
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 16TH FEBRUARY, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present: Councillors M E Stephenson (Leader of the Council & Corporate Finance and Governance Portfolio Holder) (Chairman), I J Henderson (Deputy Leader of the Council & Economic Growth, Regeneration and Tourism Portfolio Holder), A P H Baker (Housing and Planning Portfolio Holder), M Barry (Leisure and Public Realm Portfolio Holder), P Kotz (Assets Portfolio Holder) and G R Placey (Partnerships Portfolio Holder)

Group Leaders Present by Standing Invitation: Councillors J D Bray (Leader of the Tendring Residents' Alliance Group), J B Chapman BEM (Leader of the Independents Group) and G V Guglielmi (Leader of the Conservative Group) (except items 83 – 86)

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Assistant Director (Governance) & 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 & Deputy Monitoring Officer), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)

83. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors M Bush (Portfolio Holder for the Environment) and G G I Scott (Leader of the Liberal Democrats Group).

84. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 26 January 2024, be approved as a correct record and be signed by the Chairman.

85. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time.

86. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Housing First Conference

The Leader of the Council (Councillor M E Stephenson) and the Housing & Planning Portfolio Holder (Councillor Baker) had, the previous day, attended the Housing First Conference at the University of Essex. The Conference was attended by all North Essex Leaders and Chief Executives and a host of developers, health executives et al. Its purpose was to address the current housing situation and it had been a very good

meeting. The summary document would be coming out to all attendees and he looked forward to sharing that document with cabinet in due course.

Pride of Tending Awards

The Leader reminded Cabinet that that evening the Pride of Tending Awards would be taking place. This event was always a good opportunity to remember all the excellent work that the voluntary sector undertook and especially those 'champions' who had been doing such work for a long time and had made such a commitment to their communities.

Tending Stars Awards

The Leader stated that he had the recent privilege of attending, with other Members, the Tending Stars Awards. Collectively, they had been 'blown away' by the level of commitment shown by TDC staff and especially in the new "Saving Lives" Awards.

87. ANNOUNCEMENTS BY CABINET MEMBERS

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

88. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

89. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

90. LEADER OF THE COUNCIL'S ITEMS

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

91. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.1 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.1), which sought its approval of the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

It was reported that the main proposals covered a number of miscellaneous amendments to the Articles of the Constitution, Access to Information Procedure Rules, Overview and Scrutiny Procedure Rules, the Financial Procedure Rules, the Webcasting Protocol, the Members' Referral Scheme for Planning Applications (Planning Code & Protocol), the Members' Allowances Scheme, the Functions and Delegated Powers of Portfolio Holders, Committees and Proper Officers and Officer Employment Procedure Rules, in order to ensure the Council's Constitution remained

effective, efficient and consistent at an operational level. The key changes to each of those documents were highlighted within the body of this Report.

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 M E Stephenson, seconded by Councillor Baker 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 K and M attached hereto this report;
- (b) Council notes and endorses that a comprehensive review of the Constitution will be undertaken and that it is likely to take place in 2025-2026;
- (c) in accordance with the outcome of consultation with Members, the commencement time of meetings of the Planning Committee should be amended to 5.00 p.m. and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda; and
- (d) Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated.

2. That Cabinet -

- (a) notes that the Leader of the Council will exercise his delegated power (as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution and specifically principle 1(ii) of Section 3 (General Principles regarding Decision Making by the Cabinet – Part 3.27) to approve the proposed change to the delegated powers of the Corporate Finance & Governance Portfolio Holder, as set out in Appendix L attached hereto this report;
- (b) endorses that a comprehensive review of the Constitution, including its formatting etc. will be undertaken and that it is likely to take place in 2025-2026;
- (c) notes that the Leader of the Council will further investigate whether to recommend, in due course, that the public speaking scheme for the Planning Committee should be amended to include provision for the relevant County Division Member to speak on planning applications before that Committee;

- (d) notes that the Leader of the Council has undertaken to consult the Assistant Director (Partnerships) and the Head of People on the matters raised by the Working Party in relation to the composition of the Human Resources Sub-Committee Panel, which is the body that forms part of the recruitment process for the appointment of Senior Officers (as defined in Paragraph 3 of Part 11 of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)) before deciding whether he wishes to make any recommendations to Cabinet on this matter;
- (e) notes, welcomes and endorses that the Monitoring Officer intends to review the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look, in particular, at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory and chief officers;
- (f) notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated

- (g) notes, welcomes and endorses that the Monitoring Officer intends to exercise her delegated powers and make amendments to the following parts of the Council's Constitution:-

Article 12 (Officers) – Section 12.01 (b) – Functions and Areas of Responsibility will be updated;

Leisure & Public Realm Portfolio Holder responsibilities - correction of wrong Assistant Director in relation to beaches/beach huts;

Procurement Procedure Rule 1.1 - change reference to "PING" to read "Council's Intranet"; and

Link to Terms of Reference of Committees etc. to be included on the relevant page on TDC website.

92. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.2 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE LION PUBLIC HOUSE, THE STREET, ARDLEIGH, CO7 7LD

Cabinet considered a report of the Partnerships Portfolio Holder (A.2), which sought its determination as to whether The Lion Public House met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by an unincorporated body made up of at least 21 residents from different households that were eligible to vote in the required area. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from an unincorporated body made up of at least 21 residents from different

households that were eligible to vote in the required area, as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were 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.

Cabinet was made aware 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 advised 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 believed 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 building should be listed as an Asset of Community Value.

It was moved by Councillor Placey, seconded by Councillor Baker and:-

RESOLVED that Cabinet agrees that The Lion Public House, The Street, Ardleigh, CO7 7LD does meet the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and approves accordingly that the asset be added to the Council's list of Assets of Community Value.

93. MANAGEMENT TEAM ITEMS

There were no items submitted by the Council's Management Team on this occasion.

The Meeting was declared closed at 10.47 am

Chairman