

CABINET7 NOVEMBER 2014

Present:- Councillor M J Page (Leader of the Council/Regeneration, Inward Investment and Asset Management) (Leader of the Council)!Councillor A Goggin (Finance and Transformation)!Councillor G V Guglielmi (Planning and Corporate Services)!Councillor P B Honeywood (Housing and Benefits and Revenues)!Councillor L A McWilliams (Well-Being and Partnerships)!Councillor M E Platt (Tourism, Culture, Leisure and Events)

Also Present:- Councillors G L Mitchell, A R Pugh and G D Steady

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Management and Members' Support Manager (Karen Neath), Revenues and Benefits Manager (Harry Bates), Executive Projects Officer (Keri Lawrence), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

Also in Attendance:- Group Leaders Present by Invitation: Councillors I J Henderson (Labour Group), I Johnson (Deputy Leader - Tendring First), M J D Skeels (United Kingdom Independence Party Group) and M J Talbot (Independent Group)

(10.30 a.m. - 11.49 a.m.)

80.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors N W Turner (Deputy Leader of the Council and Environment and Coast Protection Portfolio Holder), J A Broderick (Leader of the Holland-on-Sea Residents' Group), P J Oxley (Leader of the Tendring First Group) and H A Shearing (Leader of the Liberal Democrat Group).

The Leader of the Council (Councillor Page) also welcomed Councillor M J D Skeels who was attending his first meeting of the Cabinet as the Leader of the United Kingdom Independence Party Group.

81. MINUTES OF THE LAST MEETING HELD ON FRIDAY 5 SEPTEMBER 2014

The minutes of the last meeting of the Cabinet, held on 5 September 2014, were approved as a correct record and signed by the Chairman, subject to the addition of the words: "and paid tributes" to the end of the second paragraph in Minute 60.

82. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

83. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Councillor Page, on behalf of the Cabinet, thanked the Chief Executive and all those staff involved for their hard work and dedicated commitment in making such a sterling job of the recent UK Parliamentary By-Election for the Clacton Constituency and the Essex County Council By-Election for the Brightlingsea Division.

84. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

85. PERFORMANCE REPORT - QUARTER ONE 2014 (APRIL 2014 TO JUNE 2014)

A.1 Performance Report – Quarter One 2014 (April 2014 to June 2014)

There was submitted the Performance Report for Quarter One 2014 (April to June 2014). Appendix A to that report contained details of 16 key project areas, as well as 12 performance indicators, detailing business-critical areas of the Council's work. The appendix also contained details of levels of sickness and complaints handling.

It was reported that, of the 28 indicators and projects reported, 21 (75%) were on, or above, their respective target. There were seven (25%) that were currently not in line with the expected performance. Explanations of the performance and the supporting data were included in each topic.

The Cabinet was made aware that the performance report had been considered by the Corporate Management Committee at its meeting held on 10 September 14, at which, the contents of the report had been noted.

Members were further advised that Officers had recognised that, because of the current reporting arrangements, there was a substantial delay before the Cabinet viewed the Quarterly Performance Report. It was therefore proposed that all future Quarterly Performance Reports be presented to the next practicable meeting of the Cabinet or Corporate Management Committee following its presentation to Management Team. In some circumstances therefore, the performance report could be presented to Cabinet prior to presentation at Corporate Management Committee. Any feedback from the Corporate Management Committee on a specific indicator would be presented to a future meeting of the Cabinet as a separate reference report.

The Chief Executive introduced to Members Keri Lawrence, who had recently been appointed Executive Projects Officer and who would now be responsible for corporate projects including education and skills.

Having considered the contents of the report:

It was accordingly moved by Councillor G V Guglielmi, seconded by Councillor Page and RESOLVED that:

(a) The contents of the performance report and the Corporate Management Committee's acceptance of that report be noted; and

(b) The reporting mechanism for the performance report be amended along the lines suggested by Officers.

86. ENFORCEMENT OF DOG-FOULING AND LITTER-DROPPING OFFENCES WITHIN TENDRING

A.2 Enforcement of Dog-fouling and Litter-dropping Offences

There was submitted a reference report of the Service Development and Delivery Committee, which referred to its meeting held on 22 September 2014, at which, the issue of the Council's current enforcement practices, as those related to dog-fouling and litter-dropping offences within the Tendring District and the level of fixed penalty notices issued (including whether any prosecutions had been pursued as a result of non-payment), was

considered.

The Service Development and Delivery Committee had considered information provided on this matter by other Local Authorities in Essex; the enforcement role of the Council's Dog Wardens and officers in the Street Scene and Environmental services sections and initiatives recently undertaken by the Council such as the Tidy Tending campaign and the trialling of reusable seagull-proof refuse bags.

The Service Development and Delivery Committee had decided to recommend to the Cabinet: "that, whilst the Committee appreciated the constraints placed upon the Council's staffing levels, Cabinet be encouraged to use every means possible to bring to the Council's attention, any method or means of minimising the problems of dog-fouling and litter-dropping within Tending."

The Leader of the Council read out a statement, on behalf of the Environment and Coast Protection Portfolio Holder (Councillor Turner), in which Councillor Turner had thanked the Service Development and Delivery Committee for its thought-provoking recommendation and in which he reported on the success of a Day of Action on Dog Mess on 6 November 2014 held along the seafront between Holland Haven and Martello Bay, Clacton-on-Sea and which, at the request of Members, could be repeated in other parts of the District.

Having considered the recommendation of the Service Development and Delivery Committee it was RESOLVED that the recommendation of the Service Development and Delivery Committee be noted.

87. UPDATE ON THE COASTAL PROTECTION SCHEME FOR CLACTON-ON-SEA AND HOLLAND-ON-SEA

A.3 Update on the Coastal Protection Scheme for Clacton-on-Sea and Holland-on-Sea

There was submitted a reference report of the Service Development and Delivery Committee, which referred to its meeting held on 22 September 2014, at which the Committee had received a presentation by Officers and a verbal update by the Environment and Coast Protection Portfolio Holder (Councillor N Turner) on the coastal protection scheme for Clacton-on-Sea and Holland-on-Sea.

The Service Development and Delivery Committee, having considered the presentation and asked questions of the Portfolio Holder and Officers, had decided to comment to Cabinet: "that having received a thorough and excellent update, the Committee expressed its extreme satisfaction with regard to the progress being made and how the entire operation had been handled and managed."

The Leader of the Council read out a statement, on behalf of the Environment and Coast Protection Portfolio Holder (Councillor Turner), in which Councillor Turner had thanked the Service Development and Delivery Committee for its kind words and encouragement and gave an update on the progress of the scheme including that the beach recharge should commence on 22 November 2014.

Having considered the comment of the Service Development and Delivery Committee it was RESOLVED that the comment of the Service Development and Delivery Committee be noted.

88. CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2014/15

A.4 Corporate Budget Monitoring Report for the Second Quarter of 2014/15

There was submitted a report by the Portfolio Holder for Finance and Transformation, which presented to Cabinet an overview of the Council's actual financial position against the budget, as at the end of September 2014.

The Chief Executive (Ian Davidson) informed Cabinet that other Essex Councils were taking an interest in how this Council was 'forward planning' its budget, for example, by the identification of savings that could be 'banked' as the year progressed rather than just being another part of the annual budget-setting cycle.

Having considered the current financial position:

It was accordingly moved by Councillor Goggin, seconded by Councillor Page and RESOLVED that:

(a) the financial position as at the end of September 2014 be noted; and

(b) the 2014/15 budget be amended to reflect favourable variances emerging so far to date as follows:

- £0.094m reduction in salary budgets;
- £0.100m increase to the planning fee income budgets; and
- £0.194m – Contribution to Reserves (being the total of the above transferred to the Austerity Reserve).

89. THE LOCAL COUNCIL TAX SUPPORT SCHEME: COUNCIL TAX EXEMPTIONS AND DISCOUNTS FOR 2015/2016 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2015/2016

A.5 The Local Council Tax Support Scheme: Council Tax Exemptions and Discounts for 2015/2016 and Annual Minimum Revenue Provision Policy Statement 2015/2016

There was submitted a report by the Portfolio Holder for Housing, Benefits and Revenues, which enabled Cabinet to consider the proposed Local Council Tax Support Scheme for 2015/2016, the proposed Council Tax Exemptions and Discounts 2015/2016 and the proposed Annual Minimum Revenue Provision Policy Statement for 2015/16 for recommendation to Council.

The Cabinet was made aware that the Corporate Management Committee, at its meeting held on 4 November 2014, had considered the above proposals and had made the following recommendation to Cabinet:

"Cabinet looks at the cost and feasibility of enabling Housing Enterprise Trusts, that are working in co-operation with the Council's housing department, to be able to claim Council Tax exemption Class B for up to six months when their properties have become empty, as is currently enjoyed by Housing Associations that are registered as a charity."

The Housing, Benefits and Revenues Portfolio Holder (Councillor P B Honeywood) thanked the Corporate Management Committee for its recommendation and stated that he would investigate this further with Officers.

Having considered the proposals, the recommendation of the Corporate Management Committee and to enable those proposals to be submitted to Council for approval:

It was accordingly moved by Councillor P B Honeywood, seconded by Councillor Goggin and RECOMMENDED TO COUNCIL that:

- (a) The proposed Local Council Tax Support (LCTS) Scheme for 2015/2016, as set out as Appendix B to item A.5 of the Report of the Housing, Benefits and Revenues Portfolio Holder, be approved;
- (b) The Corporate Director (Life Opportunities), in consultation with the Housing, Benefits and Revenues Portfolio Holder, be authorised to undertake the necessary steps and actions to implement the new LCTS scheme from 1 April 2015;
- (c) The proposed Council Tax exemptions and discounts for 2015/2016, as set out in Appendix C to the aforementioned report, be approved;
- (d) The Corporate Director (Life Opportunities), in consultation with the Housing, Benefits and Revenues Portfolio Holder, be authorised to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2015/2016;
- (e) The approval of the NNDR data for 2015/2016 be delegated to the Finance and Transformation Portfolio Holder; and
- (f) The Annual Minimum Revenue Policy Statement for 2015/2016, as set out in Appendix D to the above-mentioned report, be approved.

In accordance with Paragraph 1.5(ii) to Section 7.08 (Cabinet Procedure Rules) of Part 2 (Articles), Councillor I J Henderson, on behalf of the Labour Group, strongly objected to the decision by the Cabinet that the Local Council Tax Support Scheme for 2015/2016 would include a reduction in the starting point of the LCTS calculation by 5% to give maximum eligible Council Tax at 80% and that the scheme's elements would include income from child maintenance payments.

90. AMENDMENTS TO THE COUNCIL'S CONSTITUTION - PHASE 3

A.6 Amendments to the Council's Constitution – Phase 3

There was submitted a report by the Portfolio Holder for Planning and Corporate Services, which sought Cabinet's endorsement for proposed changes to the Council's Constitution which had been suggested by Members and Officers of the Constitution Working Party as Phase 3 of the Constitution Review.

The Cabinet was made aware that those changes included proposed revised Articles, amended Rules of Procedure (Budget and Policy Framework and Officer Employment Procedure Rules), an amended Members' Allowances Scheme and the reinstatement within the Constitution of the Member/Officer Protocol. The key changes to each of those documents were highlighted within the body of the Report and where possible, in the text of the Appendices thereto.

Having considered the proposed changes to the Constitution and to enable those changes to be submitted to Council for approval:

It was accordingly moved by Councillor G V Guglielmi, seconded by Councillor Page and RECOMMENDED TO COUNCIL that:

- (a) The proposed changes to the Articles, Budget and Policy Framework Procedure Rules, Financial Procedure Rules, Access to Information Rules and Members' Allowance Scheme, as detailed at Appendices A, B, C, D and E respectively to item A.6 of the Report of the Planning and Corporate Services Portfolio Holder, be adopted;
- (b) The Member/Officer Protocol be reinstated within the Constitution; and

(c) The Council's Constitution be amended accordingly to reflect the changes above.

Chairman