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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 17TH FEBRUARY, 2023 AT 10.30 AM  
COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15  
1SE**

**Present:** Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Deputy Leader; Portfolio Holder for Corporate Finance & Governance), Jeff Bray (Portfolio Holder for Planning), Paul Honeywood (Portfolio Holder for Housing), Lynda McWilliams (Portfolio Holder for Partnerships), Mary Newton (Portfolio Holder for Business & Economic Growth), Alex Porter (Portfolio Holder for Leisure & Tourism) and Michael Talbot (Portfolio Holder for Environment & Public Space)

**Group Leaders Present by Invitation:**

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman BEM (Leader of the Independent Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of the Tendring Independents Group)

**Also Present:** Councillors Andy Baker, Mike Bush, Paul Clifton and Gina Placey

**In Attendance:** Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Director (Planning)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Sam Wright (Systems Support Manager)(except items 123 - 127) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

**111. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors I J Henderson (Leader of the Labour Group) and C P Winfield (Leader of the Holland-on-Sea Group).

**112. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 27 January 2023, be approved as a correct record and be signed by the Chairman.

**113. DECLARATIONS OF INTEREST**

Councillor Baker declared a Personal Interest in relation to Agenda Item 6 (Green Space Development Petition) insofar as he knew the petitioner.

Later on in the meeting, as mentioned under Minutes 118 and 119 below, and in relation to Agenda Items 10 and 16 (both related to the Council's emerging Beach Hut Strategy):-

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

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

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

**115. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no announcements by Cabinet Members on this occasion.

**116. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - PETITION: GREEN SPACE DEVELOPMENT**

Earlier on in the meeting, as reported under Minute 113 above, Councillor Baker had declared a Personal Interest in relation to this matter insofar as he knew the petitioner.

Members were reminded that an e-petition had been submitted by Caroline Saye, as lead petitioner, on 15 November 2022. That petition had been signed by 432 persons and stated:-

*“We the undersigned petition the council to take no further action in respect of exploring the potential for development /disposal for each of the 69 proposed areas of land reported to Cabinet on 15 July 2022 until such time as a public meeting or meetings have been held to provide all residents with the ability to express their views.”*

Asset management was an executive function and therefore the Cabinet was the appropriate body to consider this matter.

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 24 January 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 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 a total of 69 sites were identified, with three already pending action after earlier decisions.*

*A report for Cabinet 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:-

*"These 69 sites 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 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.*

*I recommend 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."*

The lead petitioner, Caroline Saye, had been invited to attend the meeting to present the petition to Cabinet on behalf of the petitioners. However, she had informed Officers that she was unable to attend the meeting as she was out of the country on holiday.

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.

**117. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.2 - PETITION: RE-INSTATEMENT OF TOILETS ON MIDDLE PROMENADE, BELOW CONNAUGHT GARDENS EAST, CLACTON-ON-SEA**

Cabinet was reminded that an e-petition had been submitted by Colin Underwood, as lead petitioner, on 18 November 2022. That petition had been signed by 41 persons and stated:-

*“We the undersigned petition the council to re-instate public toilets in the vicinity of the demolished toilets on the middle promenade below Connaught Gardens East”.*

Asset management (including the provision of public conveniences) was an executive function and therefore the Cabinet was the appropriate body to consider this matter.

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 24 January 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 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:-

*“The former public conveniences at this location were closed and demolished around twenty years ago in the light of structural issues and low usage. The East Clacton and Holland-on-Sea seafront remains served by five public conveniences. Around 700m to the West of the proposed location Public Conveniences opposite St Albans Road and around 500m to the East of the location Public Conveniences at Lyndhurst Road remain operational.*

*The success of the Holland-on-Sea beach recharging has led to increased visitor numbers in the area. And there is a case for increased provision of facilities to match that.*

*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.*

*The construction of a significant new public convenience on a shoreline site is likely to be substantially costly and may be hard to prioritise against other investment needs in the prevailing financial landscape.*

*The Council's Public Conveniences Strategy was adopted in 2017 with a direction of reducing the number of conveniences in order to focus resources on the most necessary locations. The strategy does not envisage the creation of new public conveniences in Holland on Sea It would be most appropriate to consider any proposals for increased or reprioritised facilities within the context of a review of that strategy.”*

Cabinet also had before it the following comment submitted by the Portfolio Holder:-

*“Although I note, and welcome, the increased visitor usage of the excellent new beaches at Holland on Sea. The Council is in an increasingly worrying financial position and a desire to increase facilities and services, as desirable as that is, cannot sit comfortably among the tough choices that lie ahead.*

*Reconsidering lavatory provision throughout the towns and coast of the District can only fairly be achieved within the context of an overall review of the strategy. Such a strategy review can take account of the developing financial issues that we face and should follow consideration and resolution of those issues.*

*I would like to thank the petitioners for their views and consideration, and I acknowledge the increased visitor numbers in the area but believe that we cannot, at present, commit the organisation to the construction of new facilities. I believe that a review of this and other strategies should be carried out at a future juncture once the approach to the Council’s financial position can be brought into clear focus.”*

The lead petitioner, Colin Underwood, attended the meeting and presented the petition to Cabinet on behalf of the petitioners.

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

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

**RESOLVED** that Cabinet notes the petition, thanks the petitioner but that no action be taken at this present time to comply with the request as it is not possible to commit the Council to the construction of new public toilet facilities. However, Cabinet supports the suggestion that a review of this request could be carried out at a future juncture once the approach to the Council’s financial position can be brought into a clearer focus.

**118. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.5 - SCRUTINY OF THE COUNCIL'S PROPOSALS TO REVIEW THE BEACH HUT STRATEGY**

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee’s scrutiny of the Beach Huts Task & Finish Working Group’s report on its review of the Council’s proposals to renew the beach hut strategy at its meeting held on 1 February 2023.

That Committee had recommended -

*“That Cabinet takes into account, prior to its consideration of the draft Beach Hut Strategy, that -*

- 
- a) *the Committee recommends that future charges for lease agreements are set at a fair and reasonable level. This is relevant for both commercial and mainstream leases. This should also be appropriate for any new Beach Huts made available for purchase or lease in the future;*
  - b) *it is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners;*
  - c) *the Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. That consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to the Committee;*
  - d) *the Committee recommends that bright colours and vibrant designs be included in the revised design specification for Beach Huts, when this is produced following adoption;*
  - e) *the Committee recommends that there is acknowledgement of the differences in seafront locations along the Tendring District and their respective unique features, such as cliff slopes and how they impact Beach Hut design for the emerging specification review;*
  - f) *noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District be included in the future specification for reasons of access, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis;*
  - g) *it is recommended that a map be attached to the emerging strategy to clearly define which land is owned by Tendring District Council;*
  - h) *it is recommended that no Beach Hut designs should be permitted that are contrary to current or future legislation;*
  - i) *to ensure high standards are maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action;*
  - j) *the Committee recommends that a reasonable timescale for adaptations to be removed which fall outside of the revised specification, is agreed. The timescale recommended is a period up to two years;*
  - k) *the Committee recommends that the Council continues to support those without access or ability to use digital platforms so that they are still able to deal with a member of staff. As such, sufficient resources should remain in place; and*
  - l) *the new Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time."*

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee:-

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

**RESOLVED** that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that it be further noted that the response of the Leisure and Tourism Portfolio Holder thereto will be considered as part of the Cabinet's deliberations on the related report of the Leisure and Tourism Portfolio Holder (A.10), which will be considered later on in the meeting.

**119. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & TOURISM PORTFOLIO HOLDER - A.10 - TENDRING BEACH HUT STRATEGY REVISITED - FOLLOWING CONSULTATION**

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Cabinet considered a report of the Leisure and Tourism Portfolio Holder (A.10), which sought its approval for the adoption of the Beach Hut Strategy following stakeholder consultation and for the implementation of the subsequent work strands.

Members recalled that the Council had adopted the current Beach Hut Strategy in 2013. This revision of the existing strategy aimed to update a number of issues relating to beach huts, to ensure beach hut conditions were adhered to, and appropriate resources were considered to monitor the service.

Following a 'pre consultation' process which had engaged 2,673 stakeholders, Cabinet had considered a draft revised Beach Hut Strategy in November 2022 and had then instructed Officers to carry out a further consultation exercise, to allow stakeholder comments on the proposals.

It was reported that the proposals set out in the draft strategy were aimed at improving the beach hut service going forward, in terms of improvements to seafront aesthetics, ensuring a regulated service for rentals and improved governance. The key strands which had been the subject of the public consultation were as follows:-

- *Implementing Commercial Agreements for those wishing to rent*
- *Limiting Beach Hut Agreements to one per household*
- *A review of the Beach Hut design specification*
- *Addressing Beach Hut Adaptations*
- *Resourcing additional enforcement*
- *A move towards a digitalised service*
- *Building new beach huts*
- *A move from licence agreements to leases*

Cabinet was informed that the consultation had been completed by 1507 stakeholders and that their views and comments had been taken into consideration in the production of this final draft. Key points for Cabinet's consideration arising from the consultation were as follows:

- The majority of consultees either strongly disagreed or disagreed with the proposal to implement commercial agreements for those wishing to rent. Following an evaluation of the comments received, those responses could be divided into two sections:-
  - i. *Those who were concerned about the number of users renting huts were excessive and led to disturbance; and*
  - ii. *Those who felt they should be able to rent under the existing agreements.*
- The majority of consultees either strongly disagreed or disagreed with the proposal to limit beach hut agreements to one per household. It was noted however, that of Tendring residents completing the consultation, a majority were actually in favour of this action.
- The majority of consultees either strongly disagreed or disagreed with the proposal to move from licences to leases. After evaluating the comments received, it was clear that a large proportion of the consultees and their respective Beach Hut Associations, felt they could not agree to this proposal, without knowledge of the price increase and what the proposed agreements would entail. The Cabinet report accompanying the draft strategy in November 2022, had been clear that the fees would increase, but that this would be determined by an independent evaluation if Cabinet agreed to the principal of that proposal.
- With regards to the other proposals, the majority of stakeholders either strongly agreed or agreed with the Council's position.

Having taken into account the outcome of the second round of consultation responses, Cabinet noted there were proposed changes to the Strategy as detailed within the Portfolio Holder's report.

Cabinet was aware that a Task and Finish Group under the Resources and Services Overview and Scrutiny Committee had been initiated in relation to the Council's Emerging Beach Hut Strategy Review, which had met with Officers, Beach Hut Associations and the Portfolio Holder for Leisure and Tourism. They had also met with a group of Beach Hut licence holders who had been renting their huts out to visitors. A separate report had been produced (see Report A.5 considered above) on behalf of the Task and Finish Group, for the Resources and Services Overview & Scrutiny Committee ("the Committee").

The Portfolio Holder for Leisure and Tourism recorded his thanks to the Task & Finish Group and the Committee for their work on this strategy review and had considered their recommendations. His responses were:-

- a) The Committee recommends that future charges for lease agreements are set at a fair and reasonable level. This is relevant for both commercial and mainstream leases. This should also be appropriate for any new Beach Huts made available for purchase or lease in the future.

**Portfolio Holder Response:**

*An independent valuation of prospective lease charges was commissioned, to ensure Cabinet could fully consider the recommendation for the change in Beach Hut agreements. Although this is only an indicative cost at this stage (the valuation will be*



*considered closer to implementation), it is hoped this provides reassurance that future charges would be set at a fair and reasonable level. Furthermore, the Committee should be reassured that agreement of a future non-commercial lease and related charges would be agreed by the Portfolio Holder through an Executive Decision. This will be subject to the Council's Call in Procedure rules. The setting of charges and respective heads of terms for a Commercial Lease are being agreed through this report. Research from other Local Authorities demonstrates that the doubling of appropriate charges for commercial agreements is fair and appropriate.*

- b) It is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners.

**Portfolio Holder Response:**

*The Committee are directed to the response provided for the recommendation above.*

- c) The Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. They asked for consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to this Committee.

**Portfolio Holder Response:**

*The Committee should note that there are no financial commitments to the Council, as a result of this report. Any future additional resources will be subject to a separate report and decision. As such, they will be subject to due process, which can be reported back to the Resources and Services Overview and Scrutiny Committee.*

- d) The Committee recommends that bright colours and vibrant designs be included in the revised design specification for Beach Huts, when this is produced following adoption.

**Portfolio Holder Response:**

*The Committee should note that one of the key strands of the strategy, is to revise the current specification. It should also be noted that bright colours are referred to in the draft strategy, as below:*

*'The proposed revised and improved specification will provide the framework for improved aesthetics of Beach Huts. This will also ensure huts are more vibrant and visually impactful, through a move towards brighter and starker colours.'*

*As such, the Portfolio Holder is in agreement with this positive move to improve seafront aesthetics.*

- e) The Committee recommends that there is acknowledgement of the differences in seafront locations along the Tendring District and their respective unique features, such as cliff slopes and how they impact Beach Hut design for the emerging specification review.

**Portfolio Holder Response:**

*The points raised by the Committee are noted and will be considered in producing the revised design specification.*

- f) Noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District were included in the future specification for reasons of access, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis.

**Portfolio Holder Response:**

*The points raised by the Committee are noted and will be considered in producing the revised design specification.*

- g) It is recommended that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council.

**Portfolio Holder Response:**

*The points raised by the Committee are noted and if approved by Cabinet, a map defining the land owned by the Council will be produced for publishing on the website.*

- h) It is recommended that no Beach Hut designs should be permitted that are contrary to current or legislation.

**Portfolio Holder Response:**

*The points raised by the Committee are noted and any statutory requirements will be addressed in production of the Beach Hut agreements.*

- i) To ensure high standards were maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action.

**Portfolio Holder Response:**

*As referred to in a previous response, there are no additional financial commitments to this strategy and as such, no additional resources are funded through this report. The Committee's point is noted and as referred to in this report, any future proposed resources would be funded through a standalone business case under a separate decision.*

- j) The Committee recommends that a reasonable timescale for adaptations to be removed which fall outside of the revised specification, is agreed. The timescale recommended is a period up to two years.

**Portfolio Holder Response:**

*Once the revised design specification is complete, the Council will work with Beach Hut owners to ensure timely removal of any unauthorised adaptations. The timescales involved will be proportionate to the type of adaptation involved, the degree of complexity and any appropriate additional circumstances. The period of 'up to two*

*years' recommended by the Committee is noted, but each situation will be based on a case by case basis.*

- k) The Committee recommends that the Council continues to support those without access or ability to use digital platforms are still able to deal with a member of staff. As such, sufficient resources should remain in place.

**Portfolio Holder Response:**

*The points raised by the Committee are noted and appropriate resources will remain in place to support those customers without access to digital platforms.*

*Finally, the Committee's comment that the 'New Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time' are noted.*

In order to allow the Beach Hut Strategy to be adopted and Officers to implement the actions and principles included within:-

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

**RESOLVED** that Cabinet –

- (a) notes the outcome of the public consultation undertaken on the draft Beach Hut Strategy, as set out in the Portfolio Holder's report;
- (b) notes the outcome of the Task and Finish Review Working Group undertaken on behalf of the Resources and Services Overview and Scrutiny Committee and their recommendations received as considered earlier in the meeting;
- (c) in relation to (a) and (b) above, notes the changes made to the draft strategy as a result of the consultation exercise, including the process for issuing commercial beach hut leases (following the first round of consultation) and the consideration of a 'buffer period' in restricting future agreements to one per household;
- (d) notes the proposed changes to the revised draft Beach Hut Strategy, and approves the same for adoption;
- (e) delegates the approval of a revised Beach Hut design specification to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (f) agrees the Heads of Terms for a new commercial lease (Appendix C) and delegates authorisation for the final lease agreement to the Corporate Director (Operations & Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services;
- (g) delegates agreement of an approved criteria, upon which applications for commercial licences can be made, to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (h) agrees to set fees and charges for commercial leases at twice the value (double) of the comparative standard annual charge;

- (i) agrees to the overall principle of changing from licence agreements to leases from 1 April 2024, for a term of less than 7 years and based on the market valuation for the relevant location, recognising the increased administration and costs to all parties on leases for longer than 7 years with the respective fees and charges and detailed lease terms to be agreed by the Portfolio Holder for Leisure and Tourism; and
- (j) agrees that operational implementation of (i) above will be authorised by the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services, reflecting the resources required.

**120. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.3 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN FOR BRIGHTLINGSEA HALL & ALL SAINTS CHURCH**

Cabinet was informed that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 23 January 2023 (Minute 32 referred), had considered a comprehensive report (and appendix) of the Director (Planning) which had reported to it the Brightlingsea Hall and All Saints Church Conservation Area Appraisal and Management Plan that had been prepared for the Council by Essex Place Services. That report had also sought the Committee’s recommendation to Cabinet that they be approved for public consultation purposes.

The Committee’s decision at its meeting held on 23 January 2023 had been as follows:-

**“RESOLVED** that the Planning Policy and Local Plan Committee:

- a) *endorses the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall and All Saints Church (Appendix 1 to item A.4 of the Report of the Director (Planning));*
- b) *recommends to Cabinet that the above document be published for consultation with the public and other interested parties; and*
- c) *notes that Conservation Area Appraisal and Management Plans for the District’s remaining Conservation Areas will be brought before the Committee in due course and before the new financial year.”*

Cabinet had before it the following comment submitted by the Portfolio Holder for Planning:-

*“I thank the Planning Policy and Local Plan Committee for its consideration of this latest Conservation Area Character Appraisal and Management Plan and I sincerely welcome, once again, its recommendation to Cabinet that this be published for public consultation. Reviewing all of the District’s Conservation Areas is one of the key actions in the Council’s Heritage Strategy and the progress so far has been very good. Ensuring we have an up-to-date appraisal for each and every Conservation Area will enable residents, developers, planners and our Planning Committee to understand the key characteristics that make each area special and which need to be preserved and enhanced when making planning applications and determining them. They will also*

*enable us to reconsider the boundaries of each area and determine whether any Article 4 Directions are needed to provide an extra level of protection and control.”*

Having duly considered the recommendation submitted to it by the Planning Policy & Local Plan Committee:-

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

**RESOLVED** that the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall & All Saints Church, Brightlingsea be approved for consultation with the public and other interested parties.

**121. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.4 - JAYWICK SANDS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT**

Cabinet was informed that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 23 January 2023 (Minute 31 referred), had considered a comprehensive report (and appendices) of the Director (Planning) which had reported to it the Jaywick Sands Design Guide Supplementary Planning Document (SPD). That report had also sought the Committee’s recommendation to Cabinet that the SPD be formally adopted.

The Committee’s decision at its meeting held on 23 January 2023 had been as follows:-

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

- a) *endorses the Jaywick Sands Design Guide Supplementary Planning Document (SPD) with the Officers’ recommended alterations; and*
- b) *recommends to Cabinet that the SPD (forming Appendix 1 to item A.3 of the Report of the Director (Planning)) be adopted, subject to the fourth bullet point of guidance “2A: Landscape character and visual impact” being amended to read as follows:-*

*“Visual separation between Tudor Estate and Village/Brooklands & Gardens should **must** be maintained.”*

- c) *further recommends to Cabinet that the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.”*

Cabinet had before it the following comment submitted by the Portfolio Holder for Planning:-

*“I thank the Planning Policy and Local Plan Committee for its consideration and constructive comments on the Jaywick Sands Design Guide which has progressed through the mandatory planning process of public consultation and can now be formally adopted as a Supplementary Planning Document. For many years property owners, developers and our Planning Officers have needed to grapple with the dilemma of trying to work out what form of development might help to regenerate the area and improve the lives of residents whilst addressing flood risk and safety concerns and achieving an appropriate form of development that avoids overlooking and other design problems.*

*This guidance will supplement our Local Plan and provide a helpful and practical template for how to redevelop existing properties and vacant plots, either on a one-for-one-basis or across a number of plots.”*

Having duly considered the recommendations submitted to it by the Planning Policy & Local Plan Committee:-

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

**RESOLVED** that –

- (a) the Jaywick Sands Design Guide Supplementary Planning Document (SPD) (Appendix 1) be formally adopted, subject to the fourth bullet point of guidance “2A: Landscape character and visual impact” being amended to read as follows:-

*“Visual separation between Tudor Estate and Village/Brooklands & Gardens must be maintained.”*

- (b) the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.

**122. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.6 - SCRUTINY OF CYBER SECURITY FOR THE COUNCIL**

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee’s scrutiny of the Cyber Security Task and Finish Working Group’s report on its review of the cyber security risks, defences and mitigations the Council had in place, at its meeting held on 1 February 2023.

That Committee had recommended –

*“That Cabinet –*

- a) *requests, that as soon as is possible, the Human Resources and Council Tax Committee with appropriate officers looks at the salaries being offered for the advertised and unfilled senior IT posts, including cyber security senior technical positions;*
- b) *endorses that by 31 March 2023 a Portfolio Holder Cyber Security Working Group be established to periodically review the Council’s cyber security performance against the Cyber Assessment Framework (CAF) and/or emerging mandatory security improvements and requirements;*
- c) *requests that by 31 July 2023 the Council’s Information Retention Policy be reviewed/ revised with due regard to UK Data Protection Act 2018 data ‘minimisation’ ‘accuracy’ and ‘storage limitation’ and applied throughout the organisation;*

- d) *requests that by 31 May 2023 individual (non-generic) account access technologies be costed for accessing TDC terminals in locations such as leisure centres where numerous users sharing a terminal due to a retail environment operational need;*
- e) *requests that, commencing no later than May 2023 following the election of the new Council, Cyber Security and Information Governance training for all Members after every election and for staff in their inductions be introduced with periodic refresher training for both which will be made mandatory;*
- f) *requests the Council's Monitoring Officer to review existing Member guidance and explore Member training opportunities as to what constitutes party political activities in the context of using a TDC email account;*
- g) *endorses that as soon as possible the new Cyber Incident Response Plan (CIRP) be adopted.*

*That Cabinet recommends to Full Council that –*

- h) *post-May 2023 local elections under the newly elected Council that Members' practice of auto-forwarding of emails be ceased;*
- i) *subject to the associated funding of £8,000 being identified, that the preferred Option 2 i.e. the provision of a standard council-managed mobile Smartphone in addition to a council-managed laptop be provided to those Members that want one to access emails and to be contactable when mobile; or*
- j) *as an alternative to i above, that should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone be asked to fund the cost from their Allowances (circa two hundred pounds per annum)."*

Cabinet had before it the following comments submitted by the Portfolio Holder for Corporate Finance & Governance:-

*"I would like to thank the Committee for the work it has undertaken in setting up the task and finish group chaired by Councillor Clifton, who looked at the various aspects and complexities of cyber security in a relatively short period of time.*

*In respect of the recommendations a) to g), they reflect a pragmatic and reasonable approach to supporting the Council's cyber security arrangements, so I am therefore supportive of taking the various activities forward in 2023/24.*

*Recommendations h) to j) of the Resources and Services Overview and Scrutiny Committee will be presented for consideration at Full Council on 2 March 2023.*

*In respect of recommendation h), this reflects the position I have mentioned on a number of occasions over recent months. I appreciate the frustration that many Members have previously expressed, but I believe that the risk of continuing with the forwarding of emails to personal emails account is too great for various reasons, not least because of UK Data Protection legislation compliance, but also recognising freedom of information issues that have been highlighted by the ICO. Not only that, but the world of cyber security will keep evolving and there will be adverse consequences if*

*we continued with current practices. We therefore need to remain alert to both current and future risks.*

*Furthermore, if a breach was to take place the Council would be potentially liable to hefty fines by the ICO.*

*I note that the following 4 options relating to how Members can access their Tendring District Council emails that were considered by the task and finish group:*

- 1. Use of council managed laptops only*
- 2. All members be provided with a Council managed smart phone*
- 3. Introduce a 'Bring Your Own Device' Service Framework*
- 4. A Member web 'portal' app*

*Whilst acknowledging the Committee's practical recommendation of the provision of Council managed smartphones, in striking a pragmatic balance along with recognising how Members are increasingly reliant upon flexible access to their emails to effectively undertake their role as a Councillor, I would be supportive of exploring Option 4 above in more detail as a possible alternative. Although the provision of a mobile phone would provide a practical solution, I understand the frustration of some members where they are juggling more than one email account to reflect their 'political' roles with that of a being a ward Councillor along with trying to undertaking that role efficiently. The responsibilities of Portfolio Holders giving direction and making decisions within their individual areas has also been taken into account.*

*In recognition of the above, I am therefore proposing that Officers also explore in more detail the option of a Members' 'portal' as a flexible way for Members' to continue to use their own devices to access their Tendring District email account.*

*Following the Council's consideration of the associated report at their meeting on 22 November 2022, the following resolution was agreed:*

*'the implementation of any and all changes required be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and that the new Councillors be given the training'.*

*My proposed approach will have an impact on the above, which is addressed in my recommendations."*

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee, together with the response of the Portfolio Holder thereto:-

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

**RESOLVED** that –

- a) the Resources and Services Overview and Scrutiny Committee be thanked for the work they have undertaken and specifically the Members who participated in the associated task and finish group, chaired by Councillor Clifton;



- b) the Committee's recommendations a) to g) are agreed and Officers be requested to undertake the associated activities as soon as practicable in 2023/24 in consultation with the Portfolio Holder for Corporate Finance and Governance;
- c) in respect of the Committee's recommendations h) to i), it is recommended to Full Council that:
  - i) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members 'portal' before a final decision can be considered;
  - ii) subject to ci) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' portal' option and recommendations are presented back to a future meeting of Full Council;
  - iii) subject to ci) and cii) above, Full Council continues to acknowledge that the ongoing risk to the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues; and
  - (iv) whilst the work in ci) and cii) is ongoing, all Members elected in May 2023 are advised of this and the Council's Information Governance requirements through their induction programme.

**123. LEADER OF THE COUNCIL'S ITEMS**

There were no items submitted by the Leader of the Council on this occasion.

**124. CABINET MEMBERS' ITEMS - REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER - A.7 - OPERATIONAL CONSIDERATIONS FOR THE SUNSPOT (JAYWICK SANDS COVERED MARKET AND MANAGED WORKSPACE)**

Cabinet considered a report of the Business & Economic Growth Portfolio Holder (A.7) which:-

- (i) sought its agreement that the operational management of the Sunspot was no longer outsourced longer term to a third party but delivered by the Council in-house;
- (ii) advises it that the project's external partners would provide on a short term, interim advice and support to the Council for a fee; and
- (iii) updated it on progress with the construction phase (Jaywick Sands Covered Market and Managed Workspace).

Cabinet recalled that, their meeting held in May 2021, it had approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands. Cabinet had subsequently determined in October 2021 to outsource management of the building, with a direct award to the Colchester Business Enterprise Agency (Colbea) by means of a service contract and licence with a value of £90,000 in year one. However, after a

change of management at Colbea, the organisation had subsequently informed the Council that they were no longer in a position to take on the licence agreement, which might have been driven by the financial risk associated with the building. Those risks would therefore remain with this Council. Colbea did however remain content to enter into a service contract for a period of 7 months. In order to increase their capacity to deliver at pace however, Colbea would partner with HAT projects for additional support. Colbea had also offered a further service once the 7 months activation period had ended, which would consist of drawing on their specialist expertise in this area to manage staff within the building, until such a time as Council staff were fully trained and self-sufficient.

Members were advised that, as a result of this change in position, it was recommended by the Portfolio Holder to bring the operation of the building in house, to be run by staff directly employed by the Council. Colbea currently held the contract to provide the Council's Business Support Service and were committed to provide the support needed to any future tenants in the Sunspot.

It was reported that the activities associated with this in-house approach would be undertaken within the General Fund, with the costs charged to the HRA via existing internal processes. Direct property related transactions such as maintenance and rental income would be accounted for within the Council's HRA. Based on this approach, the financial risks associated with bringing the operation of the building in-house would fall to the HRA. The shorter to medium term impact was set out within the Portfolio Holder's report and in the longer term the operation and management of the units would be considered as part of the HRA Business Plan.

It was considered that there were three key options available to refocus Colbea's service contract:-

- a. ***In-house only***: Council staff activate and run the building: £80,000 net
- b. ***Outsource activation*** of the centre from February 2023: Colbea contracted to develop policies, procedures, training and market the building ahead of opening in the summer; £150,000 or
- c. ***(Recommended) Outsource activation and offer short term ongoing management support*** for the operation of the centre for 7 months, with the option to continue with a reduced support service after the 7 months had expired, to ensure the council had the required expertise to deliver. £170,000 net.

The Portfolio Holder's recommendation was that Cabinet allocated an additional £80,000 to the year one operational budget, and in year 2 an additional £40,000 out of the reserve set aside to support the project.

Members were informed that the above approach would therefore require an associated reduction in the revenue contribution to the HRA Capital Programme. This inherently increased the construction cost risk but based on the project update set out elsewhere in the Portfolio Holder's report and the additional funding recently secured, this was expected to be successfully managed during the on-going delivery phase of the capital works.

Cabinet was made aware that the construction costs of the building, which was scheduled to complete in the summer of 2023 had risen and the project had been delayed due to significant ground contamination. Additional funding towards the

development had been secured externally from SELEP in December 2022 and ECC in January 2023 and allocated internally.

In order to:-

- (1) allow the building to open in a timely and efficient manner, giving businesses and the community confidence in the Sunspot and builds a strong reputation with the wider District;
- (2) ensure the Council retained control on this important project and contributed positively towards the ongoing regeneration of Jaywick Sands; and
- (3) commission Colbea and HAT Projects for a short-term period to provide interim management and operational support and establish a process for continued success of the building embedded in the operational culture and as such, contributing towards long term sustainability.

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

**RESOLVED** that Cabinet:

- a) approves that the operational management of the Sunspot (Jaywick Workspace) is now not outsourced, longer term to a third party but delivered by the Council in-house;
- b) approves reliance on the previous exemption to the Council's Procurement Procedure Rules to proceed with a contract with Colbea together with HAT projects to provide interim management and operational support to the Council for a period of 7 months;
- c) delegates authority to the Corporate Director (Place & Economy), in consultation with the Portfolio Holders for Housing and Business and Economic Growth, to agree the final terms of the contract;
- d) approves an allocation of an additional £80,000 to the year one operational budget and in year 2 an additional £40,000 that is to be met from a corresponding reduction in the current revenue contribution to the HRA Capital Programme in 2022/23.
- e) agrees that the operation of the in-house management of the Sunspot be accounted for in the General Fund, with corresponding recharges made to the HRA, as appropriate and all related property transactions including management, maintenance and rental payments being accounted for in the HRA; and
- f) authorises the Council's Section 151 Officer to undertake the necessary changes to the budget to reflect the approach set out in (e) above within the financial parameters set out within the Portfolio Holder's report and its appendices.

**125. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.8 - PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION (COUNCIL PROCEDURE RULES)**

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.8), which requested it to approve the recommended changes to the Constitution

(Council Procedure Rules) for referral onto Full Council following a further review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for that purpose.

It was reported that the proposals covered a number of amendments to the Council Procedure Rules 11, 12 and 14, in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level. The key changes to each of those Rules were highlighted within the body of the Portfolio Holder's report.

Cabinet recalled that, at its meeting held on 16 December 2022 (Minute 83 referred), it had considered the outcome of the annual review of the Council's Constitution that had been undertaken by the Review of the Constitution Portfolio Holder Working Party. At that meeting Cabinet had deferred consideration of the proposed changes to Council Procedure Rules (CPR) 12 and 14 pending their re-consideration by the Review of the Constitution Portfolio Holder Working Party (CRWP).

Accordingly, the CRWP had met on 23 January 2023 to further discuss those proposed changes to CPRs 12 and 14. In addition, the CRWP had considered, at the request of Councillor Baker, a matter pertaining to CPR11.2 as well as the outcome of the recent consultation exercise with Members on the procedure for the Planning Committee's site visits.

With the permission of the Leader of the Council, Councillor Baker addressed the Cabinet in relation to the issue of Planning Committee Site Visits.

Having considered the outcome of the further 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 Stock OBE and:-

**RESOLVED** that Cabinet –

- (a) RECOMMENDS TO COUNCIL that the Council's Constitution be amended to reflect the proposed changes as set out in the Appendix attached hereto this report;
- (b) further RECOMMENDS TO COUNCIL that the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;
- (c) supports the proposal that the Planning Committee continues its current practice of undertaking a site visit in respect of all planning applications that are submitted to it for its consideration and requests Full Council to do likewise;
- (d) requests the Monitoring Officer to amend 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) to appropriately reflect the matters raised by the Review of the Constitution Portfolio Holder Working Party; and
- (e) further requests the Monitoring Officer to submit the Site Visit Procedure, as amended, to Full Council for its approval and adoption, following consultation, as

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appropriate and necessary, with the Planning Committee and the Standards Committee.

**126. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2023/24 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)**

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.9), which sought its approval of the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) for submission to Council on 2 March 2023.

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. Revised editions of both documents had been issued in December 2021, which would come into force in 2023/24.

It was reported that the Capital Strategy continued to be combined with the Treasury Strategy into one document, which was required to be updated / approved annually. The proposed Annual Capital and Treasury Strategy for 2023/24 was set out in Appendix A to the Portfolio Holder's report and it reflected the various changes set out in the latest Codes mentioned above.

Cabinet was 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 also 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 it reflected the latest codes and guidance.

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

Members were 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. The Council's investments would be undertaken in accordance with its Treasury Management Practices. Those had been expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. The new Codes required clear separation of commercial investments from treasury

investments. As the Council only had one such investment, which would be clearly identified within the Strategy and the TMPs, a separate suite of Investment Management Practices was not proposed to be produced.

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

In line with the delegation set out within the Council's Constitution, the Portfolio Holder for Corporate Finance and Governance would agree the Strategy for submitting to the Resources and Services Overview and Scrutiny Committee as part of the required consultation process. However to accommodate the current programme of meetings and continuing work pressures, which included those associated with the external audit of the Council's Statement of Accounts for 2020/21, a revised reporting timescale was proposed.

It was therefore now proposed to seek Cabinet's agreement to the Strategy via this report for recommending to Full Council on 2 March 2023. The associated consultation exercise with the Resources and Services Overview and Scrutiny Committee would then be undertaken as early as practicable in 2023/24.

The above reflected a pragmatic approach to ensure that the Strategy could be approved ahead of the financial year it related to, which was a key requirement within the associated Code of Practice. However, it was also recognised that if the Resources and Services Overview and Scrutiny Committee had any comments / recommendations, they could be reported back to Cabinet / Full Council at a later date in the year when potential in-year revisions to the Strategy could be considered.

In order to ensure that a Capital and Treasury Strategy for 2023/24 was approved by 1 April 2023:-

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

**RESOLVED** that Cabinet –

- a) agrees the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) and that it be submitted to Council for approval; and
- b) undertakes the necessary consultation with the Resources and Services Overview and Scrutiny Committee as early as practicable in 2023/24.

**127. MANAGEMENT TEAM ITEMS**

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

The Meeting was declared closed at 11.51 am

**Chairman**