

CABINET4 SEPTEMBER 2015

Present:- Councillor G V Guglielmi (Asset Management and Corporate Services/Deputy Leader of the Council)!Councillor P B Honeywood (Housing)!Councillor T A Howard (Finance and Transformation)!Councillor M J Hughes (Revenues and Benefits)!Councillor L A McWilliams (Well-being and Partnerships)!Councillor M J D Skeels (Leisure)!Councillor N R Stock (Leader of the Council/Planning)!Councillor M J Talbot (Environment)!Councillor N W Turner (Coastal Protection)!Councillor G F Watling (Regeneration)

Also Present:- Councillor R E Raby

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager and Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Management and Members' Support Manager (Karen Neath), Assets Manager (Andy White), Senior Democratic Services Officer (Ian Ford), Research and Projects Officer (Elizabeth Ridout) and Democratic Services Officer (Janey Nice)

Also in Attendance:- Councillors J A Broderick (Leader of Holland Residents' Group), I J Henderson (Leader of the Labour Group) and M E Stephenson (Leader of the UKIP Group)

(10.32 a.m. - 11.43 a.m.)

32.. APOLOGIES FOR ABSENCE

There were none on this occasion.

33. MINUTES OF THE LAST MEETING HELD ON FRIDAY 24 JULY 2015

The minutes of the last meeting of the Cabinet, held on 24 July 2015, were approved as a correct record and signed by the Chairman.

34. DECLARATIONS OF INTEREST

Councillor Guglielmi declared a non-pecuniary interest in respect of items A.4 and B.1 – Application for Community Asset Transfer: Riverview Playing Fields, Lawford, insofar as he was a member of Lawford Parish Council.

Councillor Howard declared a non-pecuniary interest in respect of item A.8 – Determination of a Nomination to Register an Asset of Community Value: The Maybush Inn, Farm Road, Great Oakley, insofar as he was the Ward Member.

Councillor Stephenson declared a non-pecuniary interest in relation to items A.5 and B.2 – Terms for a new lease of Albert Edward Hall Community Centre, Legerton Drive, Clacton-on-Sea, insofar as he personally knew members of the local Residents' Association.

35. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Devolution

The Leader of the Council (Councillor Stock) read out the following statement:

“As Members will be aware discussions around Devolution across Greater Essex have

been ongoing. A letter is going out today to Government which reinforces Greater Essex's commitment to be part of this programme and sets out the broader ambition for Greater Essex devolution. I will arrange for a copy of the letter to be circulated to all Members.

As you will see from the letter, engagement is now being sought with civil servants to enable a formal Greater Essex bid to be drafted in time to be considered as part of the next Spending Review. This means submitting a bid by 23 October 2015. We are proposing to include this on the Cabinet agenda for 25 September 2015 so that this can formally be considered by this Council to meet the October deadline."

In response to points made by Councillor Henderson, Councillor Stock undertook to ask Officers to arrange, as soon as practicable, an all-Member briefing on this subject to which an appropriate representative from the Local Government Association would be invited to attend.

36. ANNOUNCEMENTS BY CABINET MEMBERS

Sea Defence Works

The Coastal Protection Portfolio Holder (Councillor Turner) informed Cabinet that, as of 1 September 2015, the last sand and gravel had been discharged onto the new beaches and that there would now be a 2-3 week period of "tidying up" and "making good" which would include the completion of concrete works and railings and the installation of navigation markers at the end of the rock groyne.

Women's Cycle Tour June 2015

The Leisure Portfolio Holder (Councillor Skeels) informed Cabinet that, on 3 September 2015, he had attended a debrief with the organisers of the Women's Cycle Tour with particular reference to Stage 2 Braintree to Clacton-on-Sea. He fed back the following points:

- 354,000 people had watched the highlights on ITV4;
- A million plus hits on the Tour website;
- 60,000 people had watched the Stage;
- 61% of spectators had come from outside Essex;
- 95% of spectators had said they had enjoyed the experience;
- 74% had stated that were inspired to cycle more often; and
- £265,750 was the estimated economic impact on Tendring.

Councillor Broderick advocated that the Council engaged with Sustrans to improve the dedicated seafront cycle route between Clacton-on-Sea and Frinton-on-Sea.

37. EFFICIENCY SAVINGS AND INCOME GENERATION - OUTCOMES FROM INFORMAL WORKSHOPS

A.1 EFFICIENCY SAVINGS AND INCOME GENERATION – OUTCOMES FROM INFORMAL WORKSHOPS

Cabinet considered a comment made by the Corporate Management Committee on the financial position of the Council at its meeting held on 17 July 2015. At that meeting that Committee had received a presentation by the Council's Finance and Procurement Manager, which sought to explain the financial position of the Council, whilst looking at ways to make future savings.

Members had been advised that, since 2011/12, the Council had had its budget reduced by £10,000,000 and that the current net budget for the Council was £14,835,000, of which

£3,600,000 was funded by a Government grant. It was reported that this figure was likely to be further reduced in future years and the Council therefore needed to look at how it delivered the services it provided in order to find the necessary savings.

Members had then been informed of six areas of interest, which had been identified at previously held informal Member workshops, which could help the Council in achieving its savings targets. Those were the Transformation Agenda, Office Rationalisation, bringing contracts in-house, Channel Shift, Shared Services and to grow the beach economy. It was hoped that the Committee would consider those and look at how much savings or income could potentially be generated as a result.

The Council's Assets Manager had then delivered a presentation on the potential to use one-off Council funding to increase its commercial property, whereby the Council could purchase commercial property and lease this to a tenant.

It had also been explained that whilst there was no such thing as a completely safe investment, the Council could be active and diligent in order to minimise risk. Members were also advised that the Council would first need to establish the key criteria for any purchases and it had been suggested that the Council look at a variety of smaller properties in order to spread the risk.

Members had then asked questions with regard to which types of property the Council might wish to purchase and whether it would have the necessary resources; would the Council get better returns if it invested outside of the District; and would the scheme use all of the Council's one-off money.

The Committee had then agreed to make the following comment to the Cabinet: that following the presentations provided, the Committee wished to proactively take the following ideas forward on behalf of the Council and via the Democratic Services Manager identify a lead Committee Member for each of the projects:

- Transformation Agenda
- Office Rationalisation
- Bringing contracts in-house
- Channel Shift
- Shared Services
- Growing the beach economy
- Investing in Commercial Property

Having considered the comment of the Corporate Management Committee:

It was proposed by Councillor Howard, seconded by Councillor Guglielmi and RESOLVED that

(a) The enthusiasm and support of the Corporate Management Committee in reviewing the Council's financial position be welcomed; and

(b) The lead Committee Member for each of the seven identified areas be requested to work with the relevant Portfolio Holder to take forward these projects.

38. INFANT CREMATIONS AND CREMATOR TECHNICIAN TRAINING AT WEELEY CREMATORIUM

A.2 INFANT CREMATIONS AND CREMATOR TECHNICIAN TRAINING AT WEELEY CREMATORIUM

Cabinet considered a comment made by the Service Development and Delivery Committee

on infant cremations and cremator technician training at Weeley Crematorium at its meeting held on 27 July 2015. At that meeting that Committee had considered a report by the Corporate Director (Public Experience), which had advised the Committee of the Council's procedures in respect of infant cremations and cremator technician training at the Weeley Crematorium.

The Council's Open Space and Bereavement Services Manager had then explained to the Committee that the report aimed to provide reassurance to Members, following recent national events, where parents of deceased infants had campaigned for a national investigation into the lack of ashes being returned to them following a cremation of their deceased children. He detailed the process involved in carrying out cremations and explained that the Council's procedures had been in place for many years. It was stressed that the Council was currently meeting the required standards imposed by the Institute of Cemetery and Crematorium Management (ICCM).

Finally, Members had been reassured that, in line with the new additional cremators currently being installed, thorough training would be provided for operators.

The Committee had then agreed to make the following comment to the Cabinet: that it was delighted with the detailed report provided and that it was reassured and confident that the Council was meeting the standards required.

Having considered the comment of the Service Development and Delivery Committee:

It was proposed by Councillor Talbot, seconded by Councillor Turner and RESOLVED that the support of the Service Development and Delivery Committee for, and its confidence in, the actions being taken be welcomed.

39. UPDATE ON DOG-FOULING ENFORCEMENT

A.3 UPDATE ON DOG FOULING ENFORCEMENT

Cabinet considered recommendations made by the Service Development and Delivery Committee on dog fouling enforcement at its meeting held on 27 July 2015. At that meeting that Committee had received a presentation by the Council's Street Scene Officer, in respect of the Council's dog-fouling enforcement processes.

Members had been advised that the Council had two designated dog wardens that covered the Tendring area and that they (and other authorised officers) could issue fixed penalty notices to any dog-fouling or littering offenders.

The Committee had also been advised that, since September 2014, five dog fouling notices and 39 duty for care notices had been issued (there had been no litter notices issued). Whilst the numbers appeared low, this was because it was difficult to detect when an offence was being carried out and it was stressed that residents had a key role in helping the Council to catch offenders and that the Council would continue to urge them to contact the Street Scene team if they had any evidence to suggest dog-fouling had occurred.

Members had also been informed that the Street Scene Team had worked on a number of initiatives to prevent dog-fouling, including high profile public events such as 'Tidy Tendring', a series of seafront patrols and the upgrade of litter bins along the seafront.

Members had then raised questions in respect of the provision of new additional bins and whether this would go some way in resolving the issue, particularly in areas where repeat offending occurred and information on the current situation of signage for play areas within the District.

The Chairman had also requested that, at a future meeting of the Committee, early in 2016, the issue of the Council's football pitches in relation to dog-fouling be discussed.

The Committee had then agreed to make the following recommendations to the Cabinet that:

- a) The Council review the bins and signage along the lower promenade from Kings Cliff to Holland-on-Sea;
- b) The Council adopts a similar review of the Walton seafront between Walton Pier and Holland Haven;
- c) Dog control by-laws be extended to all play areas and football pitches that were fenced areas in the District;
- d) The Council encourage the wider public to help with the problem of dog-fouling and to take responsibility for their antisocial behaviour;
- e) The Council look to reprise the previous scheme whereby Police Community Support Officers (PCSO) had the ability to issue notices; and
- f) Member involvement with local GP Surgeries on the dangers of dog fouling, be encouraged.

Councillors Henderson and Stephenson raised their concerns in respect of dog fouling on unfenced play areas and the lack of Police resources to combat dog fouling.

Councillor Broderick advocated an anti-dog fouling poster competition in schools in order to engage young people on this issue. The Leader agreed that this was an excellent idea and encouraged her to engage further on this matter with the Environment Portfolio Holder.

Having considered the recommendations of the Service Development and Delivery Committee:

It was proposed by Councillor Talbot, seconded by Councillor Turner and RESOLVED that

- (a) Cabinet notes that a review for reporting back of the signage and the provision of bins along the lower promenade from Kings Cliff to Holland-on-Sea and between Walton Pier and Holland Haven is already in hand as part of an overall examination of provision;
- (b) Cabinet requests a report on the extension of the 'Fouling of Land by Dogs Order' to include all fenced play areas, football pitches etc. but taking into account that the Anti-Social Behaviour, Crime and Policing Act 2014 encompasses dog fouling provisions, Cabinet acknowledges that it may be that this legislation will prove the best way forward.

Cabinet reminds the Service Development and Delivery Committee that signs alone do not solve the problem; it is the ability of those responsible to 'police' dog fouling incidents.

Cabinet also looks to use the Council's communication systems to remind residents and visitors that allowing their dog to foul a public area is both an offence and an extremely anti-social act bearing in mind that *Toxocara T. canis*, contracted from dog faeces, can lead to blindness in young people;

- (c) Cabinet consults with the local Police to seek a restoration of the previous scheme whereby Police Community Street Officers had the ability to, inter alia, issue dog fouling notices.

40. APPLICATION FOR COMMUNITY ASSET TRANSFER: RIVERVIEW PLAYING FIELDS AT LAWFORD

A.4 APPLICATION FOR COMMUNITY ASSET TRANSFER: RIVERVIEW PLAYING FIELDS AT LAWFORD

Councillor Guglielmi declared a non-pecuniary interest in respect of this item insofar as he was a member of Lawford parish Council and he withdrew from the meeting during the consideration thereof and the voting thereon.

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which sought Cabinet's decision in respect of an application made by Lawford Parish Council for the transfer of the ownership of the playing fields at Riverview, Lawford.

It was reported that Lawford Parish Council currently had a lease for the playing fields which had started in 1992 and which had passed its contractual end date in August 2013. Since 2013 the lease had continued in force under the provisions of Part II of the Landlord and Tenant Act 1954.

Cabinet was made aware that terms for the renewal of the lease had been proposed but, after an initial acceptance, the Parish Council had declined to accept the proposed increase in rent. The Parish Council had subsequently applied for the transfer of the freehold of the land under the Council's Community Asset Transfer Policy in order to enable them to have certainty going forward and to apply for grant funding.

Cabinet was advised that, in the opinion of Officers, the Parish Council's proposal was not strong enough to warrant the transfer of the freehold but that a long lease of the land could be justified. Potential terms for such a lease were proposed in item B.1 of the Report of the Portfolio Holder for Asset Management and Corporate Services.

Having considered Lawford Parish Council's request and the advice and information provided by the Officers:

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

(a) Lawford Parish Council's application for the transfer of the freehold of the River Playing Fields, Lawford be not granted; and

(b) Subject to the decision to be taken later in the meeting as to terms, a new lease of the land be approved in principle.

41. TERMS FOR A NEW LEASE OF ALBERT EDWARD HALL, LEGERTON DRIVE, CLACTON-ON-SEA

A.5 NEW LEASE OF ALBERT EDWARD HALL, LEGERTON DRIVE, CLACTON-ON-SEA

Councillor Stephenson declared a non-pecuniary interest in relation to this item insofar as he personally knew members of the local Residents' Association.

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which sought Cabinet's decision in respect of the proposed lease of Albert Edward Hall, Legerton Drive, Clacton-on-Sea.

It was reported that the Council would shortly become the freehold owner of a new community centre and associated open space created under a Section 106 Legal Agreement associated with adjoining residential development. The building was currently under construction and was due to be completed at the end of September 2015. It would

then be transferred to the Council for nil consideration.

Cabinet was advised that the local Residents' Association had formed a company with the aim of taking responsibility for the community centre. The Company also aimed to take on charitable status. Officers were proposing that a lease to the company and ultimately to the charity be granted in order to secure the effective running of the centre. The terms of the proposed lease would include a stepped rent that supported the company in the short term and would be comparable with tenants under the Community Rent Offsetting Scheme thereafter. The full potential terms for such a lease were set out in item B.2 of the Report of the Portfolio Holder for Asset Management and Corporate Services.

Having considered the matter and the advice and information provided by the Officers:

It was moved by Councillor Stock, seconded by Councillor Turner and RESOLVED that, subject to the decision to be taken later in the meetings as to terms, a new lease of the community centre be approved in principle.

42. PERFORMANCE REPORT - QUARTER ONE 2015 (APRIL 2015 - JUNE 2015)

A.6 PERFORMANCE REPORT – QUARTER ONE 2015 (APRIL – JUNE 2015)

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services which presented the performance report for Quarter One April – June 2015.

It was reported that Appendix A to the report contained details of 18 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, complaints handling and the number of approved surveillances.

Cabinet was made aware that of the 30 indicators and projects reported, 27 (90%) were on, or above, their expected target. There were 3 (10%) that were currently not in line with the expected performance. Explanations of the performance and the supporting data for each topic was included in the appendix.

Cabinet was further reminded that this report would be considered by the Corporate Management Committee at its meeting on 28 September 2015 and any feedback from that Committee on a specific indicator would be submitted to a future meeting of the Cabinet.

Having considered the report, it was moved by Councillor Stock, seconded by Councillor Watling and RESOLVED that the contents of the report be noted.

43. CORPORATE BUDGET MONITORING FOR FIRST QUARTER 2015-16

A.7 CORPORATE BUDGET MONITORING REPORT FOR THE FIRST QUARTER OF 2015/2016

There was submitted a report by the Portfolio Holder for Finance and Transformation, which provided an overview of the Council's actual financial position against the budget as at the end of June 2015 and to set out a number of budget adjustments required in 2015/2016.

Having considered the information submitted, it was moved by Councillor Howard, seconded by Councillor McWilliams and RESOLVED that:

(a) the financial position, as at the end of June 2015, be noted;

(b) the 2015/16 budget be amended to reflect favourable variances emerging so far to date as follows:

- £0.075m reduction in salary budgets;
- £0.100m increase in Planning Fees;
- £0.251m receivable in Government Grants;
- £0.426m Contribution to Reserves (being the total of the above transferred to the Austerity Reserve);

(c) in respect of the 2015/16 budget it is agreed that:

(1) the Corporate Director (Life Opportunities), in consultation with the Leisure Portfolio Holder, be authorised to amend the Leisure Facilities budgets to better reflect the actual operational position, with no overall impact on the net financial position of the Council;

(2) various budgets relating to regeneration be transferred into the Business Investment and Growth Budget along the lines detailed in the report;

(3) the Finance and Procurement Manager be authorised to amend budgets during the year to reflect organisational restructures with no change in the purpose of the originally agreed budgets.

44. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MAYBUSH INN, FARM ROAD, GREAT OAKLEY

A.8 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MAYBUSH INN, FARM ROAD, GREAT OAKLEY, HARWICH, ESSEX, CO12 5AL

Councillor Howard declared a non-pecuniary interest in respect of this item insofar as he was the Ward Member.

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

Cabinet was informed that a valid nomination to register an asset of community value had been received from Great Oakley Parish Council in respect of The Maybush Inn, Farm Road, Great Oakley.

Cabinet was advised that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012. The Government's non-statutory guidance defined an asset of community value as: "Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future". The report before Cabinet provided an assessment of the nomination.

Cabinet was further advised that it should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council's List of Assets of Community Value.

It was reported that taking the evidence provided into account it was the Officers' recommendation that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011 and that accordingly the building should be listed as an Asset of Community Value.

Having considered the information submitted, it was moved by Councillor Stock, seconded by Councillor Watling and RESOLVED that The Maybush Inn, Farm Road, Great Oakley does meet the definition of an asset of community value and that it therefore be added to the List of Assets of Community Value.

Chairman