

CABINET12 DECEMBER 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 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 De-Vaux Balbirnie, S A Honeywood, D R Mayzes, Mitchell and Wood

In Attendance:- 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), Parking and Seafronts Manager (Ian Taylor), 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 Group), H A Shearing (Liberal Democrat Group), and M J Talbot (Independent Group)

(9.30 a.m. - 11.03 a.m.)  
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94.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor P J Oxley (Leader of the Tendring First Group) and Councillor M J D Skeels (Leader of the United Kingdom Independence Party Group).

The Corporate Director (Corporate Services) (Martyn Knappett) informed Cabinet that the Chief Executive (Ian Davidson) was unable to attend the meeting due to illness in his family.

95. MINUTES OF THE LAST MEETING HELD ON FRIDAY 7 NOVEMBER 2014

The minutes of the last meeting of the Cabinet, held on 7 November 2014, were approved as a correct record and signed by the Chairman.

96. DECLARATIONS OF INTEREST

Councillors Johnson and Turner each declared a non-pecuniary interest in relation to item A.2 – Transforming Working Arrangements insofar as they were also Members of Frinton and Walton Town Council.

97. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council read out the following statement in respect of the Devolution of Powers in Essex:

“Members will be aware that the issue of the devolution of powers to local government is

currently the subject of national debate and yesterday I provided all Members with a copy of a letter from the Leaders of Essex County Council and numerous Borough and District Councils, including myself, to the Prime Minister and other leading Government figures expressing a wish for Essex to be included in the debate.

I was consulted by the Leader of the County Council and provided with a draft of the letter which I confirmed that I was in agreement with.

I did so in my capacity as Leader of the Council.

The Leader of the Council is the main Member representative of the Council to the community, the region, businesses, the voluntary sector, the Local Government Association and other local and national organisations. And the Cabinet, which I lead, is responsible for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The letter of support states that the Essex authorities are committed as local partners working together, with government, to explore options for a devolution settlement for Essex and it is recognised that this conversation needs to explore options for how our partnership governance arrangements could be strengthened in a way that respects a partnership of equals.

At the time of the Council meeting on 25 November I was not aware that the letter had been finalised and sent so did not make a statement to Council. I am happy to do so now to ensure all Members are aware of the position.

If and when a debate about developing proposals for the devolution of powers in Essex begins that would be the time for formal discussion and debate by Committees, the Cabinet and Council.

No decision has been made which has an impact on the Council or Tendring District or which commits the Council to any future position.”

98. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

99. PART-NIGHT STREET LIGHTING

A.1 Part Night Street Lighting

The Cabinet was aware that at the meeting of the Council held on 25 November 2014, the following motion had been moved by Councillor I J Henderson and seconded by Councillor P J Oxley and, in accordance with Council Procedure Rule 11.4, had stood referred to the Cabinet for consideration and report:

“That this Council seeks to reverse the impact of Essex County Council’s Part Night Street Lighting policy within the Tendring District by paying to Essex County Council the sum of up to £44,000 in 2014/15 (Essex County Council have identified £127,000 as the annual amount saved by the night time switch off of the District’s lights) to enable the Tendring District’s street lights to remain on all night. The amount to be spent is to be taken from the Council contingency to meet the remainder of the 2014-2015 financial year.

Funding thereafter to be included for consideration as part of the budget setting process for 2015/16 on the basis that the funding of Tendring’s street lights throughout the night be met by this Council only until Essex County Council is persuaded to reverse its unpopular and dangerous policy.”

In accordance with the provisions of Council Procedure Rule 11.5 Councillor Henderson addressed Cabinet and explained the motion.

Having considered and discussed the motion:

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

(a) in view of the significant financial implications of the proposal contained in the Motion, Cabinet requests that officers write to Essex County Council, Essex Police, Essex Fire and Rescue Services and the Ambulance Service to ask for written statements of their views as to whether the introduction of part night street lighting in Tendring has had a detrimental effect on the delivery of their services and to provide firm evidence to support their statements;

(b) the Town and Parish Councils in Tendring and the Automobile Association be invited to submit any evidence they have regarding the effects (positive or negative) of introducing part night street lighting;

(c) Essex Police be specifically requested to provide this Council with their best evidence (whether from Tendring, elsewhere in Essex or from elsewhere) as to the impact of part night street lighting on crime and the fear of crime;

(d) Essex County Council be requested to confirm whether they would be prepared to reinstate full night time street lighting in Tendring if the District Council meets the cost. If so, what would be the annual and ongoing costs;

(e) when responses to the requests are received, officers prepare a report to Cabinet setting out the statements and the evidence provided so that Cabinet can make an informed decision as to whether to support the motion in the light of the evidence; and

(f) Essex County Council be requested to supply details of any location in the District (and the reasons why) where Essex Police, Essex Fire and Rescue Services, 'First Responders' and the Ambulance Service have requested that the street lights be turned back on in response to an accident or other incidents.

## 100. TRANSFORMING WORKING ARRANGEMENTS

### A.2 Transforming Working Arrangements

Cabinet was aware that Councillors Johnson and Turner had each declared a non-pecuniary interest in the subject matter of this item as detailed in Minute 96 above.

There was submitted a joint report by the Leader of the Council, the Portfolio Holder for Finance and Transformation and the Portfolio Holder for Planning and Corporate Services, which updated Cabinet on measures to transform and modernise working methods including:

1. The progress of the IT investment programme approved by Members a year ago and an outline of the next stages;
2. Progress regarding potential office rationalisation;
3. The potential disposal of the Council Offices at Frinton-on-Sea to facilitate joint local service provision;
4. The evolving staff development programme;
5. Seeking Members' approval to create additional interview rooms and reception space at the Pier Avenue offices;

6. Seeking Members' approval to fund and procure a new electronic Committee Management system and to develop proposals for improvements to IT for Members;
7. Seeking Members' approval for the funding of alterations to The Bungalow at Alexandra Gardens and the purchase of additional equipment to enable the development of new scanning and postal processes to support the whole Council; and
8. Provision of the budget to engage temporary staff to undertake scanning of existing planning and other departmental records.

Having considered and discussed the report and the proposed way forward:

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

- (a) the progress of the IT investment programme and the proposed next stages be noted;
- (b) the progress of consideration of potential office rationalisation, including potential future decisions on the potential disposals of Clay Hall, Westleigh House and the offices at Waddesdon Road be noted;
- (c) in respect of the Cash Office at Frinton:
  - (i) the principle of the disposal of the freehold of the Council House at Frinton, to Frinton and Walton Town Council, for a nominal sum in return for the permanent availability of shared office space for TDC and other partners be approved;
  - (ii) the use of the General Disposal Consent Order to facilitate the disposal at less than the Best Consideration Reasonably Obtainable be authorised;
  - (iii) the determination of the principal terms of the disposal be delegated to the Corporate Director (Corporate Services), in consultation with the Portfolio Holder for Regeneration, Inward Investment and Asset Management; and
  - (iv) the Corporate Director (Corporate Services) be authorised to dispose of the property to Frinton and Walton Town Council on such other terms as he considers appropriate;
- (d) the progress of implementation of the Council's Staff Development activities be noted;
- (e) the expenditure of £30,000 for the alteration of the redundant cash office to increase office, reception and interview facilities and a location for the Community Safety Partnership Hub be approved;
- (f) the expenditure of £15,500 for the procurement of a new Committee Management System be approved;
- (g) the expenditure of £46,500 for the development of new scanning and postal processes and the procurement of alterations to the Bungalow in Alexandria Gardens and equipment be approved;
- (h) a one-off budget of £50,000 for the recruitment of two temporary staff for 18 months to carry out the digitisation of existing records be approved; and
- (i) the one off invest-to-save funding proposed for resolutions (e) to (h) above be met from the 2014/15 Fit for Purpose Budget.

## 101. HOUSEHOLDER PARKING PERMITS

### A.3 Householder Parking Permits

There was submitted a report by the Portfolio Holder for Environment and Coast Protection, which sought Cabinet's approval to extend the current free Tending

householder parking permit scheme, on the same terms and conditions, to 31 March 2016.

Having considered the proposal:

It was accordingly moved by Councillor Turner, seconded by Councillor McWilliams and RESOLVED that:

(a) the current free householder parking permit scheme be extended; on the same terms and conditions of use as the current permit, with an expiry date of 31 March 2016, subject to the provision of funding in the 2015/2016 budget; and

(b) the authority be delegated to Officers, in consultation with the relevant Portfolio Holder, to make all necessary arrangements and incur expenditure to continue the scheme, including the provision and delivery of replacement permits.

102. UPDATED FINANCIAL BASELINE 2015/16 AND DETAILED BUDGET PROPOSALS FOR A REVISED BUDGET 2014/15 AND ORIGINAL BUDGET FOR 2015/16

A.4 Updated Financial Baseline 2015/2016 and detailed Budget Proposals for a revised Budget 2014/2015 and original Budget for 2015/2016

There was submitted a comprehensive report by the Portfolio Holder for Finance and Transformation, which enabled Cabinet to consider the updated Financial Baseline for 2015/2016, together with the detailed budget proposals for a revised budget 2014/2015 and original budget for 2015/2016.

Councillor Goggin thanked the Finance and Procurement Manager (Richard Barrett) and his section for their hard work and dedication in producing the Budget proposals. He also thanked the Corporate Management Committee for their pro-active approach to the budget-setting process.

The Leader of the Labour Group (Councillor I J Henderson) asked for the evidence that had justified the increase in expenditure on an additional PCSO in Clacton-on-Sea particularly in the light of the Cabinet's earlier decision to seek evidence before it would make any decision as to whether to support expenditure on restoring full-night street lighting in the District.

The Leader of the Council (Councillor Page) and the Assistant Leader of the Council (Councillor P B Honeywood) responded by stating that the evidence in respect of crime and the fear of crime had existed and justified the decision and that, in addition, the money spent had been 50% of monies that had been returned to this Council by the Police and Crime Commissioner for Essex (Nick Alston).

Having considered the proposals:

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

(a) the updated Financial Baseline 2015/16 and the detailed budget proposals (including fees and charges), as set out in the Appendices to item A.4 of the Report of the Finance and Transformation Portfolio Holder, be approved;

(b) that the Council Tax for 2015/16 be unchanged from 2014/15;

(c) if the final financial position is more or less advantageous to the Council (from either revised estimates or estimates for 2015/16) then any increase or decrease be adjusted against the Austerity Reserve;

(d) the Corporate Management Committee's comments be requested on the updated Financial Baseline 2015/16 and the detailed budget proposals;

(e) all future expenditure in 2014/15 be in line with the proposed revised budget set out in the aforementioned Appendices, subject to final approval by Council on 10 February 2015, and that the corporate financial system be amended accordingly to reflect those 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, and

(f) the Finance and Transformation Portfolio Holder be authorised to agree the detailed special expenses calculations for 2015/16 for consultation with the Corporate Management Committee.

103. PERFORMANCE REPORT - QUARTER TWO 2014 (JULY 2014 - SEPTEMBER 2014)

There was submitted a report by the Portfolio Holder for Planning and Corporate Services, which presented the Performance Report for Quarter Two (July to September) 2014. The Performance Report contained details of 16 key project areas, as well as 12 performance indicators, detailing business critical areas of the Council's work. The report also contained details of sickness and complaints handling. Of the 28 indicators and projects reported, 24 (86%) were on or above their respective target. There were four (14%) that were currently not in line with the expected performance. Explanations of the performance and the supporting data were included in each topic.

Having considered the report:

It was accordingly moved by Councillor G V Guglielmi, seconded by Councillor Turner and RESOLVED that the contents of the report be noted.

104. REGULATION OF INVESTIGATORY POWERS - UPDATE

There was submitted a report by the Portfolio Holder for Planning and Corporate Services, which sought Cabinet's approval for an updated policy and procedure manual in relation to the Regulation of Investigatory Powers and also sought Cabinet's approval for related delegations to Officers.

Having considered the proposals submitted:

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

(a) the Covert Surveillance Policy and Procedure Manual pursuant to the Regulation of Investigatory Powers Act 2000 (RIPA), as attached as the Appendix to item A.6 of the Report of the Planning and Corporate Services Portfolio Holder, be approved.

(b) the Corporate Director (Corporate Services) be appointed as the Senior Responsible Officer and that the Legal Services Manager be appointed as the RIPA Co-Ordinating Officer.

(c) the Senior Responsible Officer and RIPA Co-Ordinating Officer be authorised to appoint Authorising Officers and Authorising Applicants.

(d) the Senior Responsible Officer be authorised to update the Covert Surveillance Policy for minor and legislative changes.

(e) the delegations to Officers within the Covert Surveillance Policy be incorporated into

Phase Four of the ongoing review of the Council's Constitution.

(f) a further update report be submitted to Cabinet in twelve months' time.

105. INFORMATION GOVERNANCE

There was submitted a report by the Portfolio Holder for Planning and Corporate Services, which provided Cabinet with an update on the work carried out by the Council to improve its arrangements for the management and security of information.

The Cabinet was informed that Information Governance was the term used to draw together all of the arrangements the Council needed to put in place to ensure that the information it held was processed securely and in accordance with the law and also to ensure that it was used in an efficient way to deliver good public services and positive outcomes for the residents of the District. Much progress had been made in drawing together and improving these arrangements which has involved officers from across the Council's services. The key elements were:

- A Policy Group of key officers chaired by the Planning and Corporate Services Portfolio Holder;
- An operational group of officers involved in the various types of work involving information who worked together to ensure the Council's approach was joined up.
- A Corporate Information Security Policy;
- An annual programme of work to ensure the Council met the standards required to connect to the Government Public Services Network (PSN);
- Monitoring and reviewing of policies involving information;
- Extensive training for lead officers and more generalised training for over 50 staff on Data Protection issues;
- Revised and updated arrangements for handling Freedom of Information requests and a full update to the Council's published retention scheme; and
- Active engagement (at an early stage) with the Whole Essex Information Sharing Framework (WEISF) which was led by Essex County Council.

Having considered the submitted update:

It was accordingly moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and RESOLVED that the progress made and the remaining work to be done in relation to the Council's arrangements for Information Governance be noted.

106. FINAL GENERAL FUND REVENUE BUDGET AND CAPITAL PROGRAMME 2015/16

There was submitted a report by the Portfolio Holder for Finance and Transformation (Councillor A Goggin), which sought Cabinet's approval of the final budget proposals for 2015/16 (including Council Tax proposals) for recommendation to Council on 10 February 2015.

Councillor Goggin advised Cabinet that the report provided an updated budget position for 2015/16 against the position reported to Cabinet on 12 December 2014 in that the Government had announced the financial settlement for 2015/16, which provided an additional £27k over the amount estimated and that the significant reductions in grant for 2015/16 had already been announced in 2013 and had been built into the forecast.

Councillor Goggin said that he had now agreed the Council Tax base for 2015/16, which took into account the LCTS decision made at Council on 8 January 2015. He added that, with changes in assumptions and an underlying increase in property numbers, an additional £203k had been built into the Budget for 2015/16. Some other minor adjustments, he said, had also been required and these totalled £7k.

Accordingly, it was proposed by Councillor Goggin, seconded by Councillor Page and RESOLVED that:

1. If the financial position changed prior to Council considering the Budget on 10 February 2015, the Corporate Director (Corporate Services) be authorised to adjust the use of the Council's Austerity Reserve and or the NNDR Resilience Reserve, as required and in consultation with the Portfolio Holder for Finance and Transformation;
2. In consultation with the Leader of the Council and the Portfolio Holder for Finance and Transformation, the Corporate Director (Corporate Services) report directly to Council in respect of the formal draft resolutions necessary to implement the Cabinet's budget proposals, along with any late information or notifications received from the Department for Communities and Local Government etc. as may necessarily affect the Budget;

That, subject to 1 and 2 above, Cabinet RECOMMENDS to COUNCIL that:

(a) Following the consideration of the comments from the Corporate Management Committee, and the responses from the budget consultation activities undertaken, the following final budget proposals be made (based upon a 0% increase in a Band D Council Tax for district services):

(i) That the detailed budgets, as set out at Appendix A to the report, which provided for a Council Tax requirement for 2015/16 of £6.539m (£6.419m for 2014/15) (excluding parish precepts), be approved; and

(ii) That the Council agrees and formally approves:

a. The specific recommendations, calculations and other matters in respect of the Council's requirements, as set out at Appendix C to the report; and

b. The Council tax for this Council's services, as set out at Appendix F to the report.

That, in respect of the recommendations and comments from the Corporate Management Committee, CABINET:

1. Notes the comments in respect of its proactive approach in supporting the Budget and working with other local authorities in delivering services, and Portfolio Holders look forward to working with the Committee to support the Council in continuing to set a balanced budget from 2016/17 and beyond; and

2. Asks Officers to investigate including Special Expenses within the overall budget-setting process rather than as a separate item, albeit with the same approach in calculating special expenses maintained for 2016/17 and beyond.

107. HOUSING REVENUE ACCOUNT BUDGET PROPOSALS - REVISED BUDGET 2014/15 AND ORIGINAL BUDGET 2015/16

There was submitted a joint report by the Portfolio Holders for Housing, Benefits and Revenues (Councillor P B Honeywood) and Finance and Transformation (Councillor A Goggin), which set out and sought Cabinet's approval of:

(a) A revised Housing Revenue Account (HRA) Budget for 2014/15 and original HRA Budget for 2015/16, including the movement in HRA balances;

(b) The level of rents and fees and charges for 2015/16; and



(c) The five-year HRA Capital Programme

Councillor Goggin advised Cabinet that the total rental income forecast for 2015/16 was £13.593m and that the proposed Budget for 2015/16 built on the 30-year HRA Business Plan, which was originally agreed as part of the move to self-financing in 2012. He added that individual budget lines had been reviewed and amended accordingly and that, in terms of the level of rent increase for 2015/16, 2.2% was proposed, which was based upon the Government's guidance.

Councillor Goggin went on to say that the HRA Capital Programme set out £4.4m of investment in 2015/16, which was supported by an annual £1m revenue contribution from the HRA. He added that, in terms of HRA Reserves, these were forecast to total £9.5m by the end of 2015/16 to ensure the Council could continue to provide a sound financial backdrop to investment in the Council's tenants' properties and associated services.

In conclusion, Councillor Goggin said that, after taking account of the budget changes required in 2015/16, there was a net HRA surplus of £170k and it was proposed to set this amount aside to support the HRA Capital Programme, which, in turn, supported the Council's investment commitments in Jaywick.

Accordingly, it was proposed by Councillor Goggin, seconded by Councillor P B Honeywood and RESOLVED that:

1. The 2015/16 Scale of Charges, as set out at Appendix B to the report, be approved;
2. The level of rents for 2015/16, in accordance with the Government's rent-setting guidance of CPI + 1%, which resulted in an increase in the average rent of 2.2%, be approved;
3. Subject to 1 and 2 above, the Housing Revenue Account revised estimates for 2014/15 and original estimates for 2015/16, as set out at Appendix A to the report, along with the HRA Capital Programme and the movement in HRA Balances and Reserves, as set out at Appendices C and D respectively, be approved; and
4. In respect of 2014/15, the corporate financial system be amended accordingly to reflect these changes, along with any amendments arising from revised financial reporting requirements.

108. PROCEDURE FOR DEALING WITH ASSETS OF COMMUNITY VALUE

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Councillor L McWilliams), which sought Cabinet's approval to the Council's internal procedure to comply with the Community Right to Bid, which was introduced by the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, to include determination of whether or not buildings or land nominated by the community were assets of community value, compensation and related matters.

Councillor McWilliams advised Cabinet that this was as a result of legislation, which had been brought in by the Government in 2011 and, as a result, the Council had no choice as to whether or not to implement such a procedure. She said that the Council needed to have in place, a clear procedure in order that any nominations were considered fairly and only against the criteria set within the legislation. There was, she said, little demand locally when the regulations were first made but that there were some cases now and Officers had prepared draft procedures to follow for approval.

Councillor McWilliams highlighted four specific nominations, which were scheduled to be considered later as part of this meeting.

Councillor McWilliams stressed that the regulations did not at any stage, require an owner to sell a property, to sell it to anyone in particular or to offer any discount. She said that the effect of a property being listed was that it gave community groups an opportunity to raise money and to bid for facilities if the owner wished to sell at some point within five years of the listing. She added that owners of listed properties were able to claim compensation if they experienced some loss during a future sale of the property. Councillor McWilliams went on to say that the Council could seek to reclaim the cost of compensation if the total cost of it in any year exceeds £20,000 (whether as a result of one or a multitude of claims). The new requirements, she said, created some risks for the Council and affected owners and communities. It was therefore vital, she said, that any nominations were properly, and fairly, evaluated against the criteria contained within the legislation.

Accordingly, it was proposed by Councillor McWilliams, seconded by Councillor P B Honeywood and RESOLVED that the procedure to administer the Community Right to Bid (Assets of Community Value), as set out at Appendix B to the report, be approved.

109. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: ARDLEIGH HALL LEISURE AND SQUASH CLUB

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Councillor L McWilliams), which invited Cabinet to consider the nomination and determine whether the nominated asset met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and whether it should be added to the List of Assets of Community Value.

Councillor McWilliams advised Cabinet that the asset had been nominated by the local Parish Council and had recently been used for community facilities, as outlined within the nomination. She said that the owner had made no representation in relation to the potential listing and it appeared that the bulk of the buildings remained and could be returned to their former use if the owner, or future owner, chose to do so.

Councillor McWilliams made reference to two letters. One which had been received by Ardleigh Hall LLP, as landowners, requesting that this item be withdrawn from the Agenda to allow more time for the landowners to absorb the views of Officers and to take appropriate advice. The second being the appropriate Officer's response to that letter, which effectively declined to withdraw the matter since the nomination appeared to meet the criteria stated (copies of both letters are attached as Appendix A to these minutes).

In conclusion, Councillor McWilliams said that it seemed clear that the main use of the land or building had furthered the social well-being or social interests of the local community in the recent past and it was realistic to think that this could happen again.

Accordingly, it was proposed by Councillor McWilliams, seconded by Councillor Guglielmi and RESOLVED that the asset met the criteria, as set out at Section 88 of the Localism Act 2011, and that it be added to the List of Assets of Community Value.

110. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: BRUNSWICK HOUSE ALLOTMENTS, MISTLEY

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Councillor L McWilliams), which invited Cabinet to consider the nomination and determine whether the nominated asset met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and whether it should be added to the List of Assets of Community Value.

Councillor McWilliams advised Cabinet that the asset had been nominated by the local Parish Council and had recently been used for community facilities, as outlined within the nomination. She said that the owner had made no representation in relation to the potential listing and it appeared that the land remained and could be returned to its former use if the owner, or future owner, chose to do so.

In conclusion, Councillor McWilliams said that it seemed clear that the main use of the land or building had furthered the social well-being or social interests of the local community in the recent past and it was realistic to think that this could happen again.

Accordingly, it was proposed by Councillor McWilliams, seconded by Councillor Guglielmi and RESOLVED that the asset met the criteria, as set out at Section 88 of the Localism Act 2011, and that it be added to the List of Assets of Community Value.

111. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: TRAFALGAR PUBLIC HOUSE, DOVERCOURT

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Councillor L McWilliams), which invited Cabinet to consider the nomination and determine whether the nominated asset met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and whether it should be added to the List of Assets of Community Value.

Councillor McWilliams advised Cabinet that the asset had been nominated by the local Town Council and was currently used for community facilities, as outlined within the nomination. She said that the owner had made no representation in relation to the potential listing and it appeared that the current main use of the land and building furthered the social well-being or social interests of the local community at present.

Accordingly, it was proposed by Councillor McWilliams, seconded by Councillor Guglielmi and RESOLVED that the asset met the criteria, as set out at Section 88 of the Localism Act 2011, and that it be added to the List of Assets of Community Value.

112. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MERE AT WALTON-ON-THE-NAZE

There was submitted a report by the Portfolio Holder for Well-being and Partnerships (Councillor L McWilliams), which invited Cabinet to consider the nomination and determine whether the nominated asset met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and whether it should be added to the List of Assets of Community Value.

Councillor McWilliams advised Cabinet that the asset had been nominated by a local group, which although the group did not appear to have any formal rules or constitution, Officers advised that it met the criteria necessary to make a nomination. She said that the landowner had made a representation opposing the potential listing of the land, which was once used as a boating lake and that this may have provided some community benefit, however, this use ceased almost 40 years ago and the land was now unused.

Councillor McWilliams said that the nominator argued that the use of the land provided community benefit but it seemed clear that the land was in fact disused. She said that the provision of visual amenity through disuse did not constitute an actual use and, therefore, the land was not presently used to provide a community benefit and had not been so used in the recent past.

Accordingly, it was proposed by Councillor McWilliams, seconded by Councillor Turner and RESOLVED that the asset did not meet the criteria, as set out at Section 88 of the

Localism Act 2011, and that it not be added to the List of Assets of Community Value.

113. MANAGEMENT TEAM ITEMS

There were no items received from the Council's Management Team.

114. DATE AND TIME OF NEXT SCHEDULED MEETING

The Leader of the Council informed Members that the next scheduled meeting of the Cabinet would take place on Friday 27 February 2015 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

115. APPENDIX TO MINUTES (TO ITEM A.9)

Chairman