

CABINET13 DECEMBER 2013

Present:- Councillor P Halliday ( Leader of the Council/Finance and Asset Management/)  
(Leader of the Council)!Councillor S Candy (Inward Investment and Growth)!Councillor A  
Goggin (Tourism)!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:- Councillor Graham Steady (Chairman, Corporate Management  
Committee)

In Attendance:- Corporate Director (Public Experience) (June Clare), Corporate Director  
(Life Opportunities) (Paul Price), Monitoring Officer (Lisa Hastings), Communications  
Manager (Nigel Brown), Democratic Services Manager (Colin Sweeney), Executive  
Support Manager (Karen Neath), Finance and Procurement Manager (Richard Barrett),  
and Democratic Services Officer (Michael Pingram)

Also in Attendance:- Group Leader Present by Invitation: Councillor Talbot (Independent  
Group)

10.30 a.m. - 12.40 p.m.  
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102. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor G V Guglielmi, Portfolio  
Holder for Planning and Corporate Services and Councillor P B Honeywood, Portfolio  
Holder for Housing, Benefits and Revenues and Sports Facilities.

103. MINUTES OF THE MEETINGS HELD ON 8 AND 21 NOVEMBER 2013

The minutes of the meetings of the Cabinet, held on 8 November and 21 November 2013,  
were approved as a correct record and signed by the Chairman.

104. DECLARATIONS OF INTERESTS

There were none received at this time.

Declarations of interest were received from four Members of the Cabinet during  
consideration of Agenda Item No.9 (A.4 – Special Expenses and Alternative Options),  
details of which are recorded under Minute No.111, to which the above item relates.

105. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

Announcements by the Leader of the Council (Chairman) were made in respect of the  
following:

(i) The Late Councillor M Mitchell

The Leader of the Council (Chairman) led the tributes from members in memory of the late  
Councillor Mitchell.

(ii) Recent Flooding Fears

The Leader of the Council (Chairman) led the thanks to officers for their efforts in the wake of forecast floods on 5 and 6 December 2013 and, in particular, thanked those officers responsible for dealing with the aftermath of the severe weather and those who had given up their time to staff rest centres and comfort residents who had been evacuated from their homes.

(iii) Meeting with Essex Police and Crime Commissioner, Mr Nick Alston

The Leader of the Council (Chairman) expressed his disappointment in the knowledge that the new Police and Crime Commissioner for Essex intended to withhold the element of additional funding paid to the Police, which would ordinarily be returned to the Council.

106. ANNOUNCEMENTS BY CABINET MEMBERS

Announcements by Cabinet Members were made in respect of the following:

(i) Community Builder Trial

Councillor McWilliams spoke on the Council's progress in developing stronger communities in the District and gave details of those partners engaged in this work (the feedback paper prepared by Councillor Lynda McWilliams appears as Appendix A to these minutes).

(ii) Careers Advice and Guidance

Councillor S Mayzes spoke on the review of careers advice and guidance currently available to young people in the District from a series of providers and that the Council would be looking at ways in which to draw all of this together and make it easier for young people to access this.

(iii) Women's Cycle Tour Race 2014

Councillor Goggin spoke on Tendring hosting Stage 3 (and the start of Stage 5) of the Women's Tour Race to be held between 7 and 11 May 2014, which was before the start of the Tour de Tendring and which would attract world champion and Olympic medallist entrants as well as provide significant media coverage of Tendring District.

107. CORPORATE MANAGEMENT SCRUTINY COMMITTEE WORKING PARTY – EFFICIENCY SAVINGS AND INCOME GENERATION: LEISURE SERVICES' FEES AND CHARGES

With reference to Minute No.28 to the meeting of the Committee held on 16 September 2013; Minute No.70 to the meeting of the Cabinet held on 4 October 2013 and Minute No.38 to the meeting of the Committee held on 28 October 2013, there was submitted a report by the Corporate Management Scrutiny Committee, which offered its comments to Cabinet on how fees and charges in relation to the Council's leisure centres were intended to be restructured.

The Chairman welcomed to the Committee, Councillor Graham Steady (Chairman, Corporate Management Committee) who had been asked to speak on the Committee's deliberations in this regard.

Having considered the comments of the Corporate Management Scrutiny Committee, it was moved by Councillor Halliday (Chairman), seconded by Councillor Turner and RESOLVED that:

(a) The responses of the Portfolio Holder be agreed as follows:

Comments from the Committee

Portfolio Holder Responses

1. Ensure that the refurbishment of Walton Pool goes ahead, and on time and to urge talks, or consultations with Frinton and Walton Town Council to alleviate any shortfalls.

The Committee's views are supported, as demonstrated by Cabinet's commitment to the refurbishment and expansion of the Dovercourt facility, and the Committee can be assured that Cabinet will work with officers to identify both internal as well as external funding opportunities to bring the necessary works to fruition.

2. Applaud the work of the Council's Sports Facilities' Business Manager in marketing initiatives and welcomes the new commercial approach to advertising public services to look into using successful schemes which have been introduced in the past i.e. free swimming and for those to be incorporated into specific "taster days" where all services and facilities could be promoted thereby maximising opportunities to increase income.

The Committee's recognition of the business approach to the management of the service is welcomed and Cabinet will continue to work with officers to develop sound business principles across all non-statutory services.

3. Register the Council's concerns about academies pulling out of swimming and urge district council to talk to the academies and talk to them about what prices they are willing to pay.

Cabinet is aware that officers are developing a good relationship with the academies and does not at this time believe that concerns need to be registered but is willing to support such concerns being raised at the highest possible level if or when this is deemed to be necessary.

4. Look to work with local academies to encourage continuing with swimming lessons/use and recommend make contact with Essex boys clubs via Gill Burden and her team, once again to maximise the opportunities to increase income.

Cabinet notes that officers have already established good working relationships with academies and will continue to encourage further use of Tendring facilities for swimming and other activities. Cabinet also notes the contact already established by Gill Burden with the Essex Boys and Girls Clubs and is aware that officers from within the departments of Life Opportunities and Public Experience will be exploring any opportunities which Tendring has for utilising resources or funding opportunities which may be available via this route.

(b) Cabinet's disappointment at the level of detail given by the Committee in relation to fees and charges, as opposed to addressing ways in which the Council might consider achieving the £2m savings target set for next year, be noted.

108. PROPOSED MINOR REVIEW OF CALL-IN PROCEDURES

With reference to Minute No.12 to the meeting of the Committee held on 7 October 2013; Minute No.85 to the meeting of the Cabinet held on 8 November 2013 and Minute No.30 to the meeting of the Committee held on 11 November 2013, there was submitted a report by the Service Development and Delivery Scrutiny Committee, which sought the approval of Cabinet to recommend to Council a minor review of the call-in procedures and any necessary subsequent amendments to the Council's Constitution.

Having considered the recommendations made by the Service Development and Delivery

Scrutiny Committee, it was moved by Councillor Halliday (Chairman), seconded by Councillor Candy and RESOLVED that:

(a) The introduction of the approach in line with the report of the Service Development and Delivery Committee be approved with immediate effect and that its success, or otherwise, be reviewed in six months' time when, if required, Council be recommended to incorporate the change within the Constitution; and

(b) This would not extend the time permitted to deal with matters which had been called-in.

109. UPDATED FINANCIAL BASELINE 2014/15 AND DETAILED BUDGET PROPOSALS FOR A REVISED BUDGET 2013/14 AND ORIGINAL BUDGET 2014/2015

There was submitted a report by the Leader of the Council (Chairman) and Finance and Asset Management Portfolio Holder, which enabled Cabinet to (1) consider the updated financial baseline for 2014/15; and (2) consider for approval, the detailed budget proposals for a revised budget 2013/14 and original budget for 2014/15.

The updated financial baseline set out how the financial and budget position of the Council for 2014/15 had progressed since Cabinet considered the Initial Financial Baseline for 2014/15, at its meeting held on 12 July 2013 and although it was planned on presenting to Cabinet an updated financial baseline for 2015/16 and beyond, early in 2014, the report briefly looked ahead to the potential financial position of the Council over the four years after 2015/16 to 2018/19.

The report also provided recommendations and comments received from the Corporate Management Committee, following its consideration of this matter at its meeting held on 2 December 2013.

Having considered the recommendations and comments made by the Corporate Management Committee, it was moved by Councillor Halliday (Chairman), seconded by Councillor Goggin and RESOLVED that:

(a) After taking into account the comments of the Corporate Management Committee on the Initial Financial Baseline 2014/15, the updated Financial Baseline 2014/15 and the detailed budget proposals (including fees and charges), as set out in the Appendices to the report, be agreed;

(b) The Council Tax for 2014/15 be reduced by 0.5% from 2013/14 in line with the Administration's stated priorities;

(c) If the final financial position is more or less advantageous to the Council (from either revised estimates or estimates for 2014/15) then, any increase or decrease is adjusted against the Fit for Purpose Budget;

d) The Corporate Management Committee's comments on the Updated Financial Baseline 2014/15 and detailed budget proposals be requested; and

e) All future expenditure in 2013/14 be in line with the proposed revised budget as set out in the Appendices to the report, subject to final approval by Council on 11 February 2014, and that the corporate financial system is amended accordingly to reflect these changes along with any amendments arising from revisions to the code of practice relating to the presentation of the Council's annual Statement of Accounts.

**110. SPECIAL EXPENSES AND ALTERNATIVE OPTIONS**

With reference to Minute No.14 to the meeting of the Corporate Management Scrutiny Committee held on 14 June 2013; Minute No.53 (A.2) to the meeting of the Cabinet held on 6 September 2013 and Minute No.48 to the meeting of the Corporate Management Scrutiny Committee held on 2 December 2013, there was submitted a report by the Finance and Asset Management Portfolio Holder, which invited Cabinet to consider special expenses, including alternative options, along with associated comments from the Corporate Management Scrutiny Committee to determine the Council's approach to special expenses from 2014/15.

Having considered the recommendations and comments made by the Corporate Management Committee, it was moved by Councillor Halliday (Chairman), seconded by Councillor McWilliams and RESOLVED that:

(a) That Alternative Option 3 (exclude minor items from the calculation) be agreed as the Council's approach to special expenses from 2014/15; and

b) That the Finance and Asset Management Portfolio Holder agrees the detailed special expenses calculations for 2014/15 for consultation with the Corporate Management Committee.

The following members each declared a pecuniary interest in respect of the above matter, by virtue of the fact that they were members of their respective Town and Parish Councils:

Councillor S Candy (Little Bromley Parish Council)  
Councillor A Goggin (Brightlingsea Town Council)  
Councillor L McWilliams (Great Bentley Parish Council)  
Councillor N Turner (Frinton and Walton Town Council)

**111. LAND SOUTH EAST OF MARINE PARADE EAST: SUPPLEMENTAL LEASE**

There was submitted a report by the Finance and Asset Management Portfolio Holder, which invited Cabinet to consider the grant of a supplemental lease of land to the east of Clacton Pavilion, as shown on the plan attached to the report.

In order to allow the grant of the supplemental lease of the land, it was moved by Councillor Halliday (Chairman), seconded by Councillor Goggin and RESOLVED that the granting of a supplemental lease, subject to a decision on terms to be determined at a future meeting, be approved.

**112. NEW LEASE FOR THE LUNEY SOCIAL CLUB**

There was submitted a report by the Finance and Asset Management Portfolio Holder, which invited the Cabinet to consider the grant of a new 24 year and one month lease for the former Royal British Legion building on Barrack Lane, Harwich, to the Luney Social Club for use as a charitable social club.

In order to allow the grant of a new lease, it was moved by Councillor Halliday (Chairman), seconded by Councillor McWilliams and RESOLVED that the granting of a new lease, subject to the decision on terms set out in Part B to the agenda, be approved.

**113. CARAVAN AND CHALET SITES - OCCUPANCY RESTRICTION REVIEW**

There was submitted a report by the Planning and Corporate Services Portfolio Holder,

which informed the Cabinet of the inconsistencies in occupancy restrictions across the district within caravan and chalet sites, and to advise of the need to review these conditions in light of ongoing planning enforcement investigations and recent planning appeal and application decisions.

On the proposition of Councillor Halliday (Chairman), seconded by Councillor Turner, it was RESOLVED that:

a) The need for the review be supported and regard be had to the various implications highlighted within the report;

b) Officers continue to liaise with the Environment Agency to understand the flood risk issues on a site-by-site basis to be able to establish what type of accommodation and occupancy restrictions would be acceptable in which locations with particular attention to operational changes to be imposed following the handling of evacuations arising from last week's threat of floods within parts of the District;

c) Officers continue to work with the various sites and individuals in the affected areas to improve their emergency planning procedures and, in particular, to improve their evacuation plans, collate site and owners' contact details and increase the level of sign up to the Environment Agency's early warning systems;

d) Further analysis of relevant planning appeal decisions, case law and national policies be undertaken to further understand the current situation elsewhere and to enable a policy recommendation to be made which is tailored to the Tendring District position;

e) Monitoring of winter occupancy on sites be carried out this coming winter, including at the following sites:

- Bel Air, St.Osyth
- Point Clear Bay
- Clear Springs, Dovercourt
- Homestead Caravan Park, Weeley
- Great Bentley Country Park; and

f) A further report be presented to Cabinet in April/May 2014 with a policy recommendation informed by the further work outlined above.

114. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

After making a statement concerning what he personally regarded as inappropriate behaviour and actions of various members of the Conservative Group, the Leader formally resigned as Leader of the Council and confirmed his intention to resign as a Ward Councillor.

115. EXCLUSION OF PRESS AND PUBLIC

As there was to be no discussion and consequently no need to exclude the press and public, the Cabinet resolved to agree the recommendations as contained within the exempt report in relation to Agenda Item No.B1, below.

Chairman