison with the position reported to Cabinet on 4 November 2022, the net overall position had improved by £68,100 and £646,530 for 2022/23 and 2023/24 respectively. However, it was not proposed to make corresponding adjustments to the funding identified to balance the budget as set out in Section 3 of Appendix A at the present

time, as more changes were expected before final budget proposals were presented to Cabinet in January 2023.

Members were informed that a review of reserves had also been undertaken, which had highlighted the need to continue to maintain a number of reserves to support key actions / activities as part of the Council's overall prudent and sustainable approach to managing its finances.

Cabinet was made aware that, at the time of this meeting, the Local Government Finance Settlement for 2023/24 had yet to be announced. Therefore, any changes emerging from the settlement would be reflected in the forecast that would be reported to Cabinet in January 2023 when it considered its final budget proposals for recommending to Full Council in February 2023.

Members were advised that the budget included a Council Tax levy increase of 3%, with this level of increase expected to be confirmed as part of the wider finance settlement announcements. No revenue support grant had been included in the budget for 2023/24 at this stage.

Once the final position for 2023/24 was determined, the remaining years of the 10-year forecast would be revised, set against the budget position for 2023/24 and would be reported to Members later in the budget setting process.

In addition to the above, the Portfolio Holder's recommendations included an acceptance of Tendring District Council's allocation of the Shared Prosperity Fund (including the Rural England Prosperity element) upon receiving Government sign-off of the submitted investment plan, along with a delegation to the Portfolio Holder for Business and Economic Growth to agree expenditure from that overall funding allocation.

In order to set out the latest financial position for the Council; respond to emerging issues in 2022/23 and also to develop the budget and long term forecast from 2023/24:-

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

RESOLVED that Cabinet:

- a) approves the updated Financial Forecast including a revised position for 2022/23 and proposed position for 2023/24, as set out in the Portfolio Holder's report and its Appendices;
- b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest financial forecast and proposed position for 2023/24; and
- c) accepts the funding made available to the Council as part of the Shared Prosperity Fund (including the Rural England Prosperity Fund element) and authorises the Portfolio Holder for Business and Economic Growth to agree any associated expenditure.

85. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.4 - UPDATE ON SPENDELLS HOUSE AND REVIEW OF BUDGET

Cabinet considered a report of the Housing Portfolio Holder (A.4), which updated it on progress with Spendells House following the decision taken on 26 June 2020 and to seek continued support for the site being retained and reconfigured for the provision of temporary housing accommodation, subject to the business case being revisited.

Cabinet recalled that at its meeting held on 26 June 2020 it had taken the decision to bring Spendells House in Walton-on-the-Naze back into use as temporary accommodation. Since that decision had been taken Officers had secured planning consent for the change in use and had completed the removal of all asbestos from within the building using appropriately licensed contractors.

It was reported that a tender exercise had now been undertaken for the remaining conversion works with the lowest and successful tender coming in at £1.25m. This figure was somewhat higher than the original 2020 estimated cost of £0.6m, of which £0.149M had already been spent on the asbestos removal works. Furnishing the scheme was now estimated to cost in the region of £0.06m based on recently obtained prices. This would bring the total estimated expenditure to set the scheme up ready to use to £1.4m. Given ongoing rises in inflation it was now prudent to consider a total estimated budget of £1.4m.

Those increases in cost had to be set against continued high levels of homelessness presentations and consequent temporary accommodation use and therefore the original principals of the June 2020 decision remained.

In light of the above, it was proposed by the Housing Portfolio Holder that Cabinet continued to support the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation in principle, subject to the original financial appraisal / business case and funding proposals being revisited for approval by the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Housing.

In order to progress the provision of council owned and managed temporary housing accommodation:-

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

RESOLVED that Cabinet -

- a) notes the update on progress and continues to support, in principle, the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation;
- b) requests that Officers revisit and update the original financial appraisal / business case; and
- c) delegates the decision to proceed or otherwise to the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Housing subject to:-
 - i) the updated financial appraisal / business case remaining financially advantageous and value for money to the Council in terms of the overall provision of temporary accommodation; and

- ii) the identification and approval by Full Council of the necessary funding as part of the separate HRA budget setting process.

86. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.5 - PURCHASE OF THE LEASEHOLD INTEREST IN A RESIDENTIAL PROPERTY IN DOVERCOURT

Cabinet considered a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.5), which sought its approval, in principle, from Cabinet for the purchase of the leasehold interest in a two-bedroom house in Dovercourt.

Members were aware that the Council was committed to increasing its housing stock in order to meet rising demands for high quality, affordable housing in the District. Those homes would be acquired or built via a range of approaches.

It was reported that this proposal was to purchase the leasehold interest in a two bedroom property in Dovercourt. The property was currently leased under the Council's Do It Yourself Shared Ownership scheme and the Council already had a 25% share of the lease and was the freeholder.

The Council had Section 106 affordable housing contribution capital receipts that would be used for this purchase. On completion the Council would have 100% ownership of the property.

The property had scored highly on the acquisition matrix, which formed part of the Acquisitions and Development Policy adopted by Cabinet in October 2020.

In June 2022 Portfolio Holder approval had been obtained to initiate the Council's Property Dealing Procedure, to obtain an independent valuation of the property and to negotiate a price with the owners.

An independent market valuation had subsequently been obtained and negotiations with the executor of the lessee's estate had been completed satisfactorily, to enable the purchase to be progressed to a conclusion. Purchasing this property would add an additional property to the Council's housing stock in the Housing Revenue Account.

In order to provide an additional dwelling for the Council's housing stock to meet local need and generate rental income whilst recognising that the purchase of the 75% leasehold interest in this property carried a financial cost:-

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

RESOLVED that Cabinet –

- (a) authorises, in principle, the purchase of the 75% leasehold interest in this property; and
- (b) subject to its decision later in the meeting on terms, authorises the Corporate Director (Operations and Delivery), in consultation with the Assistant Director

(Governance), to enter into a contract and transfer deed to complete the purchase of the property as set out in the related Part B (private and confidential) report.

87. **CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.6 - UPDATED HOUSING REVENUE ACCOUNT BUSINESS PLAN AND BUDGET PROPOSALS 2023/24**

Cabinet considered a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6), which set out and sought its approval of an updated Housing Revenue Account HRA Business Plan, which included proposed changes in 2022/23 along with budget proposals for 2023/24.

Members were aware that, similarly, to the General Fund's long-term forecast, a 'live' HRA Business Plan was maintained on an on-going basis, with the most up to date position in December each year being translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee.

It was reported that a number of changes had been made to the business plan for 2023/24 onwards that largely reflected increased inflationary pressures. Those pressures were also being experienced in 2022/23, with corresponding adjustments set out accordingly.

Cabinet was reminded that, as part of the existing guidance from the Regulator for Social Housing, rents were permitted to be increased by CPI + 1% each year. However, the Government had intervened for 2023/24 due to the significantly high CPI rate at the present time. To 'protect' existing tenants, whilst balancing the impact on Local Authorities, the Government had set a rent increase 'cap' of 7% for 2023/24. Although Councils could set lower increases, this would be a very difficult approach to adopt in terms of the future sustainability of the HRA business plan, given the 'telescopic' impact this would have. Such an impact had been previously experienced when the Government had required Councils to reduce rents by 1% over the 4 year period from 2016/17 to 2019/20 that continued to have an impact over the long-term life of the business plan.

Based on the above, the average weekly rent proposed for 2023/24 was £93.68 (£87.55 in 2022/23).

Members were informed that after taking into account the various adjustments set out in Appendix A and discussed in more detail later on in this report, there were estimated budget deficits of £195,548 and £278,839 in 2022/23 and 2023/24 respectively.

Cabinet was advised that one approach to reduce those deficits to enable a balanced budget to be set would be to consider reducing an expenditure budget, such as the money that was used for capital investment. However, the Council remained focused on its overall commitment to balance the investment in the existing homes of tenants and building / acquiring homes for local people. It was also important to acknowledge that asking tenants to pay higher rents whilst reducing the investment in their homes would be a difficult balance to justify and should be avoided as far as was financially possible.

In light of the above, it was proposed by the Portfolio Holders to fund the estimated deficits for 2022/23 and 2023/24 by calling on money from HRA balances as an alternative to reducing expenditure.

It was reported that HRA General Balances were currently estimated to total £3.777m at the end of 2023/24 (after taking account of the use of balances highlighted above) that remained available to support the 30 year Business Plan and associated risks to the forecast. The proposed HRA Capital Programme for 2023/24 reflected the commitment to maintain the necessary investment in existing stock as mentioned above.

Members were advised that HRA debt continued to reduce year on year as principal was repaid with a total debt position at the end of 2023/24 forecast to be £33.949m, which also took into account the refinancing of an historic loan via an internal borrowing approach.

Cabinet was informed that, in addition to requesting comments from the Resources and Services Overview and Scrutiny Committee, it was also proposed to consult with the Tenant's Panel during January 2023, with the outcome reported to Cabinet later that month, when the final HRA budget proposals would be considered for recommending onto to Full Council in February 2023.

In addition to the above, the Portfolio Holders' recommendations also reflected the associated procurement decisions associated with the purchase of a new IT system that supports the efficient / effective administration of the in-house housing repairs function.

In order to enable Cabinet to propose the most up to date HRA Business Plan, which set out a revised position for 2022/23, along with the proposed HRA budget for 2023/24, for consultation with the Resources and Services Overview and Scrutiny Committee:-

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

RESOLVED that Cabinet -

- a) approves the updated HRA 30 year Business Plan, which includes the proposed revised position for 2022/23 along with budget proposals for 2023/24;
- b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest HRA financial forecast, including the proposed changes in 2022/23 and proposed position for 2023/24; and
- c) agrees to an exemption from the Procurement Procedure Rules along with the associated purchase of the Oneserve IT system covering a period of 3 years from January 2023 in order to support the effective administration of the housing repairs function.

88. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: ST JOHN'S AMBULANCE HALL, 55 STATION ROAD, MANNINGTREE

Councillor G V Guglielmi declared for the public record that he was a local Ward Member for Manningtree but that he did not in any way consider himself to be pre-determined in this matter.

Cabinet considered a report of the Partnerships Portfolio Holder (A.7), which sought its determination as to whether the St Johns Ambulance Hall met the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by Manningtree Town Council. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from Manningtree Town Council.

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

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

Cabinet was aware that it should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account it was considered by the Portfolio Holder that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011. Accordingly, it was recommended by the Portfolio Holder that the criteria were met and that the building should be listed as an Asset of Community Value.

Cabinet recalled that it had adopted the formal procedure for administering Assets of Community Value in January 2015, when the legislation and the supporting procedures were new to local government. The Council had thus been operating within this procedure for 7 years and it was considered appropriate for a review to be undertaken, taking into account the experiences of past applications, case law around the subject matter, the strict criteria applied in making such determinations, the number of successful community bids and reviews requested. Cabinet Members had previously expressed informal support for Officers to be provided with the appropriate delegations to enable applications to be determined quicker within the strict legislative framework. However, the formal procedure would require amendment and due to the time passed since its adoption, a thorough review of operating procedures was suggested, including how reviews would be undertaken if the decisions were delegated to Officers.

Having taken into account the following:-

- (1) the site had for many years been used by the community. As well as serving the needs of St John’s Ambulance, the building had been regularly used by local groups over many years for meetings and other social events. Those groups included: Manningtree Museum, Photographic Club, the Town Council, First

Responders, Manningtree & District Royal British Legion, Yarn & Thread (informal craft & social group) and Stour Valley Men's Probus Club; and

- (2) Officers considered the building to have been recently (between 18 and 24 months) used for community purposes. Although a fundraising group might not be off the ground it was reasonable to conclude that they planned to do it or that someone else might buy and run it for some community purpose. Government guidance indicated that authorities should lean towards the potential for some group to acquire properties even if one was not immediately in a position to do so.

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

RESOLVED that Cabinet -

- (1) agrees that St John's Ambulance Hall, 55 Station Road, Manningtree CO11 1EB meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the asset be added to the Council's list of Assets of Community Value; and
- (2) requests that the formal procedure for administering Assets of Community Value, adopted by Cabinet in 2015, be reviewed to enable determinations to be made by Officers under delegated powers and the appropriate review mechanism proposed for consideration.

89. MANAGEMENT TEAM ITEMS

There were no Management Team items submitted for Cabinet's consideration on this occasion.

90. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 17 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

91. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.1 - TERMS FOR THE LEASEHOLD PURCHASE OF A PROPERTY IN DOVERCOURT

RESOLVED that Cabinet -

- (a) approves the terms for the leasehold purchase, as attached to the Portfolio Holders' joint private and confidential report; and
- (b) authorises the Corporate Director (Operations and Delivery), in consultation with the Assistant Director (Governance) 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.

The Meeting was declared closed at 12.04 pm

Chairman