

CABINET18 MARCH 2016

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 A P H Baker

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager & Monitoring Officer (Lisa Hastings), Regeneration Manager (Tom Gardiner), Management and Members' Support Manager (Karen Neath), Economic Development and Regeneration Officer (Michelle Gordon), Senior Democratic Services Officer (Ian Ford), Research and Projects Officer (Elizabeth Ridout) and Democratic Services Officer (Janey Nice)

Also in Attendance:- Group Leaders Present by Invitation: Councillors J A Broderick (Leader of the Holland-on-Sea Residents' Group), I J Henderson (Leader of the Labour Group) and R E Raby (Deputy Leader of the UKIP Group)

(10.34 a.m. - 11.22 a.m.)

149.. APOLOGIES FOR ABSENCE

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

150. MINUTES OF THE LAST MEETING HELD ON FRIDAY 19 FEBRUARY 2016

The minutes of the last meeting of the Cabinet, held on Friday 19 February 2016, were approved as a correct record and signed by the Chairman.

151. DECLARATIONS OF INTEREST

Councillor Talbot declared an interest in respect of item A.7 - Determination of a Nomination to Register an Asset of Community Value: The Kings Arms Hotel, 78 High Street, Dovercourt, Harwich, in that he was a member of CAMRA (the Campaign for Real Ale).

During the consideration of item A.4 – Superfast Broadband, as detailed under Minute 160 below, Councillor G V Guglielmi declared an interest insofar as he was a member, in his capacity as both an Essex County Councillor and a Tendring District Councillor, of the County Council's Superfast Broadband Board. Councillor Howard also declared an interest insofar as he was a member, in his capacity as a Tendring District Councillor, of the County Council's Superfast Broadband Board.

152. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

153. ANNOUNCEMENTS BY CABINET MEMBERS

Mayflower Project

The Leisure Portfolio Holder (Councillor M J D Skeels) informed Cabinet that he had held a productive meeting with representatives from the London Borough of Southwark and Plymouth City Council to take forward better joint working on the Mayflower Project and that he hoped to have further positive news to report in the near future.

154. PROPOSED MERGER OF THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE AND THE EDUCATION AND SKILLS COMMITTEE

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which sought Cabinet's support, in principle, to the merger of the Community Leadership and Partnerships Committee and the Education and Skills Committee. The report also sought Cabinet's recommendation to full Council that such a merger came into effect from the Annual Meeting of the Council on 26 April 2016.

It was reported that the Education and Skills Committee had been formally created by Council, at its meeting held on 25 March 2014 (Minute 117(2) referred), as the Council had wished at that time to give a greater emphasis and profile to supporting the Council's community leadership responsibilities in respect of raising educational attainment and aspirations of young people in the District, whilst ensuring that skills were aligned to career opportunities. Prior to that decision that role had been included within the terms of reference of the Community Leadership and Partnerships Committee.

Cabinet was informed that, two years on, the situation now was that the Tendring Education Improvement Group was working well and local schools were working effectively together. In addition, the Council's Children and Young People's Strategy had recently been reviewed and a Delivery Plan agreed. It was therefore felt that the important work of scrutinising the delivery of education and skills services in Tendring could be delivered via the Community Leadership and Partnerships Committee alongside the other important functions such as Health, Policing and the voluntary sector.

Cabinet was aware that, during this year, the Council would be conducting, under the auspices of the Local Government Boundary Commission for England, a comprehensive review of the Council's electoral and corporate governance arrangements. This would, in time, have a significant impact on the number of Councillors serving on Tendring District Council and also the Council's Cabinet/Committee structure.

Members were advised that merging the two Committees would also fit well with the reductions in the officer workforce and would deliver a small financial saving. In addition, the current Chairmen of the two Committees in question had both been consulted on the proposed merger and had indicated that they were in agreement with what was proposed.

It was proposed that, given the increased scope of the Community Leadership and Partnerships Committee it was suggested that the number of serving Members on that Committee should be increased from eight to eleven.

After discussion of the report it was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:

RESOLVED that the Cabinet supports, in principle, the merger of the Community Leadership and Partnerships Committee and the Education and Skills Committee.

RECOMMENDED TO COUNCIL that

(a) the Education and Skills Committee be formally disbanded with effect from 25 April 2016;

(b) the terms of reference of the Education and Skills Committee, which relate to the Council's community leadership role in respect of improving the aspiration and attainment of young people in the District, be transferred to the Community Leadership and Partnerships Committee with effect from the Annual Meeting of the Council on 26 April 2016;

(c) also with effect from the Annual Meeting of the Council on 26 April 2016, the establishment of the Community Leadership and Partnerships Committee be increased from eight Members to eleven Members;

(d) the Monitoring Officer be authorised to make all necessary alterations and amendments to the Council's Constitution to give effect to the above.

155. PROGRAMME OF MEETINGS 2016/17 MUNICIPAL YEAR

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which sought Cabinet's agreement, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a programme of meetings for the 2016/2017 municipal year.

Cabinet was aware of its decision taken under Minute 157 above that proposed the disbandment of the Education and Skills Committee.

Having considered the proposed Programme of Meetings:

It was proposed by Councillor G V Guglielmi, seconded by Councillor Howard and:

RESOLVED that the programme of meetings for the Council and Committees, as set out in the Appendix to item A.2 of the Report of the Asset Management and Corporate Services Portfolio Holder, be approved and be submitted to the Annual Meeting of the Council for formal approval, subject to:

(1) the Cabinet's decision taken earlier in the meeting in respect of the proposed disbandment of the Education and Skills Committee;

(2) the inclusion in the programme of meetings of a provisional meeting of the Council to be held on Tuesday 29 November 2016 in the event that the Council is unable to get through all of the business on the agenda for its meeting to be held on Tuesday 22 November 2016 and that meeting is adjourned; and

(3) that the meeting of the Planning Committee proposed to be held on Tuesday 29 November 2016 is moved to Wednesday 30 November 2016 in order to accommodate (2) above.

156. ANNUAL TREASURY STRATEGY FOR 2016/17 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

There was submitted a report by the Portfolio Holder for Finance and Transformation, which sought Cabinet's agreement for the Annual Treasury Strategy for 2016/2017 to be submitted to Council.

Cabinet recalled that it had initially considered and agreed the Annual Treasury Strategy for 2016/2017, including Prudential and Treasury Indicators, at its meeting held on 22 January 2016 for submission to the Corporate Management Committee for review.

It was reported that the Corporate Management Committee had considered the Strategy at its meeting held on 15 February 2016 and had resolved that the Committee (minute 44 referred):

“(a) notes the prudent approach towards borrowing and investments which has been successful in recent years; and

(b) will be scrutinising the period of the Council’s loans; its ring-fenced reserves; and the level of risk with regard to investments.”

Cabinet was made aware that the Annual Treasury Strategy had been subject to minor amendments to reflect the most up to date interest rate forecasts along with the Prudential Indicators now taking into account the final budget for 2016/17, as agreed by Council on 9 February 2016. Apart from those minor amendments the Strategy remained as presented to Cabinet at its 22 January 2016 meeting.

Having discussed the Strategy and the proposals contained therein and having considered the comments of the Corporate Management Committee:

It was proposed by Councillor Howard, seconded by Councillor Turner and:

RESOLVED that the comments of the Corporate Management Committee be noted; and that it be:

RECOMMENDED TO COUNCIL that the Annual Treasury Strategy for 2016/2017 (including Prudential and Treasury Indicators), be approved and implemented.

157. SUPERFAST BROADBAND

Councillor G V Guglielmi declared an interest in this item insofar as he was a member, in his capacity as both an Essex County Councillor and a Tendring District Councillor, of the County Council’s Superfast Broadband Board.

Councillor Howard also declared an interest insofar as he was a member, in his capacity as a Tendring District Councillor, of the County Council’s Superfast Broadband Board.

There was submitted a joint report by the Portfolio Holder for Regeneration and the Portfolio Holder for Finance and Transformation which updated Cabinet on the progress of the Superfast Essex project and confirmed the indicative allocation of additional funding to Superfast Essex towards the fibre extension project in Tendring.

It was reported that through the commercial programme and the first phase of Broadband Delivery UK (BDUK) funding 80% of Tendring premises (57,313) had been upgraded to superfast broadband. Furthermore, Phase 2 of the BDUK programme was expected to reach an additional 8,444 premises in Tendring, of which 1,673 were proposed to be funded by the Council’s contribution, which had been agreed, in principle, in June 2014 by the then Leader of the Council, former Councillor Page, of £164,000. This would bring the total coverage across Tendring to approximately 92.7%.

Cabinet was aware that the Government’s target was to reach 95% of premises (residential and commercial properties) and to that end the Council was working very closely with the Superfast Essex Team to fully understand the options available to upgrade the remaining properties.

Cabinet was informed that there was sufficient funding available within the budget for Regeneration projects to support the funding commitment of £164,000.

Having considered the report it was moved by Councillor Howard, seconded by Councillor Watling and RESOLVED that:

- (a) Cabinet agrees to contribute £164,000 to Essex County Council's Superfast Essex programme as this Council's contribution towards the cost of the Superfast Broadband Extension Project in Tendring, to be funded from the Business Investment and Growth budget;
- (b) Authority be granted to the Chief Executive, in consultation with the Regeneration and Finance and Transformation Portfolio Holders, to finalise the Statement of Key Principles setting out parameters for the use of this money.
- (c) Cabinet aspires to achieve superfast broadband coverage for the whole of the Tendring District;
- (d) Officers identify and engage with potential alternative broadband providers who may be able to assist in the delivery of the aspiration at (c) above and that expressions of interest be sought from them;
- (e) The Leader of the Council writes to both local Members of Parliament seeking their commitment to press for 100% superfast broadband coverage for Tendring; and
- (f) A progress report be submitted to Cabinet on Friday 8 July 2016.

158. SME GROWTH FUND PROGRESS REPORT

There was submitted a report by the Portfolio Holder for Regeneration which updated Cabinet on the progress being made in supporting business growth via the Council's SME Growth Fund Scheme. The report also sought Cabinet's approval to extend the operational timeframe of the Scheme to March 2018 and to widen its geographical boundary to include the whole of the District.

Cabinet recalled that, at its meeting held on 12 June 2015, it had approved plans to establish an SME Growth Fund of £500,000 to facilitate business growth in Tendring. The Scheme had been designed to support the start-up and expansion of around 15 – 25 SME businesses in qualifying sectors located in/or locating into, the District's designated Assisted Area, with the aim of creating, or safeguarding, a targeted total of 70 jobs. The Scheme had been focussed on the District's designated Assisted Area, because at that time neither Government nor the South East Local Enterprise Partnership (the principle source of economic funding in South East England), were directing dedicated resources to facilitate growth in any of the Region's four Assisted Areas. This funding situation remained unchanged.

Cabinet further recalled that the Scheme criteria focused funding support on new and established businesses operating in: manufacturing, engineering (electrical, mechanical), energy, low carbon, and in the marine/maritime sectors, and/or in the research and development /supply chain industries serving those sectors. At the time Cabinet had approved the Scheme it had been envisaged that the SME Growth Fund would be open to applicants until the end of May 2016, provided the available funding had not been fully committed and/or expended by that date.

It was reported that in October 2015 Essex County Council's Capital Programme Board had decided to award £250,000 to Tendring District Council in order to expand the impact of the Scheme. At that time it was estimated that Essex County Council's intervention would support the start-up and expansion of an additional 7 – 13 SME businesses, and create, or safeguard, an additional 35 jobs. Cabinet was aware that Essex County Council's funding would not be available until the start of the new financial year (April

2016), and that the County Council had indicated that its funding would be made available in two tranches of £125,000, payable in 2016/17 and 2017/18.

Members were informed that, since the Scheme had been launched, the Council had received 35 Enquiries from would be applicants, of which 11 had not qualified for funding under the Scheme (and had been advised accordingly). The remaining 24 had been invited to complete and submit a formal Expression of Interest (EOI) in line with the approved application process. Of those the Council had subsequently received 5 Expressions of Interest, two of which had been translated into Full Applications for funding under the Scheme. One of those Full Applications had then failed at the project appraisal stage whilst the other application had received a positive appraisal and had been supported by the Scheme's Grants Panel.

Cabinet was made aware that, given the economic conditions within the Tendring Assisted Area (a deprived area of National and European priority) it had always been envisaged that the Scheme would be slow to attract applicants in the weeks and months following implementation, particularly since the Scheme required applicants to commit their own resources (50% if a new enterprise/start-up and 75% if an existing business) and to create new jobs. However, it was thought that whilst the Scheme would be slow to attract applications from the business community, it would over time build an operational momentum in which the success of individual applicants (and subsequent publicity via the Tendring business network) would foster a wider understanding of the Scheme, and lead to more start-ups and established businesses applying for funding under the Scheme.

Cabinet was advised that there was some evidence to suggest that widening the operational boundary of the Scheme could yield a positive response from businesses that were currently excluded as a consequence of their geographical location. For example, the Regeneration, Inward Investment, and Growth Team was aware of five businesses in the District that would like to apply for funding under the Scheme, but were currently prevented from doing so because they were located outside the operational boundary of the Scheme.

It was therefore suggested that, in view of the availability of Essex County Council funding from April 2016, the slow take-up of funding under the Scheme, and the geographical restrictions currently placed on would be applicants, it would now be appropriate for the Council to: (1) roll forward its uncommitted SME Growth Funding into the new financial year; (2) extend the availability of the Scheme to March 2018; and (3) widen the operational boundary of the Scheme (from April 2016) to encompass the entire District, whilst maintaining the Scheme's focus on supporting business growth within the defined priority sectors.

Having considered the report it was moved by Councillor Watling, seconded by Councillor Turner and RESOLVED that:

- (a) the Council's SME Growth Fund Scheme be extended to March 2018;
- (b) all uncommitted SME Growth Fund resources be carried over at the 2015/16 financial year end, and be subsequently made available to qualifying businesses under the Scheme in the period from April 2016 to March 2018;
- (c) the Scheme's operational boundary be amended from April 2016 to include all Wards within the Tendring District; and
- (d) the Chief Executive, in consultation with the Regeneration Portfolio Holder, be granted the authority to update the Project Appraisal Manual, and all relevant publicity promoting the Scheme, to reflect the revised geographical parameters.

159. NEW CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY

There was submitted a report by the Portfolio Holder for Well-being and Partnerships which sought Cabinet's approval of the new Corporate Anti-Social Behaviour (ASB) Policy in line with the additional tools and powers granted to Local Authorities in the Anti-social Behaviour, Crime and Policing Act 2014.

The new ASB Policy had been prepared in order to:-

- i) Explain what was meant by ASB and set out the guiding principles for those officers in the Council who dealt with ASB;
- ii) Set out the Council's policy on Anti-Social Behaviour (ASB) and the procedures to be followed on receipt of a complaint of ASB by the Council; and
- iii) Recognise the importance of providing an excellent standard of customer service to residents and, in particular, the resolution of ASB complaints. The Council would not always be the most appropriate agency to deal with some complaints and the Policy aimed to provide guidance on which agency residents should direct complaints to in order to avoid unnecessary delays in resolving their issues/concerns.

Cabinet was aware that the Community Leadership and Partnerships Committee had scrutinised the new Corporate ASB Policy at its meeting held on 22 February 2016. The comments made by that Committee together with the Portfolio Holder's responses thereto were reported.

Having discussed the proposed new Corporate ASB Policy and the proposals contained therein and having considered the comments of the Community Leadership and Partnerships Committee and the responses of the Portfolio Holder thereto:

It was proposed by Councillor McWilliams, seconded by Councillor Honeywood and RESOLVED that

- (a) the Corporate Anti-Social Behaviour Policy, as attached at Appendix A to item A.6 of the Report of the Well-being and Partnerships Portfolio Holder, be approved and implemented.
- (b) the responses of the Portfolio Holder to the comments of the Community Leadership and Partnerships Committee be approved.

160. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE KINGS ARMS HOTEL, 78 HIGH STREET, DOVERCOURT, HARWICH

There was submitted a report by the Portfolio Holder for Well-being and Partnerships which sought Cabinet's decision on whether The Kings Arms Hotel, Dovercourt met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its valid nomination as an Asset of Community Value by the Tendring CAMRA Branch. No other criteria were pertinent to the decision.

The Cabinet was informed that the Officers, taking the evidence provided into account, were of the opinion that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011 and, accordingly, were recommending that the building should be listed as an Asset of Community Value.

Having considered the report, the valid nomination and the advice of Officers, it was moved by Councillor McWilliams, seconded by Councillor Hughes and:

RESOLVED that Cabinet agrees that the Kings Arms Hotel, 78 High Street Dovercourt, Harwich, CO12 3AP meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the building be added to the Council's list of Assets of Community Value.

161. NEW PREVENT DUTY ON LOCAL AUTHORITIES

There was submitted a report by the Portfolio Holder for Well-being and Partnerships, which provided information on the new PREVENT duty and invited the Cabinet to agree a local authority PREVENT policy for Tendring District Council.

It was reported that the Counter Terrorism and Security Act 2015 required local authorities in the exercise of their functions, to have due regard to the need to prevent people being drawn into terrorism and that guidance had been published, which set out details of actions needed to fulfil responsibilities under this duty.

It was noted that local authorities were vital to PREVENT work and would be required to undertake a range of responsibilities under the following categories:

- Partnership
- Risk Assessment
- Action Plan
- Staff Training
- Use of Resources

An Impact Assessment had been published, in which, it had been estimated that associated costs for local authorities could range from between £4,000 and £40,000 and that this was aligned to the variable risk in different areas. It was reported that it was not possible to predict how much support the remaining areas would require until they had carried out their own risk assessments and, therefore, the Home Office had proposed to allocate all non-priority local authorities a £10,000 one-off payment to cover activity required to commence the duty. It was noted that, thereafter, most activity was likely to be mainstreamed into existing community safety and child safeguarding work.

Members were advised that Tendring District Council had entered into a grant agreement with the PREVENT Local Delivery Department at the Home Office to receive this funding.

Members were reminded that the proposed policy had been considered by the Community Leadership and Partnerships Committee at its meeting held on Monday 7 December 2015, at which, the Committee noted the duty and recommended to Cabinet that an all Member Briefing be arranged on the Council's responsibilities under PREVENT and, so far as possible, ensure that attendance by all Members was compulsory.

Accordingly, it was moved by Councillor Stock, seconded by Councillor Honeywood and RESOLVED that:

1. The new duty upon local authorities to have due regard to the need to prevent people being drawn into terrorism, be noted;
2. The proposed Tendring District Council PREVENT Policy, as set out at Appendix A to the report, be approved; and
3. The Portfolio Holder for Well-being and Partnerships supports the recommendation by the Community Leadership and Partnerships Committee, that an all Member Briefing be arranged on the Council's responsibilities under PREVENT.

162. REVIEW OF THE TENDRING CHILDREN AND YOUNG PEOPLE STRATEGY 2011 TO 2016

There was submitted a report by the Portfolio Holder for Well-being and Partnerships, which invited the Cabinet to approve the updated Children and Young People Strategy 2011 to 2016.

It was reported that, in March 2015, Cabinet resolved that the Tendring Children and Young People Strategy 2011 to 2016 (the Strategy) be reviewed and updated.

Members were advised that, in Essex, the overall responsibility and accountability for meeting the needs of children and young people rested with Essex County Council (ECC) as lead authority but that Tendring District Council (TDC), as community leader, played a crucial role in facilitating and supporting a partnership approach to meeting the needs of children and young people in the District.

It was further reported that the findings from the review indicated that whilst the vision for the TDC should remain unchanged, the revised Children and Young People Strategy should include:

- (i) Reference to the Council's Community Leadership role;
- (ii) A Partnership Delivery Plan with clear and measurable targets;
- (iii) Accountability for implementation of the Delivery Plan through established governance structures; and
- (iv) Four priority areas of Safeguarding, Education, NEETs (young people who were not in education, employment or training) and Child Poverty

Accordingly, it was moved by Councillor Turner, seconded by Councillor Skeels and RESOLVED that:

1. The findings of the Tendring Children and Young People Strategy 2011 to 2016 review, be noted;
2. The Draft Revised TDC Children and Young People Strategy, as detailed at Appendix A to the report, be approved;
3. The Draft TDC Children and Young People Partnership Delivery Plan 2015/2015, as detailed at Appendix B to the report, be approved;
4. The implementation of the annual Children and Young People Partnership Delivery Plan be overseen by the Tendring Health and Well-being Board; and
5. In respect of comments and recommendations made by the Community Leadership and Partnerships and Education and Skills Committees, these be included within the reviewed Strategy and be reviewed periodically by the Tendring Health and Well-being Board.

163. ADOPTION OF AN UPDATED EMPTY HOMES STRATEGY

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[HREF="KAB163.PL?PHDNAME=PHD663&ARC=8&PHASE=TWO&CMTE=CAB&MEET=68&RETURN_PROG=KAB8.PL&OPERATION=DETAILS">DECISION 2624](#)

There was submitted a detailed report by the Portfolio Holder for Housing, which informed Cabinet about the current position in relation to empty homes in the District and which sought agreement for an updated Empty Homes Strategy.

Cabinet was reminded that the Council had first adopted an Empty Homes Strategy in

2009, with the three year strategy running until 2012. The Strategy had not been updated in 2012 but it was now felt that the strategic importance of privately owned empty homes in meeting housing need should be highlighted and strengthened by implementing a revised and updated strategy.

Having considered the report, it was moved by Councillor Honeywood, seconded by Councillor McWilliams and RESOLVED that the revised Empty Homes Strategy 2016 – 2018, as appended to item A.9 of the Report of the Housing Portfolio Holder, be approved.

164. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi 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