

CABINET21 NOVEMBER 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 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:- There were no Councillors present in the public gallery on this occasion.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Public Experience) (June Clare), Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Communications Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford), Democratic Services Officer (Michael Pingram) and Deputy Executive Support Manager (Sally Cornish)

Also in Attendance:- John Wolton (Independent Person)

Group Leaders Present by Invitation: There were none present on this occasion.

(10.30 a.m. - 10.44 a.m.)  
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92.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors S Candy (Inward Investment and Growth Portfolio Holder), I J Henderson (Leader of the Labour Group), P J Oxley (Leader of the Tending First Group), H Shearing (Leader of the Liberal Democrat Group) and M Talbot (Leader of the Independent Group).

93. DECLARATIONS OF INTERESTS

There were none received at this time.

94. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

There were none on this occasion.

95. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

96. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none.

97. MATTERS REFERRED TO THE EXECUTIVE BY A COMMITTEE

There were none.

98. LEADER OF THE COUNCIL'S ITEMS

There were none.

99. CLACTON AND HOLLAND-ON-SEA COAST PROTECTION PROJECT UPDATE AND PROPOSED PROCUREMENT PROCESSES, KEY MILESTONES AND RISKS

The Cabinet received a comprehensive report, which provided it with a project update including:

- Key Project Milestones;
- Procurement Processes, including a review of the Environment Agency's Water and Environment Management (WEM) framework;
- Choice of Contract;
- Risk Review;
- Project Governance and External Project Review; and
- Consultation and public engagement.

In particular, it was reported that there were a number of steps in the process of being taken or about to be taken with the aim to secure a 'start on site' position in 2014/15 which included:

- Develop tender evaluation criteria and contract documentation, in consultation with the Council's External Auditors, external coastal engineer and relevant Portfolio Holders;
- Tenders issued, received back and evaluated in accordance with criteria;
- Finalise scheme budget;
- Detailed design finalised;
- Planning permission gained;
- Relevant licenses secured such as those from the Marine Management Organisation and EA;
- Works contractor appointed;
- Contract Management and Supervision consultant appointed;
- Communication and public engagement strategy finalised; and
- Identify spending and grant receipt profiles and ensure the Council's treasury management activities reflected the necessary works programme and associated cash flows.

Having considered the report and the proposed next steps forward, it was moved by Councillor Turner, seconded by Councillor Halliday and RESOLVED that

(a) the updated position and key milestones that were required to enable the project to commence in 2014/15 be noted;

(b) the Portfolio Holder for Environment and Coast Protection be a member and co-chairman of the Project Board;

(c) the use of the Water and Environment Management Procurement Framework for the Construction Works Contractor and Contract Management and Supervision Consultant, based on the final design and works information, be approved;

(d) the evaluation criteria to be used in assessing tenders be developed by the project team and that the Corporate Director (Public Experience), in consultation with the Portfolio Holders for Environment and Coast Protection and Finance and Asset Management, be delegated to agree the final criteria to be applied in the formal tender process;

(e) the use of the standard form of engineering contract NEC Options C and A for the Construction Works and Contract Management and Supervision, respectively, be approved;

(f) the inclusion of secondary options, or additional clauses, within the NEC Contract be delegated to the Corporate Director (Public Experience), in consultation with the Legal

Services Manager;

(g) the decision to award contracts to those contractors, whose tenders had been evaluated in accordance with relevant criteria, be delegated to the Environment and Coast Protection and Finance and Asset Management Portfolio Holders; and

(h) the Risk Register and the actions being taken to manage and mitigate the risks associated with the project be noted.

100. PROPOSED NEW STANDARDS ARRANGEMENTS

The Monitoring Officer presented a report, which had been prepared following a comprehensive revision of the Council's arrangements for promoting high standards of conduct by Members and which had resulted in a proposed new Standards Framework for the Council.

The five elements of the proposed new Framework were:

- The new Members' Code of Conduct;
- The Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils Sub-Committee;
- The Monitoring Officer Protocol;
- The Independent Person's Protocol; and
- The Complaints Procedure.

The overall approach of the new arrangements was to seek:

- A focus on clarity of information and training for Members to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which were proportionate to their seriousness;
- Timeliness – with clear timescales for the various stages of complaints to be progressed;
- Checks, balances, reporting requirements and delegation to the Monitoring Officer of key elements of the process in order to maximise independence from the political process; and
- Early and informal intervention to resolve complaints wherever possible (including an expectation that Group Leaders will play a key role).

The proposals were set out in full detail in the Officers' report to full Council on 26 November 2013, and which were before the Cabinet, (together with the Appendices setting out each of the elements of the Framework) as Appendix 1 to the Report of the Monitoring Officer and the Corporate Director (Corporate Services).

The Cabinet was also informed that the Conduct Committee, at its meeting held on 19 November 2013, had considered the proposed new arrangements. The decisions of the Conduct Committee were set out in the minutes of that meeting which were before Cabinet as an appendix to an Addendum Report of the Monitoring Officer and the Corporate Director (Corporate Services).

The Chairman thanked Mr Wolton, an Independent Person, for his input into the work of the Conduct Committee and his attendance at both this meeting and the Conduct Committee's meeting on 19 November 2013. At the invitation of the Chairman, Mr Wolton addressed the Cabinet and stated that he felt that the proposed new standards framework was the correct way forward for the Council in that it set clear boundaries for conduct whilst maintaining an openness in interpretation on a case-by-case basis.

The Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) informed Cabinet that training sessions would be provided for all Members in order that they could properly understand the new standards framework.

Having considered the proposed new arrangements and the comments of the Conduct Committee, it was moved by Councillor G V Guglielmi, seconded by Councillor Turner and:

RESOLVED that

(a) Cabinet notes the comments made by the Conduct Committee;

(b) the proposed new Standards Framework be endorsed and the recommendations to Full Council, as set out in the report attached as Appendix 1 to item A.2 of the Report of the Monitoring Officer and the Corporate Director (Corporate Services), be supported; and

RECOMMENDED TO COUNCIL that

(c) the Council's Constitution, is amended as set out in Appendix 1, subject to the amendments suggested by the Conduct Committee.

101. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

102. THE LOCAL COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX EXEMPTIONS AND DISCOUNTS FOR 2014/2015

A.4 The Local Council Tax Support Scheme (LCTSS) and Council Tax Exemptions and Discounts for 2014/2015

There was submitted a report by the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, which sought Cabinet's approval to the proposed LCTSS and Council Tax Exemptions and Discounts for the year 2014/2015 for recommendation to full Council and the level of associated grants to Town and Parish Councils.

The report also provided recommendations and comments received from the Corporate Management Committee, following its consideration of this matter at its meeting held on 28 October 2013.

Having considered the recommendations and comments made by the Corporate Management Committee and to enable the LCTSS and Council Tax Exemptions and Discounts for 2014/15 to be submitted to full Council for its consideration, it was moved by Councillor P B Honeywood, seconded by Councillor Turner and

RESOLVED that

(a) Cabinet endorsed the comments made by the Corporate Management Committee in respect of the consultation process;

(b) The proposed LCTSS, as set out at Appendix B to item A.4 of the Report of the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be agreed;

(c) The comments of the Corporate Management Committee in respect of empty property discounts be noted but that Cabinet did not accept them

(Whilst agreeing with the general principle behind the comments in tackling empty properties, a reduction in the discount to at least 75% would be required to reach a breakeven point if recovery action was required and, at present, only 124 properties would fall within the scope of this change. The additional income to Tendring District Council at a 95% discount would only be £5 - £6 per property per year. Given the comparatively

low numbers, action to bring those properties back into use could be more effectively driven via other available mechanisms);

(d) The proposed Council Tax exemptions and discounts, as set out in Appendix D to the aforementioned report, be agreed;

(e) The grants to Town and Parish Councils, in relation to the impact of LCTSS, be reduced by a fixed reduction of 15% for 2014/15 to reflect the Council's own provisional funding position; and

RECOMMENDED TO COUNCIL that

(f) The LCTSS be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the new LCTS scheme from 1 April 2014;

(g) The Council Tax exemptions and discounts for 2014 – 2015 be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2014/2015;

(h) The consultation process for the LCTSS 2015/16 be simplified, and broadened, to ensure that as wide a response base as possible is achieved; and

(f) In respect of the NNDR 'tax base', the approval of the NNDR data for 2014/15 be delegated to the Portfolio Holder for Finance and Asset Management.

103. CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2013/2014 AND ANNUAL MINIMUM REVENUE PROVISION (MRP) POLICY STATEMENT 2014/2015

A.5 Corporate Budget Monitoring Report for the Second Quarter of 2013/2014 and Annual Minimum Revenue Provision (MRP) Policy Statement 2014/2015

There was submitted a report by the Finance and Asset Management Portfolio Holder, which provided an overview of the Council's actual financial position against the budget as at the end of September 2013, and to seek Cabinet's approval of the Annual MRP Policy Statement for 2014/2015 for recommendation to full Council.

Councillor Halliday said that, whilst there was good news contained within the report with regard to income budgets ahead of profile and provision for external legal advice, all should be mindful that there were £5m of further savings to be identified over the next three years and that any decisions which incurred a spend should be carefully considered.

Having considered the Council's actual financial position against the budget as at the end of September 2013 and in order to enable the Annual Minimum Revenue Provision Policy Statement for 2014/15 to be submitted to full Council for its approval, it was moved by Councillor Halliday, seconded by Councillor Goggin and:

RESOLVED

(a) That the financial position as at the end of September 2013 be noted;

(b) That the Council's Treasury Management Practices be updated to reflect an increase in the aggregate investment limit for Local Authorities to an unlimited amount; and

## RECOMMENDED TO COUNCIL

(c) That the Annual Minimum Revenue Provision (MRP) Policy Statement for 2014/15, as set out in Appendix J to the report, be adopted.

104. ECONOMIC DEVELOPMENT STRATEGY AND ACTION PLAN

## A.6 Economic Development Strategy and Action Plan

There was submitted a report by the Inward Investment and Growth Portfolio Holder, which sought the Cabinet's approval of the work undertaken by Regeneris Consulting Limited in the preparation of a Socio-Economic Baseline; Economic Development Strategy and Action Plan for the Tendring District.

Having considered the work undertaken by Regeneris Consulting Limited, it was moved by Councillor Candy, seconded by Councillor Halliday and:

## RESOLVED that

(a) The Socio-Economic Baseline, as set out at Appendix A to item A.6 of the Report of the Inward Investment and Growth Portfolio Holder, be approved;

(b) The Economic Development Strategy, as set out at Appendix B to the aforementioned report, be approved;

(c) The Action Plan, as set out at Appendix C to the aforesaid report, be noted;

(d) Officers be instructed to prepare a phased and prioritised Delivery Plan identifying the actions and costed interventions to be pursued by the Council over the next three years and that this document be presented to Cabinet early in the New Year;

(e) That Cabinet notes that the documents referenced in the report represent the impartial and professional advice of the consultants employed; and

## RECOMMENDED TO COUNCIL

(f) That the Socio-Economic Baseline and the Economic Development Strategy be endorsed.

105. MANAGEMENT TEAM REPORTS

There were none.

106. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

107. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Halliday, seconded by Councillor G V Guglielmi and RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the item of business to be considered below on the grounds that it 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

