
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON TUESDAY, 12TH MARCH, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present: Councillors Mark Stephenson (Leader of the Council and Corporate Finance & Governance Portfolio Holder)(Chairman), Ivan Henderson (Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder), Andy Baker (Housing & Planning Portfolio Holder), Mick Barry (Leisure & Public Realm Portfolio Holder), Peter Kotz (Assets Portfolio Holder) and Gina Placey (Partnerships Portfolio Holder)

Group Leaders Present by Standing Invitation: Councillors Jeff Bray (Leader of the Tendring Residents' Alliance Group), Carlo Guglielmi (Leader of the Conservative Group) and Gary Scott (Leader of the Liberal Democrats Group)

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), 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), William Lodge (Communications Manager) and Keith Durran (Committee Services Officer)

94. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mike Bush (Portfolio Holder for the Environment) and Jayne Chapman BEM (Leader of the Independent Group).

95. 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 16 February 2024, be approved as a correct record and be signed by the Chairman.

96. DECLARATIONS OF INTEREST

Councillor Barry declared a Disclosable Pecuniary Interest in relation to Agenda Item 12 (report of the Leisure & Public Realm Portfolio Holder A.5 – Sport & Activity Draft Strategy for Tendring) and in respect of his position as a Trustee of the Brightlingsea Lido.

The Monitoring Officer (Lisa Hastings) confirmed that, before this meeting, Councillor Barry had requested a Dispensation under Section 33(2) of the Localism Act 2011 and that she had decided to grant that Dispensation for this meeting on the basis that she

considered it appropriate to do so as this was a draft Strategy which was being presented to Cabinet to then go out for consultation and that there were no decisions within the report being considered at this meeting which would impact directly on Brightlingsea Lido.

In relation to Agenda Item 13 (report of the Leisure & Public Realm Portfolio Holder A.6 – Joint Committee Agreement of the North Essex Parking Partnership), Councillor Guglielmi queried whether, given that the NEPP was a sub-body of Essex County Council and given that he was also an Essex County Councillor, he needed to declare an Interest especially in view of the options that were contained within the report.

The Monitoring Officer stated that she would probably consider that to be an Other Registrable Interest (ORI) as Councillor Guglielmi was a member of Essex County Council (ECC). Mrs Hastings felt that it would be appropriate for Councillor Guglielmi to stay in the meeting and be able to contribute, if he so wished, to the debate given that he would not be a decision maker at this meeting.

Councillors I J Henderson and M E Stephenson then also declared that they were also Essex County Councillors. The Monitoring Officer asked if they were part of any body at ECC that referred to the NEPP or the Joint Committee in anyway or were just simply a member of ECC. Councillor Stephenson stated that he was simply a member of ECC. Councillor Henderson stated that he was not a member of any ECC decision making body to do with the NEPP but that he was a member of the corporate scrutiny body that might look at the NEPP at some point in the future.

The Monitoring Officer decided that as these were ORIs, she would grant dispensations for all three Members to be able to take part in the debate and decision making at this meeting in relation to the NEPP.

97. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

98. ANNOUNCEMENTS BY CABINET MEMBERS

High Sherriff of Essex Awards

The Partnerships Portfolio Holder (Councillor Placey) informed Cabinet that she had had the pleasure of attending the High Sherriff's Awards evening the previous week.

Councillor Placey reported that the High Sherriff's Fund gave monies to those groups that strove to make their communities safer places in which to live and work. The Fund was administered by the Essex Community Foundation (ECF) and all donations to the Fund were increased by 50% by proceeds from the Crime Prevention matched funding scheme which was also administered by the ECF.

The Portfolio Holder also informed Cabinet that four Tendring organisations had been successful in their funding applications namely: Inclusion Ventures; Lads need Dads; the Change Project; and U Turn for Support. In addition, the Change Project had also won an Award.

99. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

101. LEADER OF THE COUNCIL'S ITEMS - A.1 - DELIVERING AGAINST THE COUNCIL'S CORPORATE PLAN 2024-28: FINAL PROPOSALS FOR HIGHLIGHT PRIORITIES FOR 2024-25

Cabinet considered a report of the Leader of the Council (A.1), which sought its approval of the final proposed highlight priority actions for 2024/25.

Members were reminded that the priority actions did not cover every separate element of the ambition of the four year Corporate Plan; nor were they intended to indicate that other projects, schemes or activities were not being pursued. They were though intended to reflect imperatives across the Council and for the District and actions that it was right to focus on in 2024/25. Appendix B to the Leader's report contained the final proposed highlight priority actions for 2024/25.

Cabinet was made aware that the final proposed highlight priorities for 2024/25 had been reduced following the consultation period. This reflected the engagement undertaken and was to ensure there remained a tight focus for the Council's activity going forward, considering the totality of the proposed actions and the Council's capacity and resources to deliver against them. Some initial proposed priorities had been removed, or amended, as they were not sufficiently measurable to allow for detailed monitoring and scrutiny; however, this did not mean that activity related to those would not continue.

Members were informed that the public consultation held on the draft proposed Highlight Priority Actions, had been promoted through the local press, on the Council's social media channels, and in emails to stakeholders such as town and parish councils. The results of that consultation were summarised in the Leader's report. However, caution needed to be exercised as despite the promotion of the consultation there had been a low level of response, and which had been weighted towards the rural north of the District:

It was reported that both the Resources and Services Overview & Scrutiny Committee and the Community Leadership Overview & Scrutiny Committee, had highlighted that the stewardship arrangements for the Tendring Colchester Borders Garden Community should be a priority. Stewardship was a key principle of the Garden Community approach and therefore it was a priority to the project overall; the timeline for agreement of a stewardship model would arise after the adoption of the Development Plan Document, and it would be aligned with the first planning application – and therefore it would not be in place during 2024/25. It had therefore not been recommended for inclusion in these highlight priority actions; but it would be considered again as part of the process for developing highlight priority actions for 2025/26 under the Our Vision theme of 'Raising Aspirations and Creating Opportunities'.

Cabinet was further informed that the Resources & Services Overview and Scrutiny Committee had also recommended that activity arising from the implementation of measures from the new Climate Change Action Plan be fully costed and resourced (or

planned to be so). That Committee and the Community Leadership Overview and Scrutiny Committee, had both recommended that performance against the adopted priorities be closely monitored. As set out in the Leader's report, there was a robust performance management process established as part of the highlight priority action monitoring throughout the year; while the specific financial and governance arrangements for each priority action would be subject to separate decisions which would address those recommendations.

During its discussion of the draft highlight priority actions the Community Leadership Overview and Scrutiny Committee also provided some suggestions for the measures used for monitoring of performance of some of the highlight priority actions, and areas the specific actions may cover. Overall, that Committee had endorsed the draft highlight priority actions.

Recognising that adopting highlight priority actions would allow Council activity to remain focused against Our Vision, and would also provide the framework for the annual performance monitoring system of the Council based on the milestones approved as part of the priority actions:-

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

RESOLVED that –

- a) the final highlight priorities for 2024/25, as set out at Appendix B to the Leader of the Council's report (A.1); and
- b) the Leader of the Council be authorised to agree the specific milestones for reporting against the adopted highlight priority actions for 2024/25.

102. LEADER OF THE COUNCIL'S ITEMS - A.2 - ADOPTION OF A NEW COMMUNICATIONS STRATEGY

Cabinet considered a report of the Leader of the Council (A.2), which sought its approval of a new Communications Strategy.

It was reported that the Council's Communications Strategy had been last updated in April 2021 to run until 2024, with an explicit link to the Council's Corporate Plan. Now that the Authority had adopted a new Corporate Plan, it was appropriate to also update the Communications Strategy; this would also allow changes to reflect the continued development of communications best practices. Therefore, a draft Communications Strategy had been drawn up to reflect those changes. It sought to renew the alignment of communications with the Corporate Plan, and to set out a vision of key areas of focus for the team and its work over the next four years.

Recognising that having a Communications Strategy gave a focus to the work of the Communications Team, and would allow it to prioritise its workload appropriately and in accordance with the Corporate Plan:-

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

RESOLVED that the draft Communications Strategy 2024 - 2028 be approved and adopted with immediate effect.

103. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - TIMETABLE OF MEETINGS: 2024/2025 MUNICIPAL YEAR

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.3), which sought its approval, as required by the Constitution, to submit to the Annual Meeting of the Council a timetable of meetings for the 2024/2025 Municipal Year.

Members noted that meetings of the Planning Committee had been provisionally scheduled with a 5.00 p.m. commencement time pending Full Council's formal decision at its meeting on 19 March 2024 on the Planning Committee's request (which had been formally supported by Cabinet at its meeting on 16 February 2024) to amend its start time from 6.00 p.m. to 5.00 p.m.

Cabinet was aware that its meetings were fixed by the Leader of the Council in accordance with Article 7.08 Cabinet Procedures Rule sub-section 1.1 of the Council's Constitution and that therefore the scheduling et cetera might change. The public meetings of the Cabinet listed would normally commence at 10.30 a.m.

Having considered the timetable of meetings proposed by the Corporate Finance & Governance Portfolio Holder and in order to enable the timetable of meetings to be submitted to the Annual Meeting of the Council for approval and adoption, in accordance with the Council's Constitution:-

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

RESOLVED that -

- (a) the timetable of meetings for the Council and Committees, as set out in the Appendix to the Portfolio Holder's report (A.3), be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and
- (b) the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.

104. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.4 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2024/25 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.4), which sought its approval to submit the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) to Council on 19 March 2024.

It was reported that the Annual Capital and Treasury Strategy for 2024/25, including Prudential and Treasury Indicators, had been approved by the Corporate Finance and Governance Portfolio Holder on 26 February 2024 for consultation with the Resources and Services Overview and Scrutiny Committee. The Resources and Services Overview

and Scrutiny Committee had considered the Strategy at its meeting held on 5 March 2024 and its recommendation to Cabinet was as follows:-

“That further clarity is required around the relative roles of consultation on the Council’s key investment proposals and the significant financial constraints on the Council over the coming years to ensure that the reader of the Treasury Strategy would be clear on the relative roles.”

The Leader of the Council stated that, having discussed that recommendation with Officers, was confident that the issue raised had been covered within the Portfolio Holder’s report to Cabinet.

The proposed Annual Capital and Treasury Strategy for 2024/25 was set out in Appendix A to the Portfolio Holder’s report (A.4). *(For completeness, that Appendix also included the Officer report considered by the Corporate Finance and Governance Portfolio Holder when he had approved the Strategy on 26 February 2024 for consultation with the Resources and Services Overview and Scrutiny Committee).*

Members were informed 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.

Cabinet was made aware 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 which reflected the latest codes and guidance.

Members were advised that the Prudential and Treasury indicators were included as an Annex to the combined strategy and were therefore included within Appendix A.

It was reported 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.

Cabinet was reminded that the Council’s investments would be undertaken in accordance with its Treasury Management Practices.

Cabinet noted the new requirements introduced by the Levelling Up and Regeneration Act 2023 that related to ‘trigger points’ and risk thresholds, which if breached would see the Government provide risk mitigation directions to Local Authorities. Those were set out in detail within the attached report that was considered by the Portfolio Holder for Corporate Finance and Governance on 26 February 2024.

Having duly considered the comments/recommendations put forward by the Resources and Services Overview and Scrutiny Committee and in order to support the process of ensuring that a Capital and Treasury Strategy for 2024/25 was approved by Full Council before 1 April 2024:-

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

RESOLVED that Cabinet –

- a) notes the contents of the attached earlier Officer report to the Corporate Finance and Governance Portfolio Holder; and
- b) agrees the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) and that it be submitted to Council for approval.

105. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & PUBLIC REALM PORTFOLIO HOLDER - A.5 - SPORT AND ACTIVITY DRAFT STRATEGY FOR TENDRING

Further to Minute 96 above, Councillor Barry declared a Disclosable Pecuniary Interest in relation to this item due to his position as a Trustee of the Brightlingsea Lido. Councillor Barry stated that he had been granted the necessary dispensation by the Council's Monitoring Officer.

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.5), which presented a draft five-year Sport and Activity Strategy and sought its approval to invite stakeholder comments, through a public consultation process.

Cabinet was informed that this was a new evidence-based draft Sport and Activity Strategy, to support delivery of the Council's priorities as set out in the newly adopted Corporate Plan. This draft strategy would set the direction for the Council's focus on supporting residents to become more physically active and working with partners to improve quality of life for local people.

It was reported that research by the Department of Health demonstrated that increasing activity levels would contribute to the prevention and management of over 20 health conditions and diseases. Adoption of this strategy and the accompanying action plan could support increased participation in physical activity levels in the District, from a historically low base to improve health outcomes and all-round quality of life for local people.

From conclusions drawn in the draft Strategy from the evidence base taken into account, the following strategic objectives were considered to be key in delivering quality outcomes for local people:

- 1. Support improvement to Tendring wide health outcomes*
- 2. Improve quality of life for all local people*
- 3. Long term sustainability & quality of Sports Facilities and wider community offer*
- 4. Ensure every resident is included in sport and active wellbeing*

Members were aware that the draft strategy was presented with a detailed action plan, to impact on all of objectives set out above. Although it would not be possible for the Council to fund all the actions listed, adopting an action plan would allow the Council to proactively look for external funding opportunities and link projects to future developer contributions/Section 106 monies.

Cabinet was informed that a key focus of this work was to ensure that all residents felt represented by the draft strategy and were afforded increased opportunities to become 'active where they live.' This could be achieved by a much wider focus on community

activity in all areas of the District, through supporting and facilitating local clubs, organisations and partners to continue and extend their important work. Building on the success of the Sport England Local Delivery Pilot Scheme (LDP), the Council had a role in supporting more active lifestyles in all areas of the District.

Cabinet was advised that in order to facilitate, support and influence the Tendring sport and activity community to deliver the District wide focus of the draft strategy, it was recommended that a two-year fixed term Community Sport and Activity Manager be appointed, to lead on supporting more sport and activity around the District. This would include support for partners, clubs, organisations and sourcing additional funding for approved projects. This post could be part funded by vacant posts in the Sports Facility establishment and the budget allocated to support delivery of the final strategy.

Members were informed that the draft strategy also set out clear aspirations to work with health partners in creating a new state of the art Active Wellbeing Centre in Tendring. This centre would include health and leisure facilities together in one place and act as a central hub linked to others across the District. Progress would be subject to funding agreements with partners, but this exciting proposition would align with national strategies and presented an opportunity for significant transformation and create a national standard in this approach. In addition to this, there was a commitment to review the current facilities in the light of this development, to put the whole leisure estate on sustainable financial footing. In order to inform this aspiration to develop such a facility, it was recommended that a feasibility study be commissioned to ensure all appropriate implications were considered in any future decision making.

Subject to Cabinet agreement, it was important to seek comments on the draft strategy from local organisations, clubs, partners, national governing bodies for sport (NGBs) and most importantly, residents. This would ensure that stakeholders could scrutinise, comment and make suggestions for the completed strategy, prior to its adoption. This consultation exercise would take a minimum of eight weeks, following which consideration would be given to the feedback received. The final strategy would then return to Cabinet in early summer 2024 for adoption.

In order for the Council to move towards adopting a strategic approach towards sport and physical activity, to support local people and local communities and to increase participation around the District:-

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

RESOLVED that -

- (a) approves the draft Sport and Activity Strategy be approved for consultation;
- (b) authorises Officers, in consultation with the Portfolio Holder for Leisure and Public Realm, to initiate a minimum eight-week consultation process and seek stakeholders' comments on the draft Sport and Activity Strategy;
- (c) a one off sum of £122,530 from the budget for the former Joint Use Facilities be allocated towards the action plan set out in the Strategy and delegates decision making for the use of this budget to the Portfolio Holder for Leisure and Public Realm;

- (d) the appointment of a new Community Sport and Activity Manager, to facilitate, influence and support the community activity set out in the action plan, be supported;
- (e) a feasibility study be commissioned to explore the options and implications for developing a new Active Wellbeing Centre in the District; and
- (f) authorises the Leader of the Council together with the Portfolio Holder for Leisure and Public Realm to decide the scope of the feasibility study.

106. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & PUBLIC REALM PORTFOLIO HOLDER - A.6 - JOINT COMMITTEE AGREEMENT OF THE NORTH ESSEX PARKING PARTNERSHIP

Earlier on in the meeting, as reported under Minute 96 above, Councillors Guglielmi, I J Henderson and M E Stephenson had indicated that they each had an Other Registrable Interest (ORI) in this item insofar as they were also Essex County Councillors. The Monitoring Officer had granted each of them a Dispensation for this meeting as they were not part of any decision making body at Essex County Council in relation to the North Essex Parking Partnership and their interests were ORIs.

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.6), which informed it of the current reported financial position of the North Essex Parking Partnership, the options available to Tendring District Council and which also sought the necessary authority to service notice to withdraw from the Joint Committee, if so required.

Cabinet noted that, at its meeting held on 5th March 2023, the Resources and Services Overview and Scrutiny Committee had enquired into "On street parking arrangements in the District – and parking PCNs, Permits, Traffic Regulation and enforcement and this Council's participation in the North Essex Parking Partnership (NEPP), and the work and business model of the Partnership." In respect of the NEPP, the enquiry had considered the role of the Council within the Partnership, the overall financial risks to the Council and road safety matters. Following that enquiry the Resources and Services Overview and Scrutiny Committee had made the following recommendations to Cabinet:-

"That alongside and in addition to the recommendations being considered by the Cabinet on 12 March 2024 concerning the Council's membership of the North Essex Parking Partnership, the following options be authorised as part of the negotiations with Partnership and Essex County Council (ECC):

- (1) *The return of all on-street parking and management to the district by means of a service level agreement with ECC creating a situation where local parking enforcement would be tailored to meet local needs by this Council. This Council would operate the on-street service at nil cost with surpluses paid to ECC for local highway related schemes and any losses would be met by this Council; or*
- (2) *For delegated authority to be given to this Council's enforcement staff to enforce on-street parking within Tendring alongside officers from the NEPP. In this option, this Council would not seek any financial remuneration for this arrangement."*

Cabinet considered the following options in relation to this matter:-

1. *Remain as we were and allow the partnership to operate as per the new Business Plan;*
2. *Serve notice on the NEPP before the end of the financial year; or*
3. *Submit a request to the Partner Authorities to vary the Partnership Agreement that the deadline for serving notice on the partnership was extended from the end of the financial year until such a time that the full end of year accounts were available and the restructure of the NEPP was completed.*

Having duly considered the recommendations put forward by the Resources and Services Overview and Scrutiny Committee and the available options:-

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

RESOLVED that -

- (a) in consideration of the lack of financial information on the level of deficits for 2023/24 and future longer term financial sustainability of the North Essex Parking Partnership (NEPP), the options available to protect the Council's position be noted;
- (b) the feedback from the Resources and Services Overview and Scrutiny Committee's enquiry at its meeting on 5th March 2023 be noted and welcomed;
- (c) the Leader of the Council and the Portfolio Holder for Leisure and Public Realm, in discussion and consultation with Cabinet Members, be authorised to decide whether to service a Notice of Withdrawal from the NEPP following the meeting of the Joint Committee on 21st March 2024;
- (d) subject to (c) above, cabinet approves such decision being taken up to 31st March 2025, being supported with a detailed report on the updated position and the assessment of risk to the Council;
- (e) the Portfolio Holder for Leisure and Public Realm, in consultation with the relevant Officers, be authorised to seek a variation to the Partnership Agreement to allow a Notice of Withdrawal to be served coinciding in a timely manner with the receipt and consideration of financial information certified by the NEPP Treasurer and/or to allow a Notice of Withdrawal to be rescinded upon receipt of such information being provided; and
- (f) the Leader of the Council and the Portfolio Holder for Leisure and Public Realm, in consultation with the relevant Officers, be authorised to finalise and request any additional information in respect of financial and governance matters required to support resolutions (c) and (d) above.

107. MANAGEMENT TEAM ITEMS

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

The Meeting was declared closed at 12.23 pm

Chairman