

CABINET24 APRIL 2015

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

Also Present:- Group Leaders Present by Invitation:

Councillors J A Broderick (Holland Residents Group), M J Talbot (Independent Group) and I Johnson (Deputy Leader - Tendring First Group)

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Public Experience) (June Clare), Corporate Director (Life Opportunities) (Paul Price), Finance and Procurement Manager (Richard Barrett), Democratic Services Manager (Colin Sweeney), Communications Manager (Nigel Brown), Management and Members' Support Manager (Karen Neath), Assets Manager (Andy White) and Democratic Services Officer (Janey Nice)

(10.30 a.m. - 11.12 a.m.)

150. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), I J Henderson (Leader of the Labour Group), H A Shearing (Leader of the Liberal Democrat Group) and M J D Skeels (Leader of the UK Independence Group).

151. MINUTES OF THE LAST MEETING HELD ON FRIDAY 13 MARCH 2015

The minutes of the last meeting of the Cabinet, held on 13 March 2015, were approved as a correct record and signed by the Chairman.

152. DECLARATIONS OF INTERESTS

There were none on this occasion.

153. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Acquisition of Land at Jaywick

With reference to Minute No.135 (Announcements by Leader of the Council) to the meeting of the Cabinet held on 13 March 2015, the Leader of the Council confirmed that a significant purchase had been made by the Council (Sun Spot Amusement Arcade) and that all other targeted acquisitions would be completed shortly to enable the Council to move forward with its redevelopment proposals for Jaywick.

154. ANNOUNCEMENTS BY CABINET MEMBERS

(i) Portfolio Holder for Environment and Coast Protection

RSPCA

Councillor Turner (Deputy Leader of the Council and Portfolio Holder for the Environment and Coast Protection) advised Cabinet that he had spoken with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) with a view to writing an article for its magazine on the good working relationship between the RSPCA and the Council. Councillor Turner was delighted to announce that, hitherto, the Council had won two of the Association's gold medals and one bronze medal.

Staff, Recognition and Achievements

Councillor Turner expressed his gratitude to the Council's Chief Executive and his Management Team for their extremely hard work, without which, his department would not have secured, amongst other things, four (soon to be five) blue flags in recognition of the Council's well maintained seafronts and the three green flags it had been awarded with regard to its crematoria provision. Councillor Turner said it had been both a privilege and a pleasure to have served on the Council during this time.

(ii) Portfolio Holder for Culture, Tourism, Leisure and Events

Dovercourt Bay Lifestyles

Councillor Platt (Portfolio Holder for Culture, Tourism, Leisure and Events) was delighted to announce that gym induction and visitor numbers to the newly-refurbished Dovercourt Bay Lifestyles had increased significantly. He added that the Council's new leisure voucher had been well-received with some 960 residents having taken up the promotion until now.

Princes Theatre, Clacton-on-Sea

Councillor Platt was delighted to announce that new carpets and curtains had been acquired, which had enhanced the experience for customers visiting the Theatre. Councillor Platt was particularly pleased to announce that approximately £23,000 income had been received over the last two weeks and thanked all of the staff concerned for making the Theatre an enjoyable place to visit.

(iii) Portfolio Holder for Well-being and Partnerships

Councillor McWilliams was pleased to announce that she had met with Jeremy Hunt MP, Secretary of State for Health, at a recent meeting with the Chief Executive of CAB Tending, Linda Isaac, at which they visited a club formed for patrons suffering from mental health issues.

155. PETITION: "PUBS MATTER" CAMPAIGN

A.1 - Petition: "Pubs Matter" Campaign

With reference to Minute No.122 (Petitions to Council) of the meeting of the Council held on 24 March 2015, there was submitted a report, which placed before Cabinet, a petition reported at that meeting of the Council. The receipt of the petition had been verbally reported by the Chief Executive at that time, which had been submitted by Barrie Coker, Pub Preservation Officer, Tending Campaign for Real Ale (CAMRA). The petition had been signed by 50 residents of the District and stated:

"Weak planning laws in England are failing to protect pubs, current law means pubs can be demolished or converted into other uses without planning permission.

We have signed this petition in the hope that Tendring District Council use the “Sustainable Communities Act” to submit the following to Government:

“That the Government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets or other uses, or are allowed to be demolished.”

In an accompanying email with the Petition, Mr Coker had stated that Colchester Borough Council, Norfolk County Council and Norwich City Council had already supported this campaign.

It was reported that, in January 2015, the Government had announced its intention to introduce legislation, which would mean that planning permission would be required to change the use of, or demolish, Assets of Community Value (ACV) listed pubs.

It was further reported that in February 2015, the Communities and Local Government Select Committee had called on the Government to strengthen ACV planning laws further and had suggested changes increasing the moratorium on the sale of an ACV pub from six to nine months; introducing a right of appeal against a Council’s decision not to list an asset; and preventing an ACV to be sold as a going concern when a purchaser did not intend to retain the current use of the building.

The Cabinet was informed that, in late March 2015, and around the date the Petition had been received, the Government had presented its response to the Communities and Local Government Select Committee to Parliament and had rejected those recommendations, but had added that: “it is committed to reviewing the effectiveness of ACV legislation and would welcome evidence from community groups and asset owners demonstrating the need to make broader changes”.

In addition, on 24 March 2015, the Town and Country Planning (General Permitted Development) (England) Order 2015, had been laid before Parliament, which introduced new legislation meaning that planning permission would be required to change the use of, or demolish, a pub, which had been listed as an Asset of Community Value under the Localism Act 2011. That Order had come into force on 15 April 2015.

Therefore, it was the Officers’ advice that, through recent developments, the aims of the Petition had been substantially achieved by changes in legislation requiring planning permission for those assets, which the community wished to protect and had been registered as an ACV.

Cabinet received details of an email from Mr Coker since the agenda had been published, which offered the support of Tendring CAMRA to an application to list the Cross Inn as an asset of community value.

Having considered the Petition, the information provided and the advice of the Officers, it was moved by Councillor Turner, seconded by Councillor Page and RESOLVED that, following consideration of the Petition and noting the recent changes in legislation, no further action be taken.

156. COMPULSORY LICENSING OF PRIVATE LANDLORDS

A.2 - Compulsory Licensing of Landlords

With reference to Minute No.40 (Compulsory Licensing of Private Landlords) of the meeting of the SDDC, held on 2 March 2015, there was submitted a report, which informed Cabinet that, at that meeting, the SDDC had received a presentation from the Council’s

Environmental Health Team Leader, which informed the Committee that 12% (7,883) of the District's housing stock was made up of private, rented homes with 7.4% (584) of the private stock being Houses of Multiple Occupation (HMO's), which included self-contained flat conversions, shared houses and low risk Category 'A' HMO's. In addition, 36 properties were licensed under Part 2 of the Housing Act 2004, as part of the mandatory licensing scheme. The Committee had been further informed that the Housing Act 2004 had introduced the following three licensing options to local authorities:

1. Mandatory Licensing, which applied to HMO's that met the following criteria:
 - Had five or more unrelated households;
 - Over three or more storeys in height;
 - Shared one or more basic amenity (kitchen or bathroom);
 - Open Register;
 - Cost of licence was £585.00 for five years, then £290 on renewal;
 - Inspect property within five years and issue a licence, which may include necessary remedial works to remove Category 1 hazards as licence conditions;
 - Failure to comply with conditions would lead to enforcement action or revocation of licence; and
 - Licence holder must be a fit and proper person.
2. Additional Licensing of HMO's:
 - Needed to be a significant proportion of HMO's being managed ineffectively;
 - Consultation required;
 - Mandatory licensing covered the most problematic HMO's as lots of conversions were done in the 1970's and 80's, which did not follow building control regulations and the Council had to make sure those flats were up to standard; and
 - Issues were being tackled through Antisocial Behaviour (ASB) Task Group and licence conditions.
3. Selective Licensing – Part 3 of the Act – this was usually for domestic or private landlords and required applying to the Secretary of State:
 - Must be designated as an area of low housing demand;
 - Must improve social and economic conditions solely or with other organisations;
 - Significant or persistent Antisocial Behaviour;
 - Failing Landlords;
 - All of the above must be eliminated;
 - Must link in with the Council's Housing Strategy;
 - This also needed a coordinated approach with the Council's Homelessness Team;
 - Must fit in with the Council's Empty Homes Strategy and its ASB Policy; and
 - Only consider selective licensing if the Council had exhausted all other enforcement avenues or solutions; e.g. landlord accreditation (ELAS).

The Committee was informed that Tendring District Council currently only carried Mandatory Licensing and that, in relation to Selective Licensing, Landlords felt there was too much regulation, which forced them out of the private renting sector. It was noted that home owners in the designated areas were complaining that licensing reduced house prices, whilst tenants feared increases to rents, fuel poverty and deprivation. The Committee was also advised that there was evidence of some Banks being unwilling to give buy-to-let mortgages in areas where selective licensing had been adopted, however, NatWest Bank had been named as a main provider with other Banks giving due consideration.

The Committee had noted that Licensing in the Private Sector should only cover costs incurred by the Council (the licence – but did not include set-up costs, consultation and

enforcement) and be not for profit.

In conclusion, Officers had advised the Committee that they did not think Private Sector Licensing would be of any benefit to this District at the moment and that all other avenues of enforcement needed to be exhausted first.

The SDDC had commented to Cabinet that the Committee:

“(a) Expressed its satisfaction with the work that was being done, particularly with regard to meeting with landlords to encourage improvements to their properties, where such improvement was required; and

(b) Urge Cabinet to give its full support to this work, in order that the excellent work, being carried out could continue.”

Having considered the comments of the SDDC and the information provided, it was moved by Councillor Honeywood, seconded by Councillor Turner and RESOLVED that the satisfaction of the SDDC with the work being done, particularly with regard to meeting with landlords to encourage improvements to their properties, where such improvement was required, be noted and that Cabinet gives its support to the continuation of this work.

157. TENDRING LOCALITY BOARD - UPDATE

A.3 - Tendring Locality Board - Update

With reference to Minute No.62 (Presentation by the Chairman of the Tendring Locality Board) of the meeting of CLAP, held on 30 March 2015, there was submitted a report, which informed Cabinet that, at that meeting, CLAP had received a presentation from the Council's Executive Projects Manager, which provided an update on the work of the Tendring Locality Board (TLB). It was reported that, since it was established in September 2011, TLB had met on 17 occasions, that meetings were no longer held in private and that these were now open to allow the public to attend and to raise questions. It was noted that Agendas and minutes of meetings were published on TDC's website.

The Committee had been advised that TLB, whilst not a formal decision-making body, provided a democratically accountable hub for partnership activity and served to provide support, influence and constructive challenge, particularly in relation to TLB's key focus areas of:

- Improving skills and educational attainment;
- Supporting better infrastructure and roads; and
- Improving health outcomes

Specifically, TLB had considered a range of supporting subjects, which included:

- Public service reform
- Family solutions
- Educational attainment in Tendring District Council
- Contribution made by the Highways Panel
- Economic Growth Strategy (Local Enterprise Areas)

Arising from such considerations, outcomes had included:

- A drive for improved road and rail links around the District
- Shaping the thinking of an enterprise area
- Improved engagement with partners for joint working Providing a strategic focus to improving skills and educational attainment

In conclusion, it had been reported that, since TLB had no dedicated budget, nor decision-making powers, it would continue to strive to influence and steer decisions taken by its partners.

CLAP had broadly welcomed the presentation and raised specific questions in relation to:

- The reputation of Essex County Council (ECC) amongst Tendring residents, despite the good work of TLB;
- The composition of the Board (e.g. consideration be given to the inclusion of TDC's opposition Group Leaders);
- Whether there was a committee at ECC, which scrutinised the work of TLB;
- Raising the profile of and promoting the work of TLB amongst the public;
- Using TLB's influence to work better with key partners including Councillors from neighbouring Districts when cross-boundary issues arose.

CLAP had recommended to Cabinet that:

- (a) It considers the membership of TLB and whether it would wish to review this; and
- (b) In order to raise awareness of TLB, its function and business, a session be included within Member Induction and Training and, in particular, new Member training.

Having considered the recommendation of CLAP and the information provided, it was moved by Councillor Page, seconded by Councillor Platt and RESOLVED that:

- (a) The membership of Tendring Locality Board be not reviewed as it was for Essex County Council to determine the membership of the Board; and
- (b) A session on Tendring Locality Board be included within Member Induction and Training and, in particular, new Member training.

158. PROPOSED DEVELOPMENT AND REFURBISHMENT OF FRINTON AND WALTON SWIMMING POOL

A.4 - Proposed Development and Refurbishment of Frinton and Walton Swimming Pool

There was submitted a joint report by the Leader of the Council and Regeneration, Inward Investment and Asset Management Portfolio Holder and the Portfolio Holder for Tourism, Culture, Leisure and Events which sought Cabinet's agreement to increase the budget for the refurbishment of Frinton and Walton Swimming Pool by £200,000 in order to ensure the facility achieved the same high standard of finish as Dovercourt Bay Lifestyles and continued the Council's 'invest to save' strategy to reduce revenue expenditure over time.

It was reported that, following Cabinet's decision to progress with the refurbishment of Frinton and Walton Swimming Pool and to set aside a budget of £600,000 for the works, a procurement process had been undertaken and six proposals had been received from contractors. After evaluating the submissions and in order to achieve a standard of finish equal to the recently refurbished Dovercourt Bay Lifestyles, an additional £200,000 was required to proceed with the lowest quote and to ensure the scheme met the Council's aspirations.

Cabinet was advised that the increased cost was due to the consequence of adverse ground conditions, additional mechanical and electrical costs and the need to provide temporary reception and changing facilities in order to ensure the facility remained open throughout the construction phase. The scheme would include a refurbishment of the changing facilities and would provide for the provision of a flexible space within the

redevelopment, which would enable the Council to maximise the potential for delivering sustainable activities at the facility for years to come. Based on the high level of positive feedback from the recently refurbished Dovercourt Bay facility, and the increase in visitor numbers as well as increased revenue return, it was therefore proposed that a similar offer be provided at Frinton and Walton Pool, as it was anticipated that demand would be of a similar, if not, higher level at this facility.

Having discussed the report and the advice contained therein, it was proposed by Councillor Page, seconded by Councillor Platt and RESOLVED that:

- (a) the proposed works at Frinton and Walton Pool, based on the tender returns and Tendring District Council financial rules, be approved; and
- (b) the virement of up to £200,000 from the 2014/15 Fit for Purpose Budget be approved, with any capital funds not used for the development of the site to be returned to that Budget.

159. TREASURY MANAGEMENT PRACTICES – RATINGS AND OTHER CHANGES

A.5 Treasury Management Practices – Ratings and Other Changes

There was submitted a report by the Portfolio Holder for Finance and Transformation, which sought Cabinet's agreement to changes to Treasury Management Practices (TMP's), primarily as a result of the way two credit rating agencies assessed risk relating to support for banks.

Cabinet was reminded that the Council used credit ratings from all three rating agencies, namely Fitch, Moodys and Standard and Poors, as part of the risk based approach taken to determine where to place the Council's investments.

It was reported that Fitch and Moodys were changing their approach to providing ratings, to remove the implied level of sovereign support that had been built into their ratings through the financial crisis. This did not, however, reflect any changes in the underlying status of an institution. The result of that change in approach had led to the Council's Treasury Advisors advice to focus the monitoring of ratings on purely the Long Term and Short Term ratings and to no longer include the Viability and Support (Fitch) and Financial Strength (Moody's) ratings. Therefore, it was proposed that the credit checking element of the Council's approach to where it placed investments would focus on the Short and Long Term ratings of an institution. Rating Watch and Outlook information would also continue to support the assessment where it related to those categories. This had an impact on the Council's counterparty list and meant that a number of institutions would be added, although the underlying acceptable minimum credit rating requirements set out in the wider TMP's would remain unchanged.

It was further reported that the opportunity to provide a general update to the TMP's had also been taken with changes such as job titles and references to the Council's current account bankers being reflected in the revised document.

Having discussed the report and the advice contained therein, it was proposed by Councillor Goggin, seconded by Councillor Page and RESOLVED that:

- (a) the proposed change in use of ratings, driven by the changes from the ratings agencies with only the short-term and long-term ratings from the three rating agencies used when determining the credit risk associated with the Council's investment decisions, be approved; and
- (b) the revised Treasury Management Practices, as detailed at Appendix A to the

report, which also included a number of general changes to reflect the most up-to-date information, be approved.

The Leader of the Council requested that the minutes of the meeting record his appreciation and thanks to the Council's Finance Procurement Manager (Richard Barrett) and his team for the hard work undertaken.

160. NEW LEASE FOR LAND ADJACENT TO NAVIGATOR HOUSE, BARRACK LANE, HARWICH

A.6 - New Lease for Land adjacent to Navigator House, Barrack Lane, Harwich

There was submitted a report by the Portfolio Holder for Regeneration, Inward Investment and Asset Management, which sought Cabinet's approval, in principle, to grant a new lease of a small piece of land adjacent to Navigator House, Barrack Lane, Harwich to the 4th Dovercourt Sea Scouts.

It was reported that the Council was the freehold owner of the land at Barrack Lane, Harwich, which surrounded and included the site of the Sea Scouts Headquarters, Navigator House.

Cabinet was informed that the Sea Scouts would like to construct a garage and compound, in which to keep their new minibus, on the land. The land was not currently developed but it was not public open space and, if approved, potential terms for a proposed lease would be considered in Part B of the Agenda.

The report stated that the grant of a new lease would contribute to the activities of the Sea Scouts and, therefore, to the following Council priorities to:

- Promote healthy and active lifestyles
- Regenerate the District and improve deprived areas.
- Protect and enhance our environment, countryside and coast.

Accordingly, it was proposed by Councillor Page, seconded by Councillor Platt and RESOLVED that subject to Cabinet's further decision on terms later in this meeting, the granting of a new lease of the land adjacent to Navigator House, Barrack Lane, Harwich to the 4th Dovercourt Sea Scouts, be authorised.

161. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE CROSS INN, PUBLIC HOUSE, GREAT BROMLEY

A.7 - Determination of a Nomination to Register an Asset of Community Value: The Cross Inn Public House, Great Bromley

There was submitted a report by the Portfolio Holder for Well-being and Partnerships, which sought Cabinet's determination whether The Cross Inn Public House, Great Bromley met the criteria to be an Asset of Community Value, as set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, following its nomination by Great Bromley Parish Council.

Cabinet was advised that Officers, having considered the nomination against the statutory criteria, felt that The Cross Inn Public House did meet the criteria set out in Section 88 of the Localism Act 2011 and should therefore be listed as an Asset of Community Value.

Having considered the matter, it was proposed by Councillor McWilliams, seconded by Councillor Turner and RESOLVED that The Cross Inn Public House, Great Bromley met the criteria set out in Section 88 of the Localism Act 2011 and that it be added to the list of

Assets of Community Value.

162. MANAGEMENT TEAM ITEMS

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

The Leader of the Council requested that the minutes of the meeting recorded his appreciation and thanks to the Council's Chief Executive and the Council's staff for the hard work undertaken in managing the business of the Council.

163. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

164. TERMS FOR A NEW LEASE FOR LAND ADJACENT TO NAVIGATOR HOUSE, BARRACK LANE, HARWICH

RESOLVED that:

(a) Following Cabinet's approval, in principle, to the granting a new lease of land adjacent to Navigator House, Barrack Lane, Harwich, as set out in the Part A report on this agenda, the terms for a leasehold disposal to the 4th Dovercourt Sea Scouts, as attached at Appendix A to item B.1 of the Report of the Regeneration, Inward Investment and Asset Management Portfolio Holder, be approved; and

(b) The Corporate Director (Corporate Services) be authorised to enter into a contract to dispose of the site, on terms set out and on such other terms and conditions that he considered appropriate.

165. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, as there was to be no discussion and consequently no need to exclude the press and public (1) the exempt minutes of the meeting of the Cabinet held on 13 March 2015 were approved as a correct record and signed by the Chairman; and (2) the recommendations contained within Report B.1 were agreed as these appear in Minute No.163.

166. 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 12 June at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea, Essex

Chairman