
CABINET14 MARCH 2012

Present:- Councillor N R Stock (Leader of the Council) (Chairman)!Councillor S Candy (Regeneration)!Councillor G V Guglielmi (Planning)!Councillor P Halliday (Finance and Asset Management)!Councillor S S Mayzes (Tourism and Community Life)!Councillor L A McWilliams (Customer and Central Services)!Councillor P I Sambridge (Technical Services) (except items 126-128)!Councillor N W Turner (Environment)!Councillor G F Watling (Benefits and Revenues)

Also Present:- Councillors J A Broderick, G L Mitchell.

In Attendance:- Chief Executive, Strategic Director, Head of Public Experience, Head of Resource Management, Legal Services Manager, Communications and Public Relations Manager, Senior Democratic Services Officer, Personal Assistant to the Leader of the Council.

Also in Attendance:- Group Leaders present by invitation:- Councillors Shearing and Talbot.

(Noon - 12.55 p.m.)

120.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor P B Honeywood (Housing Portfolio Holder) and Councillor Double (who, as a Group Leader, had been invited to attend the meeting).

121. MINUTES

The minutes of the meeting of the Cabinet held on 15 February 2012 were approved as a correct record and signed by the Chairman.

122. THE ROLE OF THE COMMUNITY SAFETY PARTNERSHIP

Cabinet was made aware that on 23 January 2012 the Community Leadership and Partnerships Committee, acting in its capacity as the Crime and Disorder Scrutiny Committee, had met and reviewed the role of the Community Safety Partnership (minute 33 referred). At that meeting that Committee had decided to forward the following comments to the Cabinet:-

(a) That as a result of the concerns over the number of licences being issued to sell alcohol that this should be reviewed.

(b) That the Council should continue to maintain, as a minimum, the budget for Community Safety at its existing level in future years.

(c) That the Council considers making further facilities available for children and young people, which are affordable to the users, in order to provide positive diversionary activities.

(d) That there appeared to be a gap in representation of education, and in particular schools, on the Community Safety Partnership and that the Council should make representation for this to be addressed.

(e) That the Families with Complex Needs project should be commended in helping to address the issues of crime and disorder.

The Customer and Central Services Portfolio Holder informed Cabinet that as a member of the Responsible Authorities Group (RAG) and having attended the aforementioned Community Leadership and Partnerships Committee meeting she would ensure that the Committee's comments were reported to RAG.

Having considered the comments of the Community Leadership and Partnerships Committee:-

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

RESOLVED – That the Community Leadership and Partnerships Committee be thanked for its useful comments and Cabinet notes the recommendations.

123. PROGRAMME OF MEETINGS 2012/2013 MUNICIPAL YEAR

The Cabinet had before it a report which set out the proposed programme of meetings for the 2012/13 municipal year.

To enable this matter to be considered at the Annual Meeting of the Council:-

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

RESOLVED – That the draft programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee, the Service Development and Delivery Committee and the Standards Committee, as set out in the Appendix to item A.2 of the Report of the Customer and Central Services Portfolio Holder, be approved and be submitted to the Annual Meeting of the Council for formal approval.

124. ANNUAL TREASURY STRATEGY FOR 2012/13 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

At its meeting held on 15 February 2012 (minute 117) Cabinet had approved the Annual Treasury Strategy for 2012/13 (including the Prudential and Treasury Indicators) for submission to the Corporate Management Committee.

The Corporate Management Committee had considered the Strategy at its meeting held on 27 February 2012 (minute 44) and had decided:-

“That Cabinet be informed that this Committee supports and endorses the contents of the Annual Treasury Strategy for 2012/13.”

Having considered the comment of the Corporate Management Committee:-

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

RESOLVED – That the comment of the Corporate Management Committee be noted.

RECOMMENDED TO COUNCIL – That the Annual Treasury Strategy for 2012/13 (including Prudential and Treasury Indicators) be approved.

125. RENEWAL OF THE LEASE OF 61 CHURCH STREET, HARWICH

Cabinet's approval was sought to renew the lease of a lock-up shop situated at 61 Church Street, Harwich to the current tenant.

It was reported that the Council owned two ground floor lock-up shops at 60 and 61 Church Street, Harwich, which were located beneath a block of flats which formed part of the housing stock. The shops were therefore the responsibility of the Housing Portfolio and created an income for the Housing Revenue Account. Both shops comprised structurally separate units with their own front and rear entrances, a common street frontage and rear courtyard area with provision for parking; but currently were not internally linked.

Cabinet was made aware that the lease of 61 Church Street, originally on a 10 year term, had been assigned to the current tenant, Mr Erol Dolay, in 2008. That lease had expired on 31 October 2011 and Mr Dolay was currently holding over on the agreement. Mr Dolay sought renewal of the lease under the provisions of Part II of the Landlord & Tenant Act 1954.

It was further reported that Mr Dolay also rented the adjoining shop at 60 Church Street, trading as Peri's Mini Market, which was operated as a general grocery store and off-licence. There was a 15 year lease on this unit on identical terms and conditions but the agreement on this shop would not expire until 31 December 2020.

The shop unit comprising 61 Church Street for which Cabinet approval was currently sought to renew the lease had not been used for direct trading for a number of years but was currently used by Mr Dolay for storage.

Members were advised that Mr Dolay had indicated that leasing 61 Church Street for an additional term as well as leasing 60 Church Street would potentially allow the option of operating both shops as a single trading entity and he could seek approval from the Council to make internal alterations to the structure of the shops in order to facilitate this.

The existing lease was subject to the provisions of Part II of the Landlord & Tenant Act 1954 (as reformed). Under this legislation the existing tenant had the right to apply for renewal of the lease at any time after its contractual end date and particularly if the Council sought to end it. If the Council were minded not to renew the lease it would have to serve notice on the tenant specifying one or more of seven statutory grounds upon which a new lease would be opposed if the tenant sought a new one. A case in the County Court would result if the Council and tenant could not agree on whether to engage in a new lease or on its terms. Therefore the granting of a new lease would be in accordance with the Council's discretionary powers.

The terms of the current lease restricted use of the premises to Part A class A1 (a) of the schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended).

Cabinet was informed that reasonable enquiries had been carried out and no grounds had been identified that would give officers cause to recommend to Cabinet that it should not renew the lease to Mr Dolay.

Cabinet's approval was therefore sought, in principle, to lease the shop at 61 Church Street to Mr Dolay on the same terms and conditions as the adjoining shop (No 60) and for a term that would also expire on 31 December 2020 so that the leases on both units would run concurrently. This would give Mr Dolay the option of maximising the use of both premises in relation to his existing business.

Having considered Mr Dolay's request:-

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

RESOLVED – That, in principle, the renewal of the existing lease with Mr Dolay of 61 Church Street, Harwich, be approved.

126. CLACTON AND HOLLAND COASTAL DEFENCE WORK

The Technical Services Portfolio Holder, Councillor Sambridge, decided to declare a prejudicial interest and withdraw from the meeting during the consideration of this item as her daughter was standing as a candidate in the St Bartholomews Ward by-election.

Cabinet gave consideration to a detailed report of the Technical Services Portfolio Holder which sought:-

(i) To report the current situation and recommendations with respect to the coastal defence issues along the frontage of Clacton and Holland-on-Sea including the changes to the new DEFRA funding policy which would have a significant impact on Tendring District Council.

(ii) To identify the tasks and provide a programme of works required for the period 2012-22.

Cabinet recalled that, due to the lack of DEFRA funding in 2005, following the first Clacton & Holland Coastal Strategy, Tendring District Council had commissioned a review with the intention to produce a revised programme of coastal protection works. The report now before the Cabinet followed the second Essex Shoreline Management Plan and developed its recommendations to 'hold the line' whilst identifying outline technical solutions.

Cabinet was aware that the Government funding arrangements for coastal protection works would alter in April 2012 such that only a proportion of any costs would be met centrally leaving the Coastal Authorities to source the remainder.

It was reported that the new Clacton & Holland Coastal Coast Management Plan (Clacton Coastal Strategy), which was due for approval from the Environment Agency later in the year, recommended a series of works along the whole frontage from the Martello Inn, Clacton, to Holland Haven with a programme spread over fifty years at a cost of up to £50million. However, much of that work and expenditure would be in the latter stages of the programme and a realistic view suggested that, within the next ten to fifteen years, only works at Holland-on-Sea and to part of the Clacton frontage to the east of the Pier would be required urgently at a cost of £25million. The Council's proposals for coastal protection work included a commitment to reinstating the beach at Holland-on-Sea. It was important, however, to keep in mind the possibility that catastrophic cliff and promenade failure could occur within this period which would then require emergency works and immediate funding.

Cabinet was informed that the report before them aimed to ensure that the Council put in place the necessary technical resources and funds in order to protect the coastal frontage of Clacton-on-Sea and Holland-on-Sea and the residential and tourism infrastructure that was supported by it. The £3million committed at the Council's budget setting meeting on 7 February 2012 for coastal protection and enhancements would be the foundation stone for this project. It was also recognised the importance of lobbying and influencing in achieving the best possible outcome for Tendring's coastline.

With the permission of the Chairman, Councillor Broderick addressed the Cabinet on the subject matter of this item. Councillors Shearing and Talbot, Group Leaders, also addressed the Cabinet.

Having considered the background, current position and the issues and implications raised

in the report:-

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

RESOLVED – (a) That the Council appoint, through the appropriate procurement process, an Engineering Consultant to produce a Project Appraisal Report identifying the technical solutions including timings and costs.

(b) That the cost of the consultancy engagement be met by the Council's own coastal protection special maintenance budget and a contribution be sought from Essex County Council.

(c) That it is recognised that coastal protection and enhancement is a large determinant for regeneration which is the top priority for the Council and that Officers will explore all options for funding coastal protection work.

(d) That a cross-service Officer group, chaired by the Leader of the Council, be established in order to embed the links between coastal protection, regeneration and leisure activities.

(e) That the Leader of the Council and the Chief Executive, on behalf of the Council, continue to lobby and influence any and all appropriate bodies and persons to gain support for the Council's position.

127. EXCLUSION OF PRESS AND PUBLIC

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

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.

Chairman