

CABINET14 JUNE 2013

Present:- Councillor P Halliday (Leader of the Council/Finance and Assets) (Leader of the 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 T A Howard and G L Mitchell.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) Martyn Knappett), Corporate Director (Public Experience) (June Clare), Chief Executive's Support Manager (Karen Neath), Democratic Services Manager (Colin Sweeney), Environmental Services Manager (John Fox) (except items 23 (part) to 27), Finance and Procurement Manager (Richard Barrett), Legal Services Manager (Lisa Harding), Democratic Services Officer (Janey Nice), Enterprise and Innovation Officer (Michelle Gordon) (except items 24 – 27) and Research and Projects Officer (Elizabeth Ridout) (except items 23 (part) to 27).

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

(10.30 a.m. - 12.10 p.m.)

15.. APOLOGIES FOR ABSENCE

The Leader of the Council submitted apologies for absence on behalf of the Housing, Benefits and Revenues and Sports Facilities Portfolio Holder (Councillor P B Honeywood), Leader of the Labour Group (Councillor I J Henderson), the Leader of the Liberal Democrat Group (Councillor Shearing) and the Leader of the Tendring First Group (Councillor P J Oxley).

16. MINUTES OF THE LAST MEETING HELD ON 17 MAY 2013.

The minutes of the meeting of the Cabinet held on 17 May 2013 were approved as a correct record and signed by the Chairman.

17. DECLARATIONS OF INTERESTS

There were no declarations of interest made at this time.

18. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were none.

19. ANNOUNCEMENTS BY CABINET MEMBERS

Coach (Bus) Initiative

The Tourism Portfolio Holder (Councillor Goggin) announced that he had contacted the local Clacton business association about visiting coaches using the Town Centre as a dropping-off point for their passengers, which would enable them to shop in the town and only be a short distance from the Pier and beach. A further idea, he said, would involve

the coaches parking at the Clacton Leisure Centre where the drivers could be given vouchers to use the Leisure Centre facilities. Councillor Goggin said that officers had already spoken to coach drivers about the initiative, and again, the response had been positive. Councillor Goggin announced that he would bring any progress on these initiatives to Cabinet at a later date.

Clacton Air Show

Councillor Goggin announced that the Battle of Britain flight had now been booked for the Clacton Air Show along with the Red Arrows and that the Vulcan had been secured for the second day. Bookings for pitches and sites, he said, were up on the same time as last year. He added that he was looking at the issue of out-of-town parking with Crusader coaches bringing in visitors to the event free of charge. Councillor Goggin said he was hoping the cost of the Air Show would break even and planned to have a bucket collection along the beach during the two days it was being staged.

20. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none.

21. PERFORMANCE OUTTURN

A.1: Performance Outturn

The Cabinet had before it a report of the Planning and Corporate Services Portfolio Holder, which informed it of the comments of the Corporate Management Committee in regard to the corporate performance against the agreed Performance Dashboard (including Corporate Goals) for the period April 2012 to March 2013.

The report included the final position of the 73 Performance Indicators and Projects that had been selected to reflect the Council's performance against its key objectives. Of the 73 indicators and projects reported on, 66 (90.4%) were on or above their respective target with seven (9.6%) indicators which were not in line with the expected performance. Explanations of actions that were being taken to rectify those which were not in line with expected performance had been included.

The Performance Dashboard had been reviewed by Corporate Management Committee at its meeting held on 13 May 2013, at which, it was RESOLVED that:

- (a) The Council's performance for the period April 2012 to March 2013, be noted;
- (b) The Committee formally recorded its congratulations to Officers on the overall performance of the Council; and
- (c) The Committee looked forward to receiving the enhanced performance reports in due course. [Comment in reference to a brief explanation of proposed reporting system to be deployed in 2013-14].

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

RESOLVED

That the comments of the Corporate Management Committee, and the Council's Outturn Performance Report for the period April 2012 – March 2013, be noted.

22. LEADER OF THE COUNCIL'S ITEMS

There were none.

23. IMPLEMENTATION OF THE FOOD HYGIENE RATING SCHEME

A.2: Implementation of the Food Hygiene Rating Scheme

The Cabinet received a report which sought to update it with the results of the consultation in respect of the adoption of the National Food Hygiene Ratings Scheme and further sought to determine whether the Scheme should be adopted within the Tendring District.

The Environment and Coast Protection Portfolio Holder (Councillor Turner) informed Cabinet that feedback from businesses had indicated they appeared to be in favour of the National Food Hygiene Ratings Scheme, and

Having considered the report, it was moved by Councillor Turner, seconded by Councillor McWilliams and RESOLVED that:

- (a) The National Food Hygiene Rating Scheme in Tendring, be adopted; and
- (b) An application be made to the Food Standards Agency for a grant to fund adoption of the Scheme.

24. FINANCIAL OUTTURN 2012/13

The Cabinet considered a report which provided it with an overview of the financial outturn for the year 2012/13 and sought approval for:

- Revenue and capital commitments to be carried forward to 2013/14;
- Funding of the 2012/13 Capital Programme;
- The reserves position at the end of 2012/13;
- The allocation of the overall general fund variance for the year; and
- The updated 5-Year Capital Programme for 2013/14 to 2017/18 and associated funding.

The Finance and Asset Management Portfolio Holder (Councillor Halliday) read out a letter that had been sent by this Council, and other Local Authorities, to Central Government which raised concerns over cuts which would total 33% by the end of the current term of Parliament in 2015. The letter in full is attached as an Appendix to these minutes.

Having considered the report, it was moved by Councillor Halliday, seconded by Councillor Turner and RESOLVED that:

- (1) In respect of the Outturn for 2012/13:
 - (a) The financial outturn position for 2012/13, as set out in the report and the appendices, be noted;
 - (b) The £0.468m General Fund net variance for 2012/13 be allocated as follows:
 - (i) £300,000 be set aside in a new earmarked reserve to support the continuation of the Residents Free Parking Initiative for 2014/15.
 - (ii) £9,000, which specifically related to income from Beach Huts above that budgeted for the year, be reinvested in seafront amenities for the provision of new beach huts/sites as appropriate, and that the Corporate Director, Public Experience, in consultation with the Portfolio Holder for Environment and Coast Protection be authorised to undertake any associated reinvestment activity.
 - iii) £159,000 be set aside to support the on-going local commitment to freeze or reduce

Council Tax for this Council's services given that the Government has yet to make such a commitment itself beyond 2013/14.

(c) The Revenue Commitments of £10.562m to be carried forward from 2012/13 to 2013/14, as set out in Appendix A to the report, be approved.

(d) The financing of capital expenditure for 2012/13, as detailed in Appendix E to the report, be approved.

(e) The capital budgets of £4.266m to be carried forward from 2012/13 to 2013/14 and the associated carry forward of the revenue contribution to capital of £1.028m, be approved.

(f) The updated five-year capital programme, and associated financing, as set out in Appendix G to the report, be approved.

(g) The movement in uncommitted and earmarked reserves for 2012/13, as set out in Appendix F to the report, be approved and any amendments arising from recommendation (b) above.

(h) The movement on HRA balances for 2012/13, including the commitments set out within Appendix D to the report, be approved.

(i) The transfer £1.000m of New Homes Bonus funding, along with £0.300m set aside for NNDR Discretionary Reliefs to a specific Inward Investment and Growth Budget in 2013/14, be approved.

(2) In respect of the Clacton and Holland Coast Defence Project:

(a) The Corporate Director (Public Experience), in consultation with the Portfolio Holder for Environment and Coast Protection, be authorised to undertake such necessary procurement, planning and licensing activities as he/she considered appropriate, with the associated costs being met from existing budgets supported by the £0.512m Accelerated and Growth Government Grant.

(b) The Corporate Director (Public Experience), in consultation with the Leader of the Council and the Portfolio Holder for Environment and Coast Protection, be authorised to grant such exemptions under the Council's Procurement Rules as he/she considered appropriate and reasonably necessary in order to secure value for money and the delivery of the project.

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

Councillor Halliday introduced a report, which had been deferred from the Cabinet meeting of 17 May, together with an Addendum Report which asked Cabinet to consider the principle of disposing of land at Kirby Road and Mill Lane, Walton-on-the-Naze, as detailed at Appendix A to item A.4 of the Report of the Finance and Asset Management Portfolio Holder.

In order to allow the disposal of the land to proceed, it was moved by Councillor Halliday, seconded by Councillor G V Guglielmi and RESOLVED that:

(a) Subject to the Cabinet's decision in relation to the proposed terms in Part B of the aforementioned report, the land be disposed of; and

(b) The agreement between the parties be noted and the Corporate Director (Corporate Services) be authorised to include relevant provisions in the contract, as proposed in Part

B of the aforementioned report.

26. EASEMENT AND CONSENT FOR SEWER CONNECTION AND FOOTPATH IMPROVEMENTS NEAR KIRBY CEMETERY

A.5: Easement and Consent for Sewer Connection and Footpath Improvements Near Kirby Cemetery

The Cabinet had before it a report which asked it to consider the granting of an easement to lay a new foul water sewer and for granting consent for footpath alterations to serve a new residential development at Holland Road, Kirby.

In order to allow the granting of an easement to proceed, it was moved by Councillor Halliday, seconded by Councillor Turner and:

RESOLVED

That an easement and consent for alterations to the footpath be granted, subject to its decision in Part B of this agenda.

27. RURAL INFRASTRUCTURE PROJECT

The Cabinet was provided with an update on the progress made with regard to the Rural Infrastructure (RI) project and sought to recommend to it the way forward in order to address the key rural infrastructure needs, including the possible causes of flooding in the Tendring District.

The RI project sought to identify problems associated with living and working in rural communities, the impact they had on the local community, and to develop plans to resolve issues. A cross party workshop of Members had been proposed to contribute to the RI project.

Many of the issues were outside the responsibilities of the local authority but, using its position as a community leader, the Council could influence appropriate agencies to address infrastructure matters impacting the District's communities, such as domestic flooding, as well as providing more direct support to local residents.

Where the Council was unable to directly support residents, it could develop its support which included providing advice and guidance as well as bringing partners together to resolve problems.

Supported by the responses from a survey, including of Town and Parish Councils, the following key issues had been identified as being of significant importance in Tendring; Fuel poverty; Absence of utilities and Domestic flooding.

The report included an action plan setting out how direct support could be offered and where the Council could work with partners in order to support local people. It was clear that the issues affecting the rural community would require considerable commitment to resolve them however an aspiration of the Council was to enable all households in Tendring the option of connectivity to key services, where feasible, and to reduce the risk of flooding to domestic properties.

It was moved by Councillor Candy, seconded by Councillor C V Guglielmi and

RESOLVED that:

- (a) The current position with regard to the Rural Infrastructure Project, be noted;
- (b) The 'way forward, as detailed in the Executive Summary and the Action Plan, attached as Appendix 4 to the report, be agreed;
- (c) A cross-party Member workshop, chaired by the Cabinet Member for Inward Investment and Growth (including representation from rural Town and Parish Councils) to discuss the rural infrastructure issues and to consider the Action Plan as a means for providing direction for the project, be agreed; and
- (d) The use of the Rural Infrastructure Fund to support the proposed approach, be approved and the Corporate Director (Corporate Services), in consultation with the Cabinet Member for Inward Investment and Growth, be delegated the detailed spending and budget adjustments required as the scheme progressed.

28. WIRELESS COAST

The Inward Investment and Growth Portfolio Holder (Councillor Candy) presented a report which updated Cabinet on the progress of the Wireless Coast Project and sought approval to enter into a Concessionary Agreement with MLL Telecom.

Councillor Candy formally thanked the Officers for the hard work they had put into the project and, in particular, the Enterprise and Innovations Officer (Michelle Gordon). She added that the Concessionary Agreement would be delivered at no cost to the Council but would deliver a guaranteed fixed rental income for every Council asset used as part of the agreement, as well as a fixed revenue share on all gross revenue generated by MLL Telecom in relation to the project.

Having considered the matter, it was moved by Councillor Candy, seconded by Councillor C V Guglielmi and

RESOLVED that:

- (a) The progress of the Wireless Coast project, be noted; and
- (b) Agreement to enter into a Concessionary Agreement with MLL Telecom, be approved.

29. COMMUNICATIONS STRATEGY

The Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) introduced the Communications Strategy to the Cabinet, which set out the corporate approach to communications and guidance for the use of the social media site, Twitter.

Having considered the matter, it was moved by Councillor G V Guglielmi, seconded by Councillor Candy and:

RESOLVED

That the Communications Strategy, including the guidelines for the use of Twitter, be noted and agreed.

30. MANAGEMENT TEAM ITEMS

There were none.

31. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT.

There were none.

32. EXCLUSION OF PRESS AND PUBLIC

“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 the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

Chairman