

CABINET11 DECEMBER 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:- Councillors Bray, Cawthron, Massey, Newton, Pemberton, Porter, Watson and Whitmore.

Group Leaders Present by Invitation:

Councillors J A Broderick (Leader of Holland Residents' Group), I J Henderson (Leader of the Labour Group) and R E Raby (Deputy Leader of the UKIP Group).

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Life Opportunities (Paul Price), Legal Services Manager & Monitoring Officer (Lisa Hastings), Finance and Procurement Manager & Section 151 Officer (Richard Barrett), Management and Members' Support Manager (Karen Neath), Communications Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

(10.30 a.m. - 12.15 p.m.)

110.. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor M E Stephenson (Leader of the UKIP Group).

111. MINUTES OF THE LAST MEETING HELD ON FRIDAY 20 NOVEMBER 2015

The minutes of the last meeting of the Cabinet, held on 20 November 2015, were approved as a correct record and signed by the Chairman.

112. DECLARATIONS OF INTERESTS

There were no declarations of interest made by Members.

113. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements by the Leader of the Council on this occasion.

114. ANNOUNCEMENTS BY CABINET MEMBERS

Starter Homes in Jaywick

The Housing Portfolio Holder (Councillor Honeywood) made the following announcement:

"I am really pleased to advise Cabinet that the Council has been successful in being awarded a grant of £200,000 by the Homes and Communities Agency towards the cost of

building 10 brand new Starter Homes in Jaywick.

These high quality flood resilient homes will mark the first of what I hope will be many new safe and affordable homes which we are able to build in Jaywick signalling the end to the negative media attention which it quite unjustly currently gets.

This investment demonstrates the commitment this Council, as well as its partners, has in transforming the future of Jaywick for the benefit of its residents and the residents of Tendring as a whole.

This would not have been possible without the investment this Council made in purchasing land in Jaywick over the last 18 months and the cross party support that we have had to make a difference in Jaywick.

Obtaining this grant shows the belief that the Homes and Communities Agency has that we can make a difference and working alongside our other partners, including Essex County Council, the Department for Communities and Local Government, the Environment Agency and the residents we will bring about the improvements needed in Jaywick where past administrations, irrespective of the colour of Politics, have failed so to do."

115. PROPOSED CHANGE TO THE COUNCIL'S GOVERNANCE ARRANGEMENTS

The Cabinet recalled that, at the meeting of the Council held on 24 November 2015, the following motion had been moved by Councillor Newton and seconded by Councillor Broderick and, in accordance with Council Procedure Rule 11.4, had stood referred to the Cabinet for consideration and report:

"Following the 7th May elections and the change of proportionality of the absolute majority of one party to one of no overall control in its own right, this Council recognises:

(1) that the Cabinet system of governance creates a democratic deficit in Local Government with key decisions being made by very few elected Members; and

(2) that a Committee system operated successfully at Tendring District Council prior to the 2001 introduction of the Leader/Cabinet arrangement;

(3) that other Councils have reverted to a Committee system which has ensured both democracy and accountability for all Councillors and therefore all electors.

Therefore, this Council resolves to investigate changing this Council's form of governance to a Committee system as provided in Section 9B(1)(b) and in accordance with Sections 9K and 9KC of the Local Government Act 2000 as implemented by the Localism Act 2011. This Council requests Officers to bring a report back to a future meeting of Council to enable Council to make an informed decision and with a view to enabling new governance arrangements to be introduced from the 2017 Annual Council if agreed."

In accordance with Council Procedure Rule 11.5, Councillor Newton attended the meeting and explained the motion.

The Leader of the Council informed Cabinet that the Council had been included within the Local Government Boundary Commission for England's work programme for an electoral review for a decision on the number of Councillors required to run the Council and the ward boundaries. In essence, the review would look at what would constitute an efficient and effective local government for Tendring.

Having debated and discussed the motion at length, it was moved by Councillor Stock, seconded by Councillor Honeywood and:

RECOMMENDED TO COUNCIL that Councillor Newton's motion be amended to read as follows:

"This Council resolves that the terms of reference of the Electoral Review Portfolio Holder Working Party, which will consider what would constitute an efficient and effective Local Government structure for Tendring, are extended to include consideration of all of the governance structures available when considering the reduction in Councillor numbers and reports back to Council upon conclusion of the review."

116. UPDATED FINANCIAL BASELINE 2016/17 AND DETAILED BUDGET PROPOSALS FOR A REVISED BUDGET 2015/16 AND ORIGINAL BUDGET FOR 2016/17

There was submitted a report by the Portfolio Holder for Finance and Transformation, which sought to enable Cabinet to:

- Consider the updated Financial Baseline for 2016/17; and
- Consider for approval the detailed Budget proposals for a revised budget 2015/16 and original budget for 2016/17, including special expenses.

Cabinet was reminded that, since 2011/12, the Council had found savings totalling £10million. However, the financial forecast for 2016/17 had identified a further savings target of £2.229million, which had been based on an estimated reduction of 28% in the Local Government Financial Settlement from central Government. Cabinet was aware that the detailed Local Government Finance Settlement figures had not been available at the time the report had been prepared and that they would be included in the figures that would be presented to Cabinet in January 2016 when it considered the final budget proposals following consultation with the Corporate Management Committee.

It was reported that, at the present time, further savings of up to £6.000million were expected to be required over the period 2017/18 to 2019/20 with a further drive for Local Government to be self-sufficient, following the phasing out of the Revenue Support Grant, as announced by the Chancellor of the Exchequer on 25 November 2015, as part of the Comprehensive Spending Review. The Government had also confirmed its commitment to allowing Local Authorities to retain 100% of the business rates collected in their area from 2020, although the detail on how this would work in practice was subject to further information and guidance becoming available.

Cabinet was informed that, a number of actions had been taken with the aim of delivering a balanced budget for 2016/17, though, to date a budget 'gap' of £0.903million remained. Work remained on-going to close this 'gap' before final recommendations were made to Council in February 2016, which would include any adjustments required when the financial settlement from the Government was announced.

Cabinet was advised that, although additional costs and other adjustments had emerged, net savings / budget reductions totalling £1.598million had been identified to date. It was noted that the savings identified to date represented only the initial steps to close the forecasted funding gap in the longer term. Further uncertainties also remained against the overall backdrop which had not yet been reflected in the forecasted budget 'gaps' in future years that could require additional savings to be identified to deliver a balanced and sustainable budget in the future.

It was further reported that, the detailed estimates sought to reflect the most up-to-date Departmental Structures following the on-going organisational changes. However, with changes still on-going it would be necessary to update the detailed estimates later in the year when the restructures were finalised. Apart from the net savings that would be delivered as part of any review, there would not be any overall effect on the net position of

the Council when budgets were updated to reflect the reorganisation.

Having considered the Budget proposals and in order to allow the Corporate Management Committee to be consulted in accordance with the requirements of the Constitution, it was moved by Councillor Howard, seconded by Councillor Stock and RESOLVED that

(a) Cabinet agrees the updated Financial Baseline 2016/17 and the detailed budget proposals (including fees and charges and special expenses), as set out in the Appendices to item A.2 of the Report of the Finance and Transformation Portfolio Holder;

(b) Cabinet requests the Corporate Management Committee's comments on the Updated Financial Baseline 2016/17 and detailed budget proposals (including special expenses); and

(c) All future expenditure in 2015/16 be in line with the proposed revised budget set out in the aforementioned Appendices, subject to final approval by Council at its meeting to be held on 9 February 2016, 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.

117. CLACTON AND HOLLAND-ON-SEA COAST PROTECTION SCHEME END OF PROJECT REVIEW AND PROPOSED CLIFF STABILISATION WORK

There was submitted a joint report by the Portfolio Holder for Coastal Protection and the Portfolio Holder for Finance and Transformation, which reviewed the Clacton to Holland Coast Protection Project including the estimated outturn for the project and set out proposals for cliff stabilisation work along parts of the same coastline.

It was reported that The Clacton to Holland Coast Protection Scheme had been substantially completed in the Autumn with all of the new beaches open from 25 September 2015 and that therefore the project had been substantially completed over two years rather than the originally anticipated three year period. In addition, the estimated outturn for the project was £33.055million, which was significantly lower than the original budget of £36.083million.

Cabinet was made aware that, although some amounts from the risk 'pot' of £5.600million were required to be called upon to finance the scheme, the potential use of the risk pot could have been significantly greater given the scale and nature of the scheme. A few activities still remained outstanding before the project was finalised with the anticipated costs included in the estimated outturn position above.

Cabinet was informed that the remaining estimated balance of the risk 'pot' totalled £3.028million and after discussing the use of this money with the respective funding partners it had been identified that a potential use of the funding could be to support a cliff stabilisation project along parts of the same coast line. Recent instabilities and weather events had prompted investigations to assess cliff stability and the potential impact upon the new defences as the integrity of the coastal defences and coastal slopes were bound to each other. Therefore undertaking a complimentary project using the unspent funding from the major coast protection project provided a timely opportunity to further secure the seafront for regeneration opportunities and resident and visitor use in the long term.

Cabinet was advised that, in respect of the funding partners, the Environment Agency had already confirmed that their share of the unused risk pot of £1.947million could be used for the Cliff Stabilisation Project. Essex County Council (ECC) had been formally approached regarding the proposed cliff stabilisation project and, although they had yet to confirm their position, it appeared that they would not be willing to allow their unused risk allowance to be used for the same project.

Therefore, in order to maintain the momentum that the coast protection project had started, it was proposed to commence a cliff stabilisation project as soon as possible on a phased approach to enable a pause between phases that would enable the opportunity to review and confirm the funding position such as the potential contribution from ECC before any financial commitments were made.

Having considered the proposal submitted, it was moved by Councillor Turner, seconded by Councillor Howard and RESOLVED that Cabinet:

- a) notes the current position of the Clacton to Holland Coast Protection Project and agrees to the use of £1million of this Council's risk 'pot', being this Council's contribution to the project ahead of any contribution from Essex County Council's own risk 'pot';
- b) approves the new cliff stabilisation project for inclusion in the 2015/16 Capital Programme at a cost of £5.028million funded by grants of £1.947million from the Environment Agency, £0.081million from this Council's unused risk 'pot' and £3million from Anglian Water;
- c) agrees to the delivery of the Cliff Stabilisation project in a phased approach to protect the Council's financial position should the funding position change over the delivery period of the project;
- d) agrees that delegation be given to the Corporate Director (Life Opportunities), in consultation with the Finance and Procurement Manager and the Legal Services Manager, to undertake the necessary procurement processes to appoint a Design and Project Management Consultant and a Works Contractor to deliver the Cliff Stabilisation project;
- e) agrees that delegation be given to the Corporate Director (Life Opportunities), in consultation with the Portfolio for Coast Protection and the Portfolio Holder for Finance and Transformation, to amend the Capital Programme should the funding position change; and
- f) agrees to up to £0.065million being made available from the Contingency Budget to support the remedial work being taken in response to sand building up under Clacton Pier which is being progressed in partnership with the Pier owners.

118. TO CONSIDER CEASING THE DELIVERY OF BLACK SACKS

Further to Minute 102 (20.11.15), there was submitted a report by the Monitoring Officer, which informed Cabinet that a report submitted to its last meeting proposing ceasing the delivery of black sacks contained a Key Decision, which had not been included, due to administrative procedural errors, within the Council's Forward Plan as required by the Access to Information Regulations and the relevant Procedure Rules in the Council's Constitution.

Constitutionally, the Monitoring Officer was required to inform Cabinet where an omission would give rise to unlawfulness. The 'General Exception' rule provisions contained within Regulation 10 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 15 of the Council's Access to Information Procedure Rules were now being relied upon and had been complied with by the Monitoring Officer.

Having considered the advice of the Monitoring Officer, it was moved by Councillor Talbot, seconded by Councillor Turner and RESOLVED that:

- (a) the future provision and delivery of black sacks by the Council to residents is ceased with effect from 2016; and

(b) a promotion and press campaign is delivered to provide information about the ceasing of the service and informing residents how waste should be presented running alongside our promotion of increased recycling.

119. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor Watling and RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 12 and 13 on the grounds that they involved the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

Chairman