

CABINET21 MARCH 2014

Present:- Councillor M J Page (Leader of the Council/Regeneration, Inward Investment and Asset Management) (Leader of the Council)!Councillor N W Turner (Deputy Leader of the Council/Environment and Coast Protection) (Deputy Leader of Council)!Councillor P B Honeywood (Housing and Benefits and Revenues) (Assistant Deputy Leader of the Council)!Councillor A Goggin (Finance and Transformation)!Councillor L A McWilliams (Well-Being and Partnerships)!Councillor M E Platt (Tourism, Events and Leisure Services)

Also Present:- Councillors I Johnson, D R Mayzes and G Mitchell.

Group Leaders by Invitation:

Councillors J Broderick (Holland-on-Sea Residents Group), I J Henderson (Labour Group), H Shearing (Liberal Democrat Group) and M Talbot (Independent Group).

In Attendance:- Chief Executive (Ian Davidson); Corporate Director (Corporate Services) (Martyn Knappett); Corporate Director (Public Experience) (June Clare); Monitoring Officer, (Lisa Hastings); Communications Manager (Nigel Brown); Democratic Services Manager (Colin Sweeney); Finance and Procurement Manager (Richard Barrett), Management and Members Support Manager (Karen Neath); Planning Policy Manager (Gary Guiver) and Democratic Services Officer (Janey Nice).

(10.30 a.m. - 11.45 a.m.)

150.. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor G V Guglielmi, Portfolio Holder for Planning and Corporate Services.

151. MINUTES OF THE LAST MEETING HELD ON FRIDAY 28 FEBRUARY 2014.

The minutes of the last meeting of the Cabinet held on 28 February 2014, were approved as a correct record and signed by the Chairman.

152. DECLARATIONS OF INTEREST

There were no declarations of interest declared at this time.

See Minute 153 below.

153. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

(i) Closure of Clacton and Harwich Maternity Units

The Chairman informed Cabinet that Colchester Hospital University Foundation Trust (CHUFT) had announced that the Clacton and Harwich Maternity Units would be closed until June 2014.

In response to this unexpected announcement, the Chairman asked Councillor L McWilliams (Portfolio Holder for Well-being and Partnerships) to call an urgent meeting of the Tendring Health and Well-being Board, as soon as possible, to look at the implications for the people of Tendring and what would be the long-term impact on services if this

closure was other than temporary. In conclusion, the Chairman also said that he had asked Councillor McWilliams to call upon a senior representative of CHUFT to attend, explain their actions and future intentions and to enable the views of Members to be made known directly to them.

(ii) Essex Wildlife Trust and The Naze

The Chairman announced that the Council had been working for a long time with the Essex Wildlife Trust (EWT), and other partners, to protect and promote the fantastic open space at The Naze.

He said that the news that EWT had been successful in obtaining funding for the provision of a new visitor centre at The Naze had come just at a time when the Council was due to consider EWT's request for a 60-year lease of The Naze. He added that the Council would carefully consider the results of the public consultation and the petition from residents, who were opposed to the idea, and then the Cabinet would make a formal decision as to whether to grant a formal lease.

The Chairman informed Cabinet that, as a local Councillor, he was well aware of the range of local feelings and he knew that a recurring theme was that whilst many people would be pleased to see the facilities at The Naze improved, many were concerned about the ongoing management of the land and, in particular, the issue of free access to The Naze.

Councillor I Henderson (Leader of the Labour Group) declared a non-pecuniary interest in respect of this matter, by virtue of the fact he was a member of the EWT

Councillor M Talbot (Leader of the Independent Group) declared a non-pecuniary interest in respect of this matter, by virtue of the fact he was a lifelong member of the EWT.

154. ANNOUNCEMENTS BY CABINET MEMBERS

(i) Clacton and Holland Sea Defence Scheme

Councillor N Turner, Portfolio Holder for Environment and Coast Protection, advised Cabinet that tenders for the next phase of the works were due to be received and opened on Monday 24 March 2014 and that he would update Members accordingly at Council on 25 March 2014.

(ii) High Sheriff Awards

Councillor L McWilliams, Portfolio Holder for Well-being and Partnerships, was delighted to announce that the Council had received three High Sheriff Awards in respect of:

- Borderline
- Keep Safe Campaign (Frinton and Walton)
- Crucial Crew

Councillor McWilliams praised the work of the Council's Community Safety Partnerships Team.

155. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none.

156. PERFORMANCE REPORT - QUARTER THREE 2013 - 2014 (OCTOBER - DECEMBER 2013)

A.1 Performance Report – Quarter Three 2013-2014 (October – December 2013)

There was submitted a report from the Corporate Management Committee which offered its recommendation to Cabinet and invited it to determine any action it wished to take.

Accordingly, it was moved by Councillor N Turner, seconded by Councillor A Goggin and RESOLVED that the Performance Report for Quarter Three 2013-14 (October – December 2013) be noted and the Planning and Corporate Services Portfolio Holder's response to the comments from the Corporate Management Committee be agreed.

157. PROPOSED ACQUISITION: FOUR, FOUR BEDROOMED HOUSES, CLACTON-ON-SEA

A.2 Proposed Acquisition: Four, Four Bedroomed Houses, Clacton-on-Sea

There was submitted a report by the Leader of the Council, which sought its approval, in principle, for the acquisition of the freehold of four, four bedroomed houses in Clacton-on-Sea, for the purposes of providing housing by the Council within the Housing Revenue Account Portfolio.

Accordingly, it was moved by Councillor Page, seconded by Councillor P Honeywood and RESOLVED that:

(a) The acquisition of four, four bedroomed properties located at "The Green", Clacton-on-Sea for the purposes of providing housing be approved, subject to the Corporate Property Officer (Assets Manager) being satisfied with the valuation;

(b) The use of a maximum of the Housing Revenue Account be agreed to purchase the properties, as set out in Part B of the agenda; and

(c) Authority be delegated to the Corporate Director (Corporate Services), in consultation with the Legal Services Manager, to agree terms and complete the acquisition of the properties, in accordance with the report and other such terms and conditions considered appropriate.

158. AMENDMENTS TO THE COUNCIL'S CONSTITUTION - PHASE 1: REVIEW OF THE COUNCIL'S PROCUREMENT RULES; PROPERTY DEALING PROCEDURE; EXECUTIVE PROCEDURE RULES AND DELEGATED POWERS AUTHORISING EMERGENCY PLANNING ENFORCEMENT TO OFFICERS

A.3 Amendments to the Council's Constitution – Phase 1: Review of the Council's Procurement Rules; Property Dealing Procedure; Executive Procedure Rules and Delegated Powers Authorising Emergency Planning Enforcement to Officers

There was submitted a report by the Planning and Corporate Services Portfolio Holder, which provided it with the proposed changes as suggested by Members and Officers as Phase 1 of the Constitution Review.

The changes included proposed revised Procedure Rules concerning exercising Executive Functions relating to Procurement and the Property Dealing Procedure, together with amalgamating the Article and Rules of Procedure relating to Cabinet and its meetings. The proposed changes also reflected the Leader's statement at full Council in February 2014 to include opposition Group Leaders. The report also provided the opportunity for Cabinet to endorse the changes to the delegated powers for authorising emergency planning enforcement to Officers.

Accordingly, it was moved by Councillor M Page, seconded by Councillor N Turner and RECOMMENDED TO COUNCIL that:

- (a) The proposed changes to the Council's Procurement Rules, Property Dealing Policy and Executive Procedure Rules, as detailed at the Appendices A, B and C respectively to the report, be adopted;
- (b) Service of any Stop Notice, or Temporary Stop Notice, or any application for an injunction under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, and any associated matters, be delegated to the Head of Planning, in consultation with the Legal Services Manager; and
- (c) The Council's Constitution be amended accordingly to reflect the changes.

159. PROGRAMME OF MEETINGS 2014/2015 MUNICIPAL YEAR

A.4 Programme of Meetings 2014/2015 Municipal Year

There was submitted a report by the Planning and Corporate Services Portfolio Holder, inviting Cabinet to give consideration to the programme of meetings for the 2014/2015 Municipal Year.

Accordingly, it was moved by Councillor M Page, seconded by Councillor P Honeywood and RECOMMENDED TO THE ANNUAL MEETING OF THE COUNCIL that the programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee, as detailed in the report, be approved and submitted to the Annual Meeting of the Council for formal approval.

160. BIG SOCIETY POSITION STATEMENT AND GOVERNANCE

A.5 Big Society Position Statement and Governance

There was submitted a report by the Regeneration, Inward Investment and Asset Management Portfolio Holder, which updated Cabinet on the Big Society funding allocated to date and to outline opportunities to improve access by the community and the governance of the fund.

Accordingly, it was moved by Councillor M Page, seconded by Councillor A Goggin and RESOLVED that:

- (a) An increase in the membership of the Portfolio Holder Working Party that would assess and determine future applications, to include a representative from Tendring District Association of Local Councils (TDALC), the Community Voluntary Services Tendring (CVST) and Tendring Education Trust (TET) be approved;
- (b) The Portfolio Holder for Finance and Transformation invite each political group leader to nominate a representative from their Group to sit on the Working Party; and

Applications no longer requiring to demonstrate a direct cost saving to the Authority, be agreed.

161. PROGRESSING THE LOCAL PLAN AND ESTABLISHING A LOCAL PLAN COMMITTEE

A.6 Progressing the Local Plan and Establishing a Local Plan Committee

There was submitted a report, which informed Cabinet that objections to the Council's emerging Local Plan had been received from Essex County Council and Colchester Borough Council, which had identified fundamental issues that would need to be addressed before the Plan could be submitted to the Secretary of State to be examined by a Planning Inspector.

The report also sought Cabinet's approval to recommend to Council the setting-up of a dedicated 'Local Plan Committee' through a change to the Council's Constitution, which would oversee the remaining stages of preparing the Local Plan, address the fundamental issues raised by objectors and deal with other aspects of planning policy work.

Accordingly, it was moved by Councillor M Page, seconded by Councillor L McWilliams and RECOMMENDED TO COUNCIL that the report attached as Appendix 1 to the item A.6, which included the setting-up of a dedicated 'Local Plan Committee' through changes to the Council's Constitution, be supported and submitted to full Council for approval.

Councillor H Shearing (Leader of the Liberal Democrat Group) wished to record his objection to the decision that the make-up of the Committee would not allow for all parties to be represented upon it.

162. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

Chairman