
CABINET19 APRIL 2013

Present:- Councillor P Halliday (Leader of the Council/Finance and Assets) (Leader of the Council)!Councillor P B Honeywood (Deputy Leader of the Council/Housing, Benefits & Revenues and Sports Facilities) (Deputy Leader of Council)!Councillor S Candy (Inward Investment and Growth)!Councillor G V Guglielmi (Planning and Corporate Services)!Councillor S S Mayzes (Education and Skills)!Councillor L A McWilliams (Health and Community Safety)!Councillor N W Turner (Environment and Coast Protection)

Also Present:- Councillors Broderick (except items 117 (part) – 121), De-Vaux Balbirnie (items 108 – 113 (part) only), G L Mitchell and White.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Life Opportunities) (Paul Price), Corporate Director (Public Experience) (June Clare), Chief Executive's Support Manager (Karen Neath) (except items 108 - 110), Finance and Procurement Manager (Richard Barrett), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice).

Also in Attendance:- Group Leaders Present by Invitation: Councillor Talbot.

(10.30 a.m. - 12.04 p.m.)

128.. WELCOME

The Leader of the Council (Councillor Halliday) welcomed back to Cabinet Councillor G V Guglielmi who had recuperated from his recent operation. Councillor Guglielmi thanked all those Members and Officers for their kind wishes.

129. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Goggin (Tourism Portfolio Holder).

The Leader of the Council informed Cabinet that the Leader of the Liberal Democrat Group (Councillor Shearing) had formally declined his invitation to attend the meeting. He also informed Cabinet that Councillor Shearing had submitted his apologies for the previous meeting but that unfortunately he had forgotten to announce them.

130. MINUTES OF THE LAST MEETING HELD ON 22 MARCH 2013

The minutes of the meeting of the Cabinet held on 22 March 2013 were approved as a correct record and signed by the Chairman.

131. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

132. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

All Member Briefing – Regeneration Strategy

The Leader of the Council (Councillor Halliday) reported that there had been a good

turnout at the all Member briefing on the proposed Regeneration Strategy held on 17 April 2013 and he thanked Members for their input.

133. ANNOUNCEMENTS BY CABINET MEMBERS

Exhibition – Proposed new Doctors' Surgery in Holland-on-Sea – 9 April 2013

The Health and Community Safety Portfolio Holder (Councillor McWilliams) reported that the exhibition had been very successful with a large number of Holland-on-Sea residents attending and many completed questionnaires had been returned. An update would be issued in due course once the residents' comments had been analysed. Councillor McWilliams reiterated that there was no financial input from the Council; the Council's role was to act as a facilitator not as a deliverer of the surgery but there was a firm intention to do all that the Council could to make sure the new Surgery was delivered.

Food Hygiene Rating Scheme

The Environment and Coast Protection Portfolio Holder (Councillor Turner) informed Cabinet that in response to a request from the Food Standards Agency the Council had consulted with 10% of food premises in the District to obtain their views on the Rating Scheme. There had been a 55% response rate to the consultation with a very positive 90% in favour of the Scheme. A report would now be prepared and submitted to Cabinet in due course.

Coast Protection Scheme: Clacton Pier to Holland Haven

The Environment and Coast Protection Portfolio Holder was also very pleased to report that the final touches were being put to the Project Appraisal Report for formal submission to the Environment Agency in May. The Large Project Review Group would then consider the document and announce its findings to the Council in late summer or early autumn. However, the work put in by the Corporate Director (Public Experience) (June Clare) and her Officers and the Council's consultants Mott MacDonald had already impressed the Environment Agency to the extent that they had increased their earmarked contribution to the Scheme from £10.8million to £22million. This would be in addition to the £3million contributions both from this Council and Essex County Council and would be sufficient to enable the Council to pursue the Council's preferred Option 3 (fishtail groynes along the whole length of coastline and a beach recharge of sand and light gravel). Councillor Turner was also actively seeking financial contributions from other sources.

134. CONSULTATION WITH RESIDENTS

A.1 - Consultation with Residents

The Cabinet was aware that, at the meeting of the Council held on 26 March 2013, the following motion had been moved by Councillor Talbot, seconded by Councillor White and, in accordance with the provisions of Council Procedure Rule 16.4, stood referred to the Cabinet for consideration and report:-

"This Tendring District Council expresses its deep concern that proper and adequate consultation with residents is absent from some of the actions taken by our Cabinet and its Members.

As a particular example the consultation process on a new Doctors surgery for residents in Holland-on-Sea, refuses to consult with residents over their requirements for this much needed facility.

Holland-on-Sea has a very large and active Residents Association and has three elected

members to this District Council, but notwithstanding this level of resident participation in this area of Tendring, the Cabinet have not sought the opinion of residents even when consultation with third parties are undertaken about the projected new surgery.

This Full Council maintains that ignoring our residents in this way is counterproductive and against our general principle of involving our community, expressed in many statements and policy publications made and produced by our Council.

This Tendring District Council therefore instructs its Cabinet to include meaningful consultation with its residents, when any project of major significance to a particular group of residents is considered. Such consultation, in particular discussions with any third party organisation, shall be held before decisions are made and not afterwards, so that residents' views may be taken into account and included in any final proposal from the Cabinet."

In accordance with the provisions of Council Procedure Rule 16.5 Councillor Talbot read out a statement explaining the motion and outlining his concerns which included that consultation was not mentioned in the Council's Corporate Plan and there was no established procedure for consulting residents living in the non-parished areas of the District as there was for the parished areas of the District through the town and parish councils.

Following the explanation of the motion and in order to enable Cabinet to make a recommendation to Council in due course:

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

RESOLVED that a further report be submitted to the next meeting of the Cabinet in order to enable Cabinet to make a recommendation to Council on Councillor Talbot's motion.

135. PROPOSED RETURN TO A MODIFIED COMMITTEE SYSTEM OF LOCAL GOVERNMENT

A.2 - Proposed return to a modified Committee system of Local Government

The Cabinet was aware that, at the meeting of the Council held on 26 March 2013, the following motion had been moved by Councillor Broderick, seconded by Councillor Winfield and, in accordance with the provisions of Council Procedure Rule 16.4, stood referred to the Cabinet for consideration and report:-

"This Tendring District Council after adopting the Leader and Cabinet system of Local Government in 2001, resolve that now is the time to consider a return to a modified Committee system of Government, abandoning the present Cabinet system and involving ALL Council members much more in the business of Tendring.

As a precursor to this change, opinion should be sought from our Council Members and if majority support for such a return emerges, then procedures should be put in place to effect the change."

In accordance with the provisions of Council Procedure Rule 16.5 Councillor Broderick explained the motion and outlined her concern that all Councillors should have a part in decision making and not, as at present, confined to the eight members of the Cabinet who were all from one political group. She felt that the other 52 Members were not fulfilling the role for which they had been elected and as a result Councillors were losing the public's trust and support.

Following the explanation of the motion and in order to enable Cabinet to make a recommendation to Council in due course:

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

RESOLVED that Cabinet requested a report to enable it to make a recommendation to Council as to its response to Councillor Broderick's motion.

136. MATTERS REFERRED TO THE EXECUTIVE BY A COMMITTEE

There were none on this occasion.

137. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

138. LEASE OF WASTE AND RECYCLING CENTRE AT WEST END LANE, DOVERCOURT

A.3 - Lease of Waste and Recycling Centre at West End Lane, Dovercourt

The Cabinet had before it a report of the Finance and Asset Management Portfolio Holder seeking its approval, in principle, to grant a lease of the waste and recycling centre at West End Lane, Dovercourt.

It was reported that this Council owned a large area of open space and other leisure and recreational facilities to the west of Dovercourt. Within that area there was a waste and recycling centre which had existed at its current location at West End Lane for many years and had been occupied and operated by Essex County Council and its contractors. Although the site had existed for many years there had never been a formal lease. Both Councils were now seeking to regularise the position. Terms for a peppercorn lease and a share of costs to maintain the access road had been proposed.

Having considered the matter:-

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

RESOLVED that Cabinet:

- (a) agrees in principle to grant a lease at a peppercorn rent to Essex County Council;
- (b) delegates authority to agree remaining terms to the Corporate Director (Corporate Services); and
- (c) authorises the Corporate Director (Corporate Services) to enter into a lease to Essex County Council at a peppercorn rent and on such other terms as he considers appropriate.

139. DISPOSAL OF LAND ADJOINING 21 SAVILLE STREET, WALTON-ON-THE-NAZE

A.4 - Disposal of Land Adjoining 21 Saville Street, Walton-on-the Naze

The Cabinet had before it a report of the Finance and Asset Management Portfolio Holder seeking its approval, in principle, to dispose of land adjoining 21 Saville Street, Walton-on-the-Naze.

It was reported that this Council was the owner of land at the rear and side of 21 Saville Street Walton on the Naze. It comprised a poor quality verge and a vehicular drive and had no operational significance for the Council. The owner of the adjoining land had requested regularisation of access rights. Terms for the disposal of the land had been negotiated.

Having considered the matter:-

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

RESOLVED that the disposal of the land adjoining 21 Saville Street, Walton-on-the-Naze be approved, in principle.

140. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

141. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Halliday, seconded by Councillor Turner and:

RESOLVED that

“That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.”

Chairman