

CABINET16 FEBRUARY 2011

Present:- Councillor S Candy (Community, Partnerships and Renewal)!Councillor G V Guglielmi (Planning)!Councillor P Halliday (Finance)!Councillor S R Henderson (except items 127 (Part) - 134) (Housing)!Councillor M J Hughes (Benefits and Revenues)!Councillor S S Mayzes (except items 127 (Part) - 134) (Leisure)!Councillor L A McWilliams (Environment)!Councillor N R Stock (Executive Leader)!Councillor N W Turner (Technical Services)!Councillor G F Watling (Corporate Governance and Resources)

Also Present:- Councillors Broderick, Bucke, Heaney, Mitchell (except items 130-134), Talbot, Sambridge (except items 130-134), G G I Scott (except items 130-134).

In Attendance:- Chief Executive, Acting Strategic Director (DA), Acting Strategic Director (MBK), Head of Financial Services, Head of Legal Services and Monitoring Officer, Interim Head of Planning, Assistant Head of Legal Services (Democratic Services), Communications and Public Relations Manager (except items 124 - 129).

(Noon - 2.13 p.m.)

124. MINUTES

The minutes of the meeting of the Cabinet held on 26 January 2011 were approved as a correct record and signed by the Chairman.

125. ANNOUNCEMENTS BY THE EXECUTIVE LEADER

(1) Essex County Council Minerals Development Document – Preferred Approach

The Executive Leader (Councillor Stock) informed Members that he would take consideration of the report relating to the above matter immediately following consideration of the motion submitted by Councillor G G I Scott as set out in item 6(ii) on the Agenda.

(2) The Big Society – Current Position

The Executive Leader announced that since the last meeting of the Cabinet and the meeting of the Council on 8 February 2011 a letter on the Big Society from the Executive Leader and Deputy Leader had been sent to all secondary and primary schools in the District, all Town and Parish Councils, all Neighbourhood Watch Schemes and voluntary groups and organisations held on the Community Voluntary Services Tending database. A database of all community and voluntary groups was currently being compiled but presently had details of approximately 300 organisations; that was growing daily. Letters were being sent out to those groups and would continue to be sent out as the list was expanded.

The Executive Leader gave details of the process for applying for support to take part in the Big Society and informed Members that the Council was submitting a bid to Improvement East for funding in order to provide the capacity internally to manage this project and to provide support and advice to groups who came forward with an idea. The Executive Leader also informed the Cabinet that a

meeting had been arranged with TDALC on 23 March to explain the Big Society and the role that Town and Parish Councils could play. He also listed organisations with whom the Council had had direct contact in enquiring about the Big Society.

(3) Renewable Energy Conference

The Executive Leader and Councillor Hughes in his capacity as Chairman of Tendring Regeneration Limited reported on a renewable energy Conference they had attended at Twickenham on 15 February when Harwich had been promoted.

126. CABINET MEMBERS' ANNOUNCEMENTS

(1) Council Budget

Further to the meeting of the Council on 8 February 2011 when the Council's budget had been set, the Finance Portfolio Holder (Councillor Halliday) reported that he was disappointed that more positive publicity had not been given to the Council's budget, particularly bearing in mind that Council Tax had been cut and despite the difficult position the Council found themselves in, no frontline services had been cut. He also stressed the importance of the Big Society budget where £500,000 (instead of the existing £50,000) was to be made available to the voluntary sector and many more community schemes should benefit than as at present.

(2) Clacton Air Show

The Leisure Portfolio Holder (Councillor S S Mayzes) reported on arrangements that were being made with regard to the community playing a major role in the Clacton Air Show. He informed Members that a meeting was being held at the Princes Theatre on 1 March and he encouraged all to attend so that a positive way forward could be found with the Council continuing to offer expertise and advice until any new arrangements were sustainable.

(3) Exercise Watermark

The Corporate Governance and Resources Portfolio Holder (Councillor Watling) reported on Exercise Watermark and the emergency warning system that was in place. This was a national exercise and the Council would be taking part on 10 March.

127. LAND AT JUNCTION OF BRIGHTON ROAD AND HEREFORD ROAD, HOLLAND-ON-SEA

Councillor Candy declared a personal interest in this matter as a non-executive Director of the PCT and member of Essex County Council.

The Cabinet were aware that at the meeting of the Council held on 8 February 2011 the following motion had been moved by Councillor Broderick, seconded by Councillor Bragg and, in accordance with the provisions of Council Procedure Rule 16.4, stood referred to the Cabinet for consideration and report:-

"This land was considered by the Primary Care Trust as an ideal site for a 'State of the Art' doctor's surgery, a project now in limbo due both to this administration's refusal to sell the land to the PCT and the PCT's current financial position.

Our residents are concerned that the Council may now sell the land for development purposes such as housing, simply to raise capital monies.

On behalf of the local residents, I would ask that the Council consider reversing the earlier decision to declare this land as 'Surplus to Requirements' so that it can remain a Council

owned piece of land for use by the residents and visitors, both as a public open space and for regulated car parking provision.”

In accordance with the provisions of Council Procedure Rule 16.5 Councillor Broderick attended the meeting and explained the motion.

Following the explanation of the motion:-

It was moved by Councillor Halliday, seconded by Councillor Watling and:-

RESOLVED – (a) That Cabinet requests a report on all sites subject to former decisions to make them “surplus to requirements” and that the report explains how those sites fit into the new property dealing strategy and property management model as part of the planned strategic assets review.

(b) That the PCT (or its successor body) be approached to explore the potential use by them of the Council’s land at Ipswich Road, Holland-on-Sea (including the car park if required) and that the outcome of those discussions be reported as part of the strategic asset review.

(c) That the report referred to in (a) above includes the history of the Brighton Road site and what decisions have been made, and when, relating to its possible disposal for use as a Doctors’ surgery.

128. PROPOSED GRAVEL EXTRACTION IN THE ALRESFORD AREA

The Cabinet were aware that at the meeting of the Council held on 8 February 2011 the following motion had been moved by Councillor G G I Scott, seconded by Councillor Dew and, in accordance with the provisions of Council Procedure Rule 16.4, stood referred to the Cabinet for consideration and report:-

“In view of the current consideration by Essex County Council of applications to approve the extraction of gravel from sites in the area I represent, and in the surrounding areas, this Tendring District Council lodges an objection to the proposals as presently being considered by the County Council. Such objection to be lodged by our Council on behalf of Tendring residents living in these areas.

I am of the opinion that these gravel extractions:

- will be damaging to the local environment, causing problems to people’s health,
- will be a visual and objectionable blot on our rural life,
- will decrease even further the water table affecting the natural habitat and residents private water wells
- will have a major impact on properties in the area and in particular vibrations from the huge number of lorry movements arising from the transport of extracted material, will seriously damage the network of already worn rural roads of our community.”

In accordance with the provisions of Council Procedure Rule 16.5 Councillor G G I Scott attended the meeting and explained the motion.

A resident of Wivenhoe Road, Alresford also addressed the Cabinet in respect of this matter.

Having regard to the decision proposed to be taken later in the meeting relating to the Essex County Council’s Minerals Development Document Councillor G G I Scott was invited to consider withdrawing his motion. Councillor Scott declined to withdraw the motion.

Following the explanation of the motion:-

It was moved by Councillor Candy, seconded by Councillor S S Mayzes and:-

RESOLVED – That, as the motion has not been withdrawn, in the opinion of the Cabinet the motion should not be supported having regard to the decision proposed to be taken later in the meeting in relation to the Essex County Council Mineral Development Document, which decision it is felt better achieves the objective of the motion.

129. ESSEX COUNTY COUNCIL MINERALS DEVELOPMENT DOCUMENT: PREFERRED APPROACH

The Cabinet considered a report which provided them with a summary overview of, and proposed response to, the Essex County Council Minerals Development Document: Preferred Approach consultation paper.

Councillor Heaney and Mr M Brown, Chairman of Frating Parish Council, addressed the meeting in respect of this matter.

Having considered the information submitted:-

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

RESOLVED – (a) That, having regard to the lack of clarity over the scoring method used in the site selection process, the Council raises concerns regarding the methodology.

(b) That having regard to the close proximity of sites A16 Church Farm, Alresford and A17 Frating Hall Farm, Frating to a significant number of residential properties, the Council raises serious concerns regarding the potential loss of amenities to those properties as a result of mineral working activities and other adverse impacts at Frating, including transportation and archaeology and the Council objects to the inclusion of those proposed sites.

(c) That Essex County Council be asked to confirm and clarify its various references to site B3 Park Farm, Ardleigh (sand and gravel component) and B3 Park Farm, Ardleigh (silica sand).

(d) That in the event of site B1 Slough Farm, Ardleigh and/or site A20 Sunnymede, Elmstead and Heath Farm, Alresford being included subsequently in the Schedule of Preferred Sites, the Council raises concerns regarding the inclusion of those sites as there is already a concentration of minerals workings in the north-eastern part of the county within the western part of Tendring District.

(e) That Cabinet endorse the proposal to request the County Council that reliance on primary mineral resources in Essex will be reduced, firstly through the re-use and recycling of aggregates, then the more efficient use of the primary resource and reducing the amount of mineral waste.

(f) That the Cabinet endorse further objections to the proposed Frating site on the basis that:-

(i) Frating already has a deficit in amenity land and is heavily reliant on the network of footpaths and open land around the village to help offset that deficit, that would be lost if the proposed site proceeded.

(ii) Some of the close residential accommodation is the Frating mobile home park which is affordable homes for the over-50's which makes this residential area particularly sensitive to noise and disturbance and additional emphasis should be placed on protecting its residential amenity.

(g) That care homes, pre-schools, other schools and the Frating mobile homes park should be considered as sensitive sites.

(h) That Cabinet endorse further objections to the proposed Alresford site due to the close proximity of the local school to the proposed site.

(i) That in response to a question concerning the planning history of the Frating site the Interim Head of Planning Services, in consultation with the Planning Portfolio Holder, writes to Essex County Council to ensure a correct planning history is acknowledged regarding the site.

(j) That the Interim Head of Planning Services and the Planning Portfolio Holder review the amended response in light of all comments made at the meeting to ensure that all points that warrant a material planning response are appropriately included.

130. ANNUAL TREASURY STRATEGY FOR 2011/12
(INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Cabinet's agreement was sought to the Annual Treasury Strategy for 2011/12 (including the Prudential and Treasury Indicators) for submission to the Corporate Management Committee for review.

To progress the production of the Treasury Strategy and having regard to the information submitted:-

It was moved by Councillor Halliday, seconded by Councillor Candy and:-

RESOLVED – That the Annual Treasury Strategy for 2011/12 (including the Prudential and Treasury Indicators) be approved for submission to the Corporate Management Committee.

131. CORPORATE BUDGET MONITORING REPORT FOR THE THIRD QUARTER 2010/11

Members considered a report which provided an overview of the Council's budgetary position as at the end of December 2010 and sought their approval to budget amendments that had been identified.

Councillor Halliday paid tribute to the work which the late Mr Mike Freeman had carried out for the West Cliff Theatre.

Having regard to the information submitted:-

It was moved by Councillor Halliday, seconded by Councillor Hughes and:-

RESOLVED – (a) That the grants to Theatres budget of £0.080m be saved and contributed to the Asset Refurbishment/Replacement budget and that up to £0.045m of this sum be used to undertake refurbishment work in the Princes Theatre and Essex Hall and that Officers be asked to engage further with the West Cliff Theatre, Clacton-on-Sea, the Electric Palace, Harwich and theatres in Manningtree and Frinton-on-Sea to determine how those theatres would utilise funding from the Big Society Fund to support

the delivery of community projects that contribute to the Council's priorities whilst also delivering revenue savings to the Council.

(b) That salary budgets associated with any posts deleted under Delegated Powers be removed.

(c) That the financial position as at the end of December 2010 be noted.

132. QUARTER 3 - PERFORMANCE REPORT AND KEY PROJECTS 2010-11

The Cabinet had before them a report which introduced the Quarterly Performance report and the Key Projects report for the period October – December 2010.

The report also included comments from the Corporate Management Committee on the second quarter's performance.

Having considered the information submitted and to enable the view of the Corporate Management Committee to be obtained:-

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

RESOLVED – (a) That the Council's performance for the quarter October – December 2010 be noted and the Corporate Management Committee be invited to comment on the report.

(b) That the response of the Corporate Governance and Resources Portfolio Holder to the comments of the Corporate Management Committee on the second quarter's performance be noted.

133. TO PASS THE FOLLOWING RESOLUTION:-

RESOLVED - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

134. SPECIAL MINUTES OF THE MEETING OF THE CABINET HELD ON 26 JANUARY 2011 (COPY HEREWITH)

The special minutes of the meeting of the Cabinet held on 26 January 2011 were approved as a correct record and signed by the Chairman.

135. FINANCIAL STRATEGY – GENERAL FUND BASELINE FOR 2017/2018

There was submitted a detailed report by the Portfolio Holder for Finance, Revenues & Benefits (A.5) which sought to provide Cabinet with an initial General Fund financial baseline for 2017/18 against which the detailed estimates would be built upon over the course of the year.

Cabinet was informed that:

- The initial financial baseline for 2017/18 set out an initial budget 'gap' of £1.565m. In continuing the move to self-sufficiency, this was based on a 1.99% increase in the level of

Council Tax at this stage of the budget cycle. This would, however, be subject to further review over the course of the budget setting process and against the referendum limits for 2017/18 which would be announced by the Government later in the year. If the referendum limit was set at £5.00 for 2017/18, in a repeat of the 2016/17 limit, then this could provide the opportunity to raise additional on-going income of £0.095m.

- The initial budget 'gap' also reflected the provisional revenue support grant (RSG) figure of £1.650m, a reduction of £0.914m (36%) compared to 2016/17.

- As highlighted in last year's budget reports, the Government had announced provisional / minimum RSG figures for 2017/18, 2018/19 and 2019/20 on the basis of each Authority submitting efficiency plans to the Government by Autumn this year. The provisional settlement phased out RSG by the end of 2019/20 with only £0.400m receivable in that year.

- A number of savings strands were already being progressed which would be finalised as part of presenting the revised position to Cabinet in December 2016. Work remained in progress in consultation with Portfolio Holders, the Corporate Management Committee and Members in order to identify the level of savings required to meet the budget 'gap'.

- Given current economic uncertainty following the EU referendum, it was difficult to forecast any knock on impact that could arise, which could include a more front loaded reduction in the RSG than already proposed. However, the Government had recently announced that they would no longer be aiming for a budget surplus by 2019/20, which it was hoped would limit any changes to the provisional RSG figures already announced. Although this would be monitored over the budget setting cycle with updates provided to Members accordingly, the provisional RSG figures announced last year had therefore been included.

- The Council had to continue to seek ways to grow its own funding through regeneration, economic development etc. which would provide a strong position to move into the new era of 100% business rates retention from 2020. There were a number of critical 'core funding' risks around business rates, not only in the future but within the current partial retention regime.

- The initial forecast did not include the final position for items such as cost pressures and potential further changes to budgets although estimates had been included where possible with further details likely to emerge over the course of the year. Therefore it was recognised that the budget 'gap' could increase further.

- A number of Essex Local Authorities continued to remain members of a Business Rates Pool in 2016/17. However, given the uncertainty and risks surrounding business rates, it was not clear whether there would be a benefit in continuing an Essex Pool in 2017/18. Subject to the financial performance of the existing arrangements and future forecasts and risks, a decision whether to continue to remain in the pool would be required in the Autumn.

- In continuing the principle of passing on the reduction in the Council's Government funding to Town and Parish Council's via the Local Council Tax Support Scheme Grant, it was proposed on reducing the grant by 5% in 2017/18.

The Portfolio Holder for Finance, Revenues & Benefits (Councillor Howard) made the following statement:

Having discussed the report and its implications:-

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

RESOLVED that:

(a) Cabinet agrees the initial financial baseline for 2017/18 and requests Portfolio Holders, supported by Officers, to continue to facilitate the various savings strands and initiatives to deliver a balanced budget for presenting to Cabinet in December 2016;

(b) the Corporate Management Committee be consulted on the initial financial baseline for 2017/18;

(c) the Local Council Tax Support Scheme grant to Town and Parish Councils be reduced by 5% in 2017/18, and

(d) the decision whether to remain in the Essex-wide pool for non-domestic rates in 2017/18 be delegated to the Finance, Revenues and Benefits Portfolio Holder, in consultation with the Corporate Director (Corporate Services).

136. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE RED LION, 42 SOUTH STREET, MANNINGTREE, CO11 1BG

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Report A.6) which sought Cabinet's decision on whether The Red Lion Public House, Manningtree met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, following its valid nomination as an Asset of Community Value by the Tendring CAMRA Branch. No other criteria were pertinent to the decision.

Councillor G V Guglielmi declared an interest insofar as he was a local Ward Member for The Red Lion and also a customer of that premises.

The Cabinet was informed that the Officers, taking the evidence provided into account, were of the opinion that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011 and, accordingly, were recommending that the building should be listed as an Asset of Community Value.

Having considered the report, the valid nomination and the advice of Officers, it was moved by Councillor G V Guglielmi, seconded by Councillor Watling and:

RESOLVED that Cabinet agrees that the Red Lion Public House, 42 South Street, Manningtree, CO11 1BG meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the building be added to the Council's list of Assets of Community Value.

137. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 12 and 13 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

Chairman