

COUNCIL IS REQUESTED to further consider and make a decision on the following motion which was moved by Councillor Steady and seconded by Councillor Chapman BEM at the meeting of the Council held on 2 March 2023 and which was referred by the then Chairman of the Council to Cabinet for its consideration on the grounds that this motion clearly concerned an Executive function:-

“That this Council resolves to recommend to Cabinet that -

(a) any future capital receipts arising from the disposal of surplus land be ring-fenced for investing back into the town or parish it is located in, and in the case of Brightlingsea this would include the proceeds from the future disposal of land in Dover Road identified in the report to Cabinet on 15 July 2022; and

(b) the relevant Town / Parish Council be consulted on any such investment proposals.”

The Cabinet duly considered Councillor Steady’s motion at its meeting held on 23 June 2023.

The relevant Cabinet Minute is set out below and the related report that was submitted to the meeting of the Cabinet follows on in the agenda document pack.

EXTRACT FROM THE MINUTES OF THE FORMAL MEETING OF THE CABINET HELD ON 23 JUNE 2023

Cabinet

23 June 2023

145. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - MOTION TO COUNCIL: RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

Members considered a motion by Councillor Graham Steady that had been submitted to the Full Council meeting held on 2 March 2023, proposing that future capital receipts from the disposal of surplus land be reinvested in the respective town or parish where the land was located.

At that Council meeting Councillor Steady had presented reasons for discussing the motion on the night, highlighting the timing, the ongoing land disposal in Brightlingsea, potential funding opportunities, and the ability to deliver projects more efficiently. Councillor Chapman BEM had seconded the motion, emphasizing the experience of present Members and the collaboration between councils. However, the then Leader of the Council, former Councillor Stock OBE, had argued that the motion should be referred to the Cabinet, citing concerns about distribution of resources and the motion's limited impact. The Chairman of the Council had then ruled in favour of referral to the Cabinet, considering it an Executive function. Councillor Steady and Councillor Chapman BEM had then explained the purpose of the motion, focusing on fiscal devolution, local project completion, collaboration, and preventing funds from being centralized.

Under the Council Procedure Rules, Councillor Steady was granted the opportunity to answer questions and provide clarification at the Cabinet meeting, with a right of reply to the subsequent debate.

Cabinet was informed that Asset Management was an executive function delegated to the Cabinet collectively and, depending on the decision required, to the Portfolio Holder for Assets, as stated in Schedule 3 of Part 3 of the Council's Constitution. The Executive's overall responsibility, in accordance with the Council's Budget and Policy framework, was to carry out all functions of the Council, including "local choice functions," except for those functions that were excluded by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation.

The Council's Property Dealing Procedure was outlined in Part 5 of the Constitution, which had been previously approved by the Full Council.

The Principles of Decision Making, as detailed in Article 13 of the Constitution, were followed for all decisions:

- (a) Proportionality, ensuring that the action was appropriate for the desired outcome.
- (b) Consideration of all relevant factors and options, including consultation results and professional advice from Officers.
- (c) Respect for human rights, equality, and diversity.
- (d) A presumption in favor of openness.
- (e) Clarity regarding aims and desired outcomes.
- (f) Transparency, including an explanation of considered options and the reasons for the decision.

Having duly considered the contents of the submitted documentation and to comply with the Council's Constitution (Council Procedure Rule 12):-

It was moved by Councillor Kotz, seconded by Councillor M Stephenson and:-

RESOLVED that Cabinet, following the explanation of the motion and in accordance with the current Council Procedure Rule 12.8, DOES NOT RECOMMEND that the Council should support this motion in its original format.