
CABINET17 MAY 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 A Goggin (Tourism)!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, Miles (except items 1 - 7 (part)), Steady.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Corporate Director (Public Experience) (June Clare), Chief Executive's Support Manager (Karen Neath) (except items 1 - 5 (part)), Democratic Services Manager (Colin Sweeney), Finance and Procurement Manager (Richard Barrett), Engineering Services Manager (Mike Badger), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice).

Also in Attendance:- Group Leaders Present by Invitation: Councillor Talbot (Leader of the Independent Group).

(10.30 a.m. - 12.29 p.m.)

1.. APOLOGIES FOR ABSENCE

The Leader of the Council submitted apologies for absence on behalf of the Leader of the Labour Group (Councillor I J Henderson), the Leader of the Liberal Democratic Group (Councillor Shearing) and the Leader of the Tendring First Group (Councillor P J Oxley).

2. MINUTES OF THE LAST MEETING HELD ON 19 APRIL 2013

The minutes of the meeting of the Cabinet held on 19 April 2013 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

4. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Halliday) read out a letter that had been sent to The Right Hon. Michael Gove MP, Secretary of State for Education, inviting him to discuss with, and lend his expertise and knowledge to, the Council's proposed way of working with its partners to maximise the future life opportunities and educational attainment for pupils in the District.

5. ANNOUNCEMENTS BY CABINET MEMBERS

Tendring Potential

Further to the Leader of the Council's announcement, set out above, and Minute 102 (22

March 2013) (A.4 – Tendring Potential), the Education and Skills Portfolio Holder (Councillor S S Mayzes) updated the Cabinet on the current position in relation to this issue, including the outcome of recent meetings with the Head Teacher of the Whitehall Academy; head teachers of the District's secondary schools and that meetings were planned to take place with Colchester Institute; the new Essex County Council Portfolio Holder for Education and the Head Teacher of the Market Fields School, Elmstead. Councillor Mayzes was also pleased to announce that Essex County Council had agreed to lead the proposed Education Improvement Board with this Council as a key partner.

Holland-on-Sea GP Surgery

The Health and Community Safety Portfolio Holder (Councillor McWilliams) informed Cabinet that she had been given to understand that a meeting would take place on 22 May 2013 between NHS England and Realise Health, at which, the funding for the proposed GP Surgery in Holland-on-Sea would be discussed.

Tour de Tendring

The Tourism Portfolio Holder (Councillor Goggin) reminded Members that this year's Tour de Tendring would take place on the coming Sunday, 19 May and urged everyone to attend.

6. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none on this occasion.

7. PETITIONS

The Cabinet was informed that the Community Leadership and Partnerships Committee, at its meeting held on 15 April 2013, had considered the issue of Petitions and whether this Council should introduce a Petitioning Scheme. That Committee had decided to recommend to Cabinet that:

“(a) The Community Leadership and Partnerships Committee recommend that Tendring District Council has a Petitioning Scheme;

(b) Each petition received be based on a tiered system, whereby a petition containing 30 to 249 signatures from Tendring residents, be reported to Council for noting and further presented at the next meeting of the Cabinet following it being investigated and a report being brought back to Cabinet for consideration; and a petition containing 250 or more signatures from Tendring residents, be referred to Council for reporting and further presented at the next meeting of the Council following it being investigated and a report being brought back to Council for consideration;

(c) That appropriate Ward Member(s) be informed of receipt of a petition and any action to be taken; and

(d) A review of the Petitioning Scheme be undertaken after 12 months and a report be brought back to this Committee for consideration.”

Having considered the recommendations of the Community Leadership and Partnerships Committee:

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

RESOLVED, that Officers prepare a petitioning scheme for recommendation to Council that took on board recommendations (b) and (c) from the Community Leadership and

Partnerships Committee and that the effectiveness, or otherwise, of any such scheme be reviewed by the Community Leadership and Partnerships Committee after six months, following adoption by the Council.

8. CIVIC HUB PROJECT – REVIEW OF PROGRESS

The Cabinet was informed that the Community Leadership and Partnerships Committee, at its meeting held on 15 April 2013, had considered the issue of the Civic Hub Project. That Committee had decided to comment to Cabinet that:

“The Committee notes the progress presented by the Corporate Director (Corporate Services) and further supports the continuation of the feasibility study into the Civic Hub Project and the Committee therefore requests that, when completed, the final conclusions of the study be brought back to the Committee for further scrutiny and recommendation.”

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

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

RESOLVED, that the presentation and review of progress be noted and welcomed.

9. CORPORATE BUDGET MONITORING REPORT FOR THE THIRD QUARTER OF 2012/13

The Cabinet was informed that the Corporate Management Committee, at its meeting held on 8 April 2013, had considered the corporate budget monitoring report for the third quarter of 2012/13. That Committee had decided to recommend to Cabinet that:

“(1) It make known the costs of partnership working, where there was a cost to this Council in Officer time and materials etc. whilst accepting that this would not be easy to do; and

(2) As part of the hub project, explore ways of making more use of video conferencing in order to reduce transport costs and lost officer-time in travelling to various locations for meetings.”

At the invitation of the Leader of the Council, the Chairman of the Corporate Management Committee (Councillor Steady) explained the thinking behind that Committee’s recommendations and then discussed with the Cabinet how the Committee could move forward in engaging with and constructively scrutinising the Cabinet on corporate issues. The Leader of the Council thanked Councillor Steady for his attendance.

Having considered the recommendations of the Corporate Management Committee:

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

RESOLVED, that:

(a) Comment (1) be noted but not explored in detail as by the Corporate Management Committee’s own acceptance this was almost impossible to evaluate but the cost of not working in partnerships was clearly far greater, not just financially, and the Council must continue to work with partners when possible;

(b) Comment (2) be noted; and

(c) The overview and scrutiny function be the subject of a council in committee debate

in the not too distant future.

10. IMPACT OF THE NEW WASTE AND RECYCLING CONTRACT

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 11 March 2013, had considered the issue of the impact of the new waste and recycling contract. That Committee had decided to recommend to Cabinet that:

“(a) The Portfolio Holder for Environment and Coast Protection be invited back to the Service Development and Delivery Committee, in September 2013, to give an update on the impact of the new waste and recycling contract, together with details of the year’s recycling figures; and

(b) Cabinet examine the possibility of an anaerobic farm in Tendring.”

Having considered the recommendations of the Service Development and Delivery Committee:

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

RESOLVED, that recommendation (a) of the Service Development and Delivery Committee be agreed and that recommendation (b) be noted but as this was not a priority of Cabinet, it would not be taking forward this piece of work at this time.

11. BEACH HUTS: DOVERCOURT SEAFRONT BELOW BEACH ROAD

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 11 March 2013, had considered issues surrounding the siting of five beach huts on the lower promenade below Beach Road, Dovercourt. That Committee had decided to recommend to Cabinet that the beach huts be moved to the best possible location for a quick and easy sale.

Having considered the recommendation of the Service Development and Delivery Committee:

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

RESOLVED, that the recommendation of the Service Development and Delivery Committee be agreed.

12. BEACH HUT STRATEGY

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 11 March 2013, had considered the Council’s beach hut strategy. The Committee received a presentation by the Council’s Streets and Seafronts Manager which gave details of the Tendring District Beach Huts Strategy and Policy Business Planning for the Council’s beach huts in five areas across the Tendring District. The Committee was advised that, currently, there were 3,039 beach huts, which were producing a net income of over £800,000 per year and that demand for these remained high on waiting lists in prime locations. The Committee had decided to comment to Cabinet that:

“(a) It had received an excellent presentation; and

(b) The Committee would not support any decision to allow overnight sleeping in any beach hut in the District.”

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

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

RESOLVED, that the comments of the Service Development and Delivery Committee be welcomed and noted.

13. IMPACT OF THE NEW MANAGEMENT AND SERVICE STRUCTURES ON FRONTLINE SERVICES DELIVERY (LIFE OPPORTUNITIES)

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 22 April 2013, had considered the issue of the impact of the new management and service structures on frontline service delivery (Life Opportunities).

The Committee received a presentation by the Corporate Director (Paul Price) on his Department's restructure, which aimed to bring its services into a more business and commercial focus while still looking after the more vulnerable parts of society and the need to reduce costs of non-discretionary services such as leisure centres.

The Committee had decided to recommend to Cabinet that:

“(a) In order to speed up the disabled adaptation assessment arrangements, the Committee recommends that the option for Tendring District Council taking on the Occupational Therapist assessment process be considered for a trial period of one year, subject to there being a successful application to Investment East to cover any additional costs for the running of the assessment process during the trial period. Tendring District Council officers to discuss this proposal with officers of Essex County Council to agree how the arrangements could be implemented and to liaise with Investment East as to the likelihood of any bid being approved; and

(b) Officers be asked to explore how this type of initiative can underpin the work by Tendring District Council and Essex County Council on Community Budgets.”

Having considered the recommendations of the Service Development and Delivery Committee:

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED, that the recommendations of the Service Development and Delivery Committee be agreed.

14. PRINCES THEATRE CINEMA PROPOSAL

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 22 April 2013, had considered a report and business case on a proposal to integrate a cinema facility within the Princes Theatre, Clacton-on-Sea. The Committee had decided to comment to Cabinet that it applauded the precautionary way the plan was being handled and the pragmatism of providing money in order that the Council could provide a cinema within the Princes Theatre if the town's current cinema operator failed to reach agreement with a new company to continue to operate the cinema within Clacton-on-Sea.

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

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED that:

- (a) the comments of the Service Development and Delivery Committee be welcomed and noted; and
- (b) Officers be asked to engage with the commercial activities in relation to the Flicks cinema proposals.

15. THE NEW TENDRING DISTRICT COUNCIL WEBSITE AND SOCIAL NETWORKING

The Cabinet was informed that the Service Development and Delivery Committee, at its meeting held on 22 April 2013, had considered the issue of the Council's new website and social networking. The Committee considered a report, which outlined the customer services that were provided by the website and included statistics and information about visitor numbers, online forms submitted and customer satisfaction. The report also gave background information about the redesign of the website during 2011/12 and provided information about the three-star rating recently received by the website following an independent review. The Committee heard about the plans for continuous improvement of the website and the sources of information used to prioritise the planned improvements.

The Committee had decided to comment to Cabinet that it expressed its satisfaction on the excellent work which had been undertaken in updating the Council's website.

Having considered the comment of the Service Development and Delivery Committee:

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

RESOLVED, that the comment of the Service Development and Delivery Committee be welcomed and noted.

16. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

17. CLACTON AND HOLLAND COASTAL DEFENCE WORK

Further to minute 78 (23 January 2013) (A.9 – Clacton and Holland Coastal Defence Work), the Cabinet had before it a report of the Environment and Coast Protection Portfolio Holder, which reported the progress to date on the preparation of the Project Appraisal Report (PAR) for the frontage of Clacton and Holland-on-Sea and sought its agreement for the preferred option for the fishtail rock groyne structures and beach recharge. The update included:

(a) £512,000 funding for growth through flood alleviation awarded to the Clacton and Holland Coastal Defences included in the programme of acceleration and growth with target of starting construction works in early 2015. Officers working closely with Environment Agency to ensure the project continued to move forward with pace.

(b) Following public consultation and recent surveys, three of the original five options now under consideration, are as listed below, together with approval costs being sought from the Environment Agency as detailed in the PAR.

i. Option2 £37m - Straight Rock groynes with sand beach recharge at Clacton and sand and shingle mix beach recharge at Holland;

ii. Option3 £30m - Fishtail rock groynes with sand and shingle mix beach

recharge for the whole frontage;

iii. Option4 £36m - Fishtail rock groynes with sand recharge at Clacton and straight rock groynes with mixed sand/shingle recharge at Holland.

(c) PAR process identified best technical and economic option as Option 3. Cabinet was requested to agree this preferred option in order to allow the PAR to be delivered in the current available timescale.

(d) If Cabinet believed that a different and more expensive option than Option 3 was preferred, then additional funding would need to be provided and this was not likely to be granted through the Environment Agency's funding model.

The Leader of the Council (Councillor Halliday) thanked Essex County Council for its matched funding contribution of £3 million towards the cost of this project.

Photographs of the current state of the beaches at Clacton-on-Sea and Holland-on-Sea compared with Felixstowe beaches which had received a recharge were circulated at the meeting.

Having considered the update and the outcome of the public consultation process:

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

RESOLVED that:

(a) The progress to date be noted and Cabinet agrees the preferred option (namely Option 3), which included a sand and shingle mix beach recharge, as detailed in Part 3 of the report, under the paragraph headed Preferred Option Selection; and

(b) £512,000, funded by Government Grant be added to the budget and earmarked towards delivery of the Clacton and Holland coastal defence work.

18. RENEWAL OF LEASE: HOLLAND LIBRARY, ADJOINING HOLLAND PUBLIC HALL, FRINTON ROAD, HOLLAND-ON-SEA

The Cabinet had before it a report of the Finance and Asset Management Portfolio Holder seeking its approval, in principle, to grant a renewal of the existing lease to Essex County Council for a new 10 year term for continued use of the facility as a Library. It was reported that Essex County Council was currently holding over on the 21 year lease of the library, which had passed its contractual end date on 3 September 2012. Details of the terms negotiated were reported in item B.1 of the Report of the Finance and Asset Management Portfolio Holder.

Having considered the matter:-

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

RESOLVED, that the existing lease be renewed, subject to the figures set out in item B.1 of the Report of the Finance and Asset Management Portfolio Holder.

19. LAND AT KIRBY ROAD AND MILL LANE, WALTON-ON-THE-NAZE

The Leader of the Council (Councillor Halliday) informed Cabinet that this item stood deferred until the next meeting due to the receipt of late representations from a third party.

20. CONSULTATION WITH RESIDENTS

Further to minute 114 (19 April 2013) (A.1 – Consultation with Residents), the Cabinet had before it a report of the Planning and Corporate Services Portfolio Holder, which provided it with information in relation to consultation with residents in response to a motion submitted to Council by Councillor Talbot.

Having considered the information provided:

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

RESOLVED, that Cabinet did not support Councillor Talbot's motion and the negative comments therein with regard to the Administration's willingness to conduct meaningful consultation with residents. In not supporting the motion, Councillor Halliday said that the evidence in the Cabinet's report set out clearly its actions to date to support its view, however, Cabinet would use this opportunity to reaffirm its commitment to meaningful consultation on matters of major significance to enable the Cabinet to make well-informed and sensible decisions.

RECOMMENDED TO COUNCIL that, in relation to Councillor Talbot's motion, paragraphs 1, 2, 3 and 4 be deleted and paragraph 5 be amended to read:

"Tendring District Council continues 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."

21. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

22. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED

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

Chairman