

CABINET15 JUNE 2011

Present:- Councillor N R Stock (Leader of the Council)!Councillor S Candy (Regeneration) (except items 6 - 17)!Councillor G V Guglielmi (Planning)!Councillor P Halliday (Finance and Asset Management) (except items 14 [part] - 17)!Councillor P B Honeywood (Housing)!Councillor S S Mayzes (Tourism and Community Life)!Councillor L A McWilliams (Customer and Central Services)!Councillor P I Sambridge (Technical Services)!Councillor G F Watling (Benefits and Revenues)

Also Present:- Councillors Broderick, Challinor, Fawcett, P J Oxley, Shearing, Talbot.

In Attendance:- Chief Executive, Acting Strategic Director (DA), Acting Strategic Director (MBK) (except items 3 and 4), Head of Financial Services, Head of Legal Services and Monitoring Officer, Assistant Head of Legal Services (Democratic Services), Communications and Public Relations Manager.

(Noon - 1.54 p.m.)

1.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor Turner.

2. MINUTES

The minutes of the meeting of the Cabinet held on 9 March 2011 were approved as a correct record and signed by the Chairman.

3. LEADER OF THE COUNCIL'S ANNOUNCEMENTS

Members of the Cabinet

The Leader of the Council (Councillor Stock) expressed his condolences to former Councillors Henderson and Hughes who had been members of the Cabinet but who had not been re-elected in the District Council elections.

He welcomed Councillor Sambridge to her first meeting of the Cabinet and also welcomed Councillors P J Oxley, Shearing and Talbot who he had invited to attend in their capacity as Group Leaders.

4. CABINET MEMBER'S ANNOUNCEMENTS

Disclosure of Payments

The Finance and Asset Management Portfolio Holder (Councillor Halliday) reported that all payments made by the Council would now be published on the website (rather than just payments of £500 and over).

This was important in the interests of transparency and should also save Officer time when Freedom of Information Act requests were made.

5. THE GREATER ESSEX INTEGRATED COUNTY STRATEGY AND ITS LINKS TO, AND IMPLEMENTATION FOR, THE COUNCIL'S LOCAL DEVELOPMENT FRAMEWORK

It was reported that at the meeting of the Council held on 29 March 2011 a question pursuant to Council Procedure Rule 14 had been put to the Executive Leader by Mr G Adams of 26 Smythe Close, Clacton-on-Sea and had been answered and, in accordance with Council Procedure Rule 14.9, had been referred to the Cabinet.

The question submitted by Mr Adams and the answer given by the Executive Leader were set out in full in item A.1 of the Reference from Council.

Mr Adams attended the meeting and addressed Members in respect of his question. Mr Adams was thanked for his attendance.

Having considered the question submitted by Mr Adams and the answer given by the Executive Leader:-

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

RESOLVED – That the Cabinet reaffirms the Leader's statement of 8 February 2011 that the Local Development Framework is halted to address the emerging policies in the Localism Bill and to remove the housing target numbers from future consultation and that a report be produced forthwith with recommendations for any further consultation requirements.

6. COMMENTS FROM SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - ATTENDANCE AT TOWN AND PARISH COUNCIL MEETINGS BY PLANNING OFFICERS

The Cabinet was informed that at the meeting of the Service Development and Delivery Committee held on 7 March 2011 consideration had been given to the decision made in 2003 to cease the practice of Planning Officers attending Town and Parish Council meetings on a regular basis due to a lack of staff resources and cost implications.

Having considered the comments of the Service Development and Delivery Committee:-

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

RESOLVED – (a) That where there are major applications which are generating sufficient local interest, if the Town or Parish Council request a planning officer attend a meeting every effort should be made to assist the Town or Parish Council.

(b) That in preparing the training programme on planning matters with the Essex Association of Local Councils and the Tendring District Association of Local Councils consideration is given to training events taking place both during the day and in the evening whenever possible.

7. COMMENTS FROM SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - REFERRALS OF PLANNING APPLICATIONS TO PLANNING COMMITTEE

Further to the meetings of the Council held on 8 February 2011 and of the Service Development and Delivery Committee held on 7 March 2011 the Cabinet considered the current scheme for referrals of planning applications to the Planning Committee.

Having considered the views of the Service Development and Delivery Committee:-

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

RESOLVED - (a) That examples of the level of service provided to Town and Parish Councils and their ability to become involved in the planning system currently include the following:-

- Training in public access and other planning facilities available on the website which has been offered to all and delivered to 85% of councils;
- Newsletters e-mailed regularly (roughly every month) with updates for Councils on events, changes in regulations and policy and other news;
- Weekly list of planning applications e-mailed to clerks;
- Paper copies of planning documents accompany the standard consultation letter;
- E-mail sent daily to all parish clerks, with a link to public access, when an application is received and again when determined;
- Central point of contact (planning.services@tendringdc.gov.uk) for all Town and Parish Councils for all queries so that the matters are dealt with by the correct officer;
- The ability to attend and address the Planning Committee;
- The ability to attend Planning Committee Site Visits;
- The ability to comment on and become involved in the Local Development Framework (including the recent CAGE project; Village Design Statements and Appraisals).

(b) That having had regard to the comments of the Service Development and Delivery Committee, Town and Parish Council members are provided with the opportunity to attend District Member development events in the future and that Officer attendance at major planning Town and Parish Council meetings is offered by arrangement.

8. MANNINGTREE AND MISTLEY CONSERVATION AREA MANAGEMENT PLAN (CAMP)
- JUDICIAL REVIEW

It was reported that the Manningtree and Mistley Conservation Area Management Plan (CAMP) had been prepared and adopted in August 2010 following a consultation exercise.

The decision to adopt the CAMP had been challenged by TW Logistics Limited (TWL), the Mistley Quay Port operator, in the High Court by way of Judicial Review proceedings. On 19 April 2011 the Planning Committee had considered a report on this matter in view of the points raised by TWL in their Judicial Review process. The Committee had decided, amongst other things, that they considered it would be helpful and appropriate for the Cabinet to reconsider the adoption of the Manningtree and Mistley CAMP, in the light of the original objections submitted by TWL in February 2010, their letter dated 19 April 2011 and their claim seeking Judicial Review of the Planning Portfolio Holder's decision in August 2010.

TWL's response to the draft CAMP together with the Officers' response to TWL's representations and the further representations from TWL dated 19 April 2011 were submitted as appendices to item A.4 of the Reference from the Planning Committee.

Having considered all the information before them:-

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

RESOLVED - That, having considered TWL's objections and comments, the decision of the Planning Portfolio Holder made on 17 August 2010 to formally adopt the Manningtree and Mistley CAMP be reaffirmed

9. OUTTURN PERFORMANCE REPORT AND DELIVERY PLAN 2010-11

The Cabinet considered the Outturn Performance Report for the year April 2010 to March 2011 and an update on other actions from the Delivery Plan not reported in the body of the Performance Report.

Having regard to the information submitted:-

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

RESOLVED - That the outturn report be examined by senior management to explore a new way of reporting both the political aspirations and operational performance in a more meaningful way in future.

10. SEAFRONT KIOSK LEASES: STANDARDS AND STANDARDISATION

The Cabinet had before it a report to enable Members to consider the principle of renewing the seafront kiosk leases currently being held over with a new standard lease including:-

- (i) a continued drive towards improving quality;
- (ii) continued full repair and maintenance responsibilities;
- (iii) external/internal redecoration frequencies and colours;
- (iv) provision for high quality outdoor tables and chairs in clearly delineated areas.

Members were aware that a further report in the private part of the agenda informed Cabinet of the findings of a seafront kiosk condition survey and enforcement proposals.

To further the Council's vision for tourism and for Tendring as a 21st century resort destination:-

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

RESOLVED - That the Head of Leisure Services, in consultation with the Head of Legal Services, be authorised to enter into new seafront kiosk leases at full market rents based upon the terms recommended as Option a in the Proposed Actions section of item A.6 of the Report of the Finance and Asset Management Portfolio Holder, and such other terms as Officers, including the Head of Legal Services, consider appropriate.

11. FINANCIAL OUTTURN 2010/11

The Cabinet considered a report which provided it with an overview of the financial outturn for the year 2010/11 and sought approval for:-

- (i) revenue and capital commitments to be carried forward to 2011/12;
- (ii) funding of the 2010/11 Capital Programme;
- (iii) the reserves position at the end of 2010/11;
- (iv) the allocation of the overall General Fund variance for the year;
- (v) the updated five year Capital Programme for 2011/12 to 2015/16 and associated funding.

Having considered the outturn information submitted:-

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

RESOLVED - (a) That the financial outturn position for 2010/11, as set out in item A.7 of the Report of the Finance and Asset Management Portfolio Holder and the appendices thereto, be noted.

(b) That the £1.753m General Fund savings achieved for 2010/11 be allocated as follows:-

(i) £0.101m to be added to the General Fund Uncommitted Reserve (Risk reserve) to bring this reserve to the recommended level of £4.0m;

(ii) £0.100m to be added to the Technical Services Portfolio to continue and widen parking initiatives;

(iii) £0.500m to be added to the Fit for Purpose budget to support actions to deliver the savings target;

(iv) £1.052m to be added to the Asset Refurbishment/Replacement Reserve to provide for the maintenance, enhancement and replacement of the Council's assets.

(c) That the revenue commitments of £3.388m to be carried forward from 2010/11 to 2011/12, as set out in Appendix 'A.2' to the aforementioned report, be approved.

(d) That the financing of capital expenditure for 2010/11, as detailed in Appendix 'B' to the aforementioned report, be approved.

(e) That the capital budgets of £3.592m to be carried forward from 2010/11 to 2011/12 and the associated carry forward of the revenue contribution to capital of £0.749m be approved.

(f) That the updated five year Capital Programme and associated financing, as set out in Appendix 'C' to the aforementioned report, be approved.

(g) That the movement in uncommitted and earmarked reserves for 2010/11, as set out in Appendix 'D' to the aforementioned report, and any amendments arising from (b) above, be approved.

(h) That, following the completion of the Housing Revenue Account for 2010/11, the final Housing Revenue Account outturn position for 2010/11 including transfers to or from the Housing Revenue Account balances be agreed in consultation with the Finance and Asset Management and Housing Portfolio Holders.

(i) That Officers undertake a further review of budgets to determine where ongoing reductions can be made in light of the outturn position for 2010/11.

12. FUTURE OF SITES PREVIOUSLY DECLARED SURPLUS TO REQUIREMENTS

Further to minute 127 (16.2.11) Members gave consideration to the future of a number of Council owned property assets which had been declared surplus to the requirements of the Council or where the Property Dealing Policy had been initiated.

Having considered the details of the sites concerned:-

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

RESOLVED - That the recommendations for sites (a) to (i), as contained in Appendix 'J' to item A.8 of the Report of the Finance and Asset Management Portfolio Holder, be

approved.

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

Further to minute 127 (16.2.11) Members had before them a report which provided them with a history of the land at the junction of Brighton Road and Hereford Road, Holland-on-Sea and the PCT's views with regard to the potential use of the Council owned land at Ipswich Road at Holland-on-Sea (including the car park if required).

Having considered the information submitted:-

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

RESOLVED - That the contents of the report be noted and that the relevant Overview and Scrutiny Committee be requested to invite the Primary Care Trust to a future meeting to discuss their proposals for a new health centre in Holland-on-Sea.

14. PETITIONS IN OBJECTION TO PROPOSALS FOR GROWTH IN NORTH-WEST CLACTON AND THE SLADBURYS LANE AREA OF CLACTON

In accordance with the provisions of Council Procedure Rule 35 the Cabinet had reported to it the receipt of a 1,008 name petition in objection to the proposals for development in north-west Clacton and a 2,004 name petition in objection to proposals for development in the Sladburys Lane area of east Clacton.

Having considered the contents of item A.10 of the Report of the Planning Portfolio Holder:-

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

RESOLVED - (a) That the contents of the two petitions be noted but that any decision with regard to future action is deferred to be considered in the context of the formal responses to the 2010 Local Development Framework consultation exercise which will be reported back to the Cabinet in due course.

(b) That the Cabinet reaffirms the Leader's statement of 8 February 2011 that the Local Development Framework is halted to address the emerging policies in the Localism Bill and to remove the housing target numbers from future consultation and that a report be produced forthwith with recommendations for any further consultation requirements.

15. EXCLUSION OF PRESS AND PUBLIC

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

Chairman