
MINUTES OF MEETING OF THE CABINET HELD ON FRIDAY 8 NOVEMBER 2013
AT 10.30 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA
PRESENT:**PORTFOLIO:**

Councillor P Halliday (Chairman)	Leader of the Council and Finance and Asset Management
Councillor S Candy	Inward Investment and Growth
Councillor A Goggin	Tourism
Councillor G V Guglielmi	Planning and Corporate Services
Councillor P B Honeywood	Housing, Benefits and Revenues and Sports Facilities
Councillor S S Mayzes	Education and Skills
Councillor L McWilliams	Health and Community Safety
Councillor N Turner	Environment and Coast Protection

Group Leader Present by Invitation: Councillor Talbot (Independent Group)

Also Present: Councillor De-Vaux Balbirnie

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Head of Planning (Catherine Bicknell) (except items 86 – 91), Monitoring Officer (Lisa Hastings), Communications Manager (Nigel Brown), Democratic Services Manager (Colin Sweeney), Executive Support Manager (Karen Neath), Finance and Procurement Manager (Richard Barrett), Planning Policy Manager (Gary Guiver) (except items 86 – 91), Regeneration Manager (Tom Gardiner) (except items 79 – 85 (A.1 and A.2)), Revenues and Benefits Manager (Harry Bates), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Michael Pingram)

79. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillors P Oxley (Leader of Tendring First) and H Shearing (Leader of the Liberal Democrat Group).

80. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Cabinet, held on 4 October 2013, were approved as a correct record and signed by the Chairman, subject to:

- (i) Paragraph 1 to Minute No.68 (Announcements by Cabinet Members) being reworded to read:

Careers Advice and Guidance in Tendring

Councillor SS Mayzes announced progress with regard to the review of careers advice and guidance in Tendring. He said it was critical that access to the right advice was available to young people in assisting them to find the career which would suit their aspirations. He added that there were over 40 different organisations in the District delivering advice and guidance to young people and that a joined-up approach or single point of contact for young people to access information was needed. He added that he would bring back to the next meeting of the Cabinet, information as to the progress of the scoping group once the meeting had taken place; and

- (ii) The Briefing Note referred to in the above statement be attached as an appendix to these minutes.

81. DECLARATIONS OF INTEREST

There were none received at this time.

82. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

Redevelopment of Jaywick

Councillor Halliday was delighted to announce that a planning application in respect of a new proposed development in Jaywick had been approved and that this represented a big step forward in the redevelopment of the area.

Core Network, Harwich

Councillor Halliday said that the supporting of offshore renewables was really good news for Tendring as it would put further industry into Harwich and hoped that Harwich could be recognised as a Core Port.

The Chief Executive added that he, and Councillor Halliday, had been invited to address the Minister in this regard.

Recent Inclement Weather

Councillor Halliday extended his thanks and gratitude to the Council's staff for their efforts in getting to work and assisting in the clear-up following damage to trees and roads etc. as a result of the recent severe bad weather.

He said that the British Red Cross provided assistance in registering vulnerable people with Power Network UK which provided help and support to those who had lost power and water supplies as a result of incidents like this.

In conclusion, the Leader of the Council asked that the Chief Executive look into how the Council could get the message of support out to residents and that this also be copied to town and parish councils within the district and to all members.

83. ANNOUNCEMENTS BY CABINET MEMBERS

Air Show 2013

Councillor Goggin thanked Cabinet members for their generous comments raised in his absence at the last meeting and was delighted to announce that the Air Show had won best event in Essex for 2013. He said that although the Air Show was a two-day event, it took a whole year to prepare for the event. Councillor Goggin was proud to announce that officers were already preparing for the 2014 Air Show.

"Clipper Race"

Councillor Goggin praised the efforts of Councillor Talbot's son, who was currently overall leader in the Clipper Yachting Race 2013.

Women's Cycling Tour

Councillor Goggin was delighted to announce that tour organisers were in the throes of bringing Stage 3 of the Women's Cycling Tour to Essex on Friday 9 May 2014. He said that the event, to be held between Wednesday 7 and Sunday 11 May 2014,

would attract all of the best women cyclists from across the world. He said that if Stage 3 was to be held in Tendring, that this would provide a major boost to tourism in the area and would showcase the Council's support for cycling.

Councillor Goggin confirmed that the stages of the Tour would be announced next week and he was delighted that Tendring was able to host and run such a large event for residents and visitors alike.

Colchester General and Essex County Hospitals' CQC Report

Councillor McWilliams announced that following the CQC Report, she, as the TDC Stakeholder Governor would call for an Extraordinary General Meeting of the Colchester Hospitals University Foundation Trust's (CHUFT) Council of Governors to discuss the report.

Crucial Crew

Councillor McWilliams announced that she had attended a Crucial Crew event on 7 November 2013 and was delighted that the Vice-Chairman of the Council, Councillor Val Guglielmi, together with the High Sheriff of Essex, had also attended the event. She said that the event had presented the problems associated with drugs and alcohol and the Police and Rail authorities were in attendance with other Partners to talk about safety-related issues.

Harwich Borderline Presentations

Councillor McWilliams announced that she had attended this worthwhile event, which was also attended by both the Police Crime Commissioner for Essex and the Police District Commander for Tendring, and said how good it had been to see young children becoming engaged with the event.

Vulnerable Adults

Councillor McWilliams announced that she had attended meetings in preparation for an event to be held to assist "vulnerable adults", at the event there would be the launch of the "Keep Safe Campaign in Harwich". The event is to be held at Dovercourt Fire Station at the beginning of December.

Emergency Planning Exercise

Councillor McWilliams announced that she had attended a recent emergency planning exercise at Martello Bay to see how clean-up operations were managed following an oil slick.

Tendring Sports Personality of the Year Awards 2013

Councillor Goggin announced that he was delighted to have represented the Council at the Sports Personality of the Year Awards and how pleasing it had been to see so many people there wearing Team Great Britain tracksuits. Councillor Goggin expressed his thanks to the Clacton Gazette for its coverage of the event.

84. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none.

85. MATTERS REFERRED TO THE EXECUTIVE BY A COMMITTEE**A.1 Informal Call-In Process**

There was submitted a report by the Service Development and Delivery Scrutiny Committee which offered its comments to Cabinet in relation to how decisions which were called-in, were managed and a proposal that consideration be given to introducing a system of mediation as an early means of resolution.

Having considered the comments of the Service Development and Delivery Committee, it was moved by Councillor G V Guglielmi, seconded by Councillor Candy and **RESOLVED** that:

- (a) The proposal from the Committee be supported; and
- (b) Officers take forward the arrangements for an informal call-in process as part of the review of the Constitution currently being undertaken, including any comments from the Service Development and Delivery Committee's consideration of the detailed arrangements at the meeting of 11 November 2013.

A.2 Review of the Community Asset Rental Offsetting Scheme (CAROS) – Setting the Framework, Community Transfer and Clacton Sports Club

There was submitted a joint report by the Community Leadership and Partnerships (CLAP) Scrutiny Committee and the Finance and Asset Management Portfolio Holder, which referred to Cabinet the recommendations of the CLAP Scrutiny Committee's review of the CAROS Scheme; to consider the potential for community transfer of assets and the request of Clacton Sports Club for the transfer of the freehold of its premises.

Having considered the recommendations made by the Community Leadership and Partnerships Committee and the request made by Clacton Sports Club, it was moved by Councillor Halliday, seconded by Councillor G V Guglielmi and **RESOLVED** that:

- (a) CAROS be amended so that, from 1 April 2015, all organisations participating in the scheme receive a grant such that their net payment is 25% of their open market rental, or £500, whichever was the greater;
- (b) Officers be requested to prepare a policy and guidance on Community Asset Transfer for the January 2014 meeting of the Cabinet; and
- (c) The potential transfer of Clacton Sport Club's freehold be considered in parallel with the preparation of the Community Asset Transfer policy as above.

A.3 The Tendring District Council Local Plan: Pre-Submission Focussed Changes

There was submitted a report by the Community Leadership and Partnerships (CLAP) Scrutiny Committee, inviting Cabinet to consider the CLAP Scrutiny Committee's comments on the proposed changes to the Tendring District Council Local Plan: Pre-Submission Focussed Changes.

It was reported that, following the publication of the Draft Local Plan on 9 November 2012 for six-weeks' public consultation, some of the issues raised

in some 800 representations received, as well as issues raised subsequently by two Planning Inspectors providing informal advice to officers through the Planning Advisory Service, had been outlined at an all-member briefing session held on 4 September 2013.

The matter was then discussed by Cabinet at its meeting held on 4 October 2013, when it was agreed that the proposed pre-submission focussed changes be forwarded to the CLAP Scrutiny Committee for comment.

Having considered the recommendations made by the Community Leadership and Partnerships Committee and the Planning and Corporate Services Portfolio Holder's responses, and in order to allow the Pre-Submission Focussed Changes to be submitted to full Council for its consideration, it was moved by Councillor G V Guglielmi, seconded by Councillor Halliday and **RESOLVED** that:

- (a) The Planning and Corporate Services Portfolio Holder's responses, as set out below, to the Community Leadership and Partnerships Committee's recommendations be approved;

Recommendation from the Community Leadership and Partnerships Committee	Response of the Planning and Corporate Services Portfolio Holder
<p>a) Cabinet authorises officers to relook at the proposed change to development in Alresford (PM7.1) and agree to land at St. Andrew's Close being allocated for development as an alternative to land off Cockaynes Lane, in acceptance of arguments made by residents, the local Parish Council and the local Ward Member.</p>	<p>Response: Officers have re-evaluated the situation and it is agreed that the development proposed for Alresford can be focussed on land off St. Andrew's instead of land off Cockaynes Lane.</p> <p>Recommended change(s): Major Change MAJ11.2 to be amended to delete Policy KEY2 'Development South of Cockaynes Lane, Alresford' and Policies Map Change PM7.1 be amended to allocate land off St. Andrew's Close for residential development instead of land off Cockaynes Lane.</p>
<p>b) The first paragraph of revised Policy 'PLA10: 'Renewable Energy Installations' (MAJ5.2) be amended to delete the words "including community-led renewable projects, onshore and offshore wind farm proposals".</p>	<p>Response: This change is agreed.</p> <p>Recommended change(s): Major Change MAJ5.2 to be amended to delete the words "<i>including community-led renewable projects, onshore and offshore wind farm proposals</i>" from the first paragraph of Policy PLA10.</p>
<p>c) Cabinet agrees to revisit the proposed fourth paragraph of revised Policy 'PLA10: 'Renewable Energy Installations' (MAJ5.2) to consider giving greater protection to productive agricultural land.</p>	<p>Response: Whilst the protection of productive agricultural land is important, the Council needs to be careful that its policies are not overly-restrictive and therefore contrary to the National Planning Policy Framework. An appropriate change is suggested below.</p> <p>Recommended change(s): Reword this paragraph to read: "<i>Proposals for solar farms will be permitted on low grade agricultural land and</i></p>

	<p><i>other land with no agricultural function. The use of the best and most versatile agricultural land (grades 1, 2 and 3a) agricultural land will be permitted where it can be demonstrated, with evidence, that lower quality land is not available or practical for this use and the benefits of the development outweigh any concerns over the loss of agricultural land.”</i></p>
<p>d) Cabinet look again at policies in the Local Plan relating to the provision of affordable housing to see if more affordable homes can be delivered than currently being suggested.</p>	<p>Response: Officers have looked closely at this issue and whilst there is a high projected need for affordable housing, such figures have to be understood in the context of evidence on economic viability and the housing market.</p> <p>The approach that is being taken through Policy PEO10 ‘Council Housing’ alongside the Council’s new approach to allocating Council Housing to people with local connections, as a priority, will help facilitate the delivery of affordable homes for local people first and, through the flexible 10%-25% requirement will ensure that large developments can make a positive contribution toward meeting these requirements in changing economic conditions. Alongside the policies in the Local Plan, the Council is also looking at ways of delivering Council Housing through its Housing Revenue Account in appropriate locations.</p> <p>The only other way of significantly increasing the supply of affordable housing would be to significantly increase the amount of land allocated for housing (of all kinds) in the Local Plan – an approach that, given Tendring’s environmental, economic and infrastructure constraints and the concerns of local residents (expressed through four previous rounds of public consultation), is not considered appropriate.</p> <p>Recommended change(s): No change.</p>
<p>e) Given that the recommendation to delete the proposed development at Horsley Cross (MAJ9.4 and PM0.1) is “on-balance”, Cabinet re-consider this recommendation as development in this location may be deliverable during the plan period.</p>	<p>Response: Officers have consistently advised that development at Horsley Cross is not sustainable due to its remote location, a considerable distance from established towns and villages, which would increase the need to travel. The new Employment Land Review continues to recommend that there are other, better located sites to deliver the scale of business and industrial development expected to take place in the district.</p> <p>The promoters of the Tendring Europark scheme</p>

	<p>have yet to submit any compelling evidence to suggest that there is genuine commercial interest from major inward investors wanting to locate to this site. Therefore it is impossible to establish whether or not the economic benefits of development, in terms of job creation, in this location would outweigh the concerns over sustainability and environmental impact on a rural location.</p> <p>With a large number of objections submitted against this proposal challenging the sustainability, need and deliverability of development in this location, its removal from the Local Plan, based on current evidence, is perfectly justified.</p> <p>The Local Plan still has Policy SD5 that allows developments outside of settlement boundaries to be considered on their individual merits, allowing schemes that demonstrate genuine employment opportunities to be considered favourably, so long as the benefits of development outweigh the impacts.</p> <p>Recommended change(s): No change.</p>
<p>f) Cabinet consider strengthening the wording of Policy PRO12: 'Freight Transport and the Movement of Goods' to give more support to development at Bathside Bay, in light of the Committee's discussion.</p>	<p>Response: The policy and its supporting text, as written, appears to be sufficiently positive to allow such a development to come forward, at the right time and if necessary, to support growth at Bathside Bay.</p> <p>Policy PRO11, in particular, is very supportive of development at Bathside Bay suggesting that the Council will work with other partners to facilitate an early start to the container port development.</p> <p>Paragraph 3.50, in support of Policy PRO12, indicates that some landowners have indicated an interest in providing land to build logistic facilities in support of Bathside Bay. Rather than specifying particular sites for this use, the criteria-based policy enables proposals to be considered, on their individual merits, at the appropriate time. This is considered to be the most sensible approach at this time.</p> <p>Recommended change(s): No change.</p>
<p>g) Cabinet agrees to revisit minor change MIN1.18, relating to the vision for the district, to consider making the wording more encouraging and positive toward attracting active retired people to come to the District and contribute</p>	<p>Response: This suggestion is accepted.</p> <p>Recommended change(s): Re-word the relevant paragraph in change MIN1.18 to read: <i>"The district will be the home to people of all ages and abilities providing a wide range of activities, attractions and facilities that will appeal</i></p>

toward the local economy.	<i>to the active retired, the young and residents of working age. The district will also provide for the specialist needs of all people ensuring, in particular, that children and young people have the opportunity for a good start in life”.</i>
h) Cabinet agrees to revisit revised Policy PRO1: ‘Improving the Strategic Road Network’, (MAJ3.2) to include the A137 as a strategic project in its own right to mitigate any traffic impacts on Manningtree and the railway crossing into Suffolk.	<p>Response: This suggestion is accepted.</p> <p>Recommended change(s): Include the following additional bullet point within Policy PRO1:</p> <ul style="list-style-type: none"> • <i>“Explore, in partnership with Essex County Council, Suffolk County Council and Babergh District Council, opportunities to improve the A137 and the railway crossing/underpass at Manningtree Station, ensuring that any developments likely to increase the usage of this route contribute, where appropriate, toward such improvements.”</i>
i) Cabinet look again at the depiction of the ‘Historic Towns’ area of Manningtree (PM4.2) and make sure that it is proper – particularly the inclusion of industrial land at its western end.	<p>Response: This designation is consistent with that shown in the Adopted Local Plan from 2007 and is based on a 1999 Historic Towns Survey undertaken by Essex County Council.</p> <p>It was originally intended not to show this designation in the new Local Plan because general policies on archaeology and the historic environment were considered to provide sufficient protection, however there was a strong level of representation from St. Osyth residents asking for it to be reinstated.</p> <p>Within this area, the potential for there to be underground archaeological remains are given particular consideration. Therefore whilst the inclusion of land around the industrial area of Lawford appears to be anomalous, the work by Essex Council would suggest that there may be some archaeological value beneath the ground and therefore no changes are proposed.</p> <p>Recommended change(s): No change.</p>

- (b) Any further changes to the Tendring District Local Plan: Pre-Submission Focussed Changes, both in response to these comments and any other new evidence, be agreed;
- (c) The revised Tendring District Local Plan: Pre-Submission Focussed Changes go forward to full Council to be approved for public consultation prior to the

submission of the amended Local Plan to the Secretary of State for examination by a Planning Inspector; and

- (d) Following a request received from the school, the Engaines School, Little Clacton Playing Field be designated as a protected open space and that this change be incorporated into the revised Tendring District Local Plan: Pre-Submission Focussed Changes.

86. LEADER OF THE COUNCIL'S ITEMS

There were none.

87. CABINET MEMBERS' ITEMS

A.4 The Local Council Tax Support Scheme (LCTSS) and Council Tax Exemptions and Discounts for 2014/2015

There was submitted a report by the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, which sought Cabinet's approval to the proposed LCTSS and Council Tax Exemptions and Discounts for the year 2014/2015 for recommendation to full Council and the level of associated grants to Town and Parish Councils.

The report also provided recommendations and comments received from the Corporate Management Committee, following its consideration of this matter at its meeting held on 28 October 2013.

Having considered the recommendations and comments made by the Corporate Management Committee and to enable the LCTSS and Council Tax Exemptions and Discounts for 2014/15 to be submitted to full Council for its consideration, it was moved by Councillor P B Honeywood, seconded by Councillor Turner and

RESOLVED that

- (a) Cabinet endorsed the comments made by the Corporate Management Committee in respect of the consultation process;
- (b) The proposed LCTSS, as set out at Appendix B to item A.4 of the Report of the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be agreed;
- (c) The comments of the Corporate Management Committee in respect of empty property discounts be noted but that Cabinet did not accept them

(Whilst agreeing with the general principle behind the comments in tackling empty properties, a reduction in the discount to at least 75% would be required to reach a breakeven point if recovery action was required and, at present, only 124 properties would fall within the scope of this change. The additional income to Tendring District Council at a 95% discount would only be £5 - £6 per property per year. Given the comparatively low numbers, action to bring those properties back into use could be more effectively driven via other available mechanisms);

- (d) The proposed Council Tax exemptions and discounts, as set out in Appendix D to the aforementioned report, be agreed;

- (e) The grants to Town and Parish Councils, in relation to the impact of LCTSS, be reduced by a fixed reduction of 15% for 2014/15 to reflect the Council's own provisional funding position; and

RECOMMENDED TO COUNCIL that

- (f) The LCTSS be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the new LCTS scheme from 1 April 2014;
- (g) The Council Tax exemptions and discounts for 2014 – 2015 be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2014/2015;
- (h) The consultation process for the LCTSS 2015/16 be simplified, and broadened, to ensure that as wide a response base as possible is achieved; and
- (f) In respect of the NNDR 'tax base', the approval of the NNDR data for 2014/15 be delegated to the Portfolio Holder for Finance and Asset Management.

A.5 Corporate Budget Monitoring Report for the Second Quarter of 2013/2014 and Annual Minimum Revenue Provision (MRP) Policy Statement 2014/2015

There was submitted a report by the Finance and Asset Management Portfolio Holder, which provided an overview of the Council's actual financial position against the budget as at the end of September 2013, and to seek Cabinet's approval of the Annual MRP Policy Statement for 2014/2015 for recommendation to full Council.

Councillor Halliday said that, whilst there was good news contained within the report with regard to income budgets ahead of profile and provision for external legal advice, all should be mindful that there were £5m of further savings to be identified over the next three years and that any decisions which incurred a spend should be carefully considered.

Having considered the Council's actual financial position against the budget as at the end of September 2013 and in order to enable the Annual Minimum Revenue Provision Policy Statement for 2014/15 to be submitted to full Council for its approval, it was moved by Councillor Halliday, seconded by Councillor Goggin and:

RESOLVED

- (a) That the financial position as at the end of September 2013 be noted;
- (b) That the Council's Treasury Management Practices be updated to reflect an increase in the aggregate investment limit for Local Authorities to an unlimited amount; and

RECOMMENDED TO COUNCIL

- (c) That the Annual Minimum Revenue Provision (MRP) Policy Statement for 2014/15, as set out in Appendix J to the report, be adopted.

A.6 Economic Development Strategy and Action Plan

There was submitted a report by the Inward Investment and Growth Portfolio Holder, which sought the Cabinet's approval of the work undertaken by Regeneris Consulting Limited in the preparation of a Socio-Economic Baseline; Economic Development Strategy and Action Plan for the Tendring District.

Having considered the work undertaken by Regeneris Consulting Limited, it was moved by Councillor Candy, seconded by Councillor Halliday and:

RESOLVED that

- (a) The Socio-Economic Baseline, as set out at Appendix A to item A.6 of the Report of the Inward Investment and Growth Portfolio Holder, be approved;
- (b) The Economic Development Strategy, as set out at Appendix B to the aforementioned report, be approved;
- (c) The Action Plan, as set out at Appendix C to the aforesaid report, be noted;
- (d) Officers be instructed to prepare a phased and prioritised Delivery Plan identifying the actions and costed interventions to be pursued by the Council over the next three years and that this document be presented to Cabinet early in the New Year;
- (e) That Cabinet notes that the documents referenced in the report represent the impartial and professional advice of the consultants employed; and

RECOMMENDED TO COUNCIL

- (f) That the Socio-Economic Baseline and the Economic Development Strategy be endorsed.

88. MANAGEMENT TEAM ITEMS

There were none.

89. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

90. EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor Halliday, 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 for the item of business to be considered below on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

91. EXEMPT MINUTES OF THE LAST MEETING OF THE CABINET

The exempt minutes of the last meeting of the Cabinet, held on 4 October 2013, were approved as a correct record and signed by the Chairman.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet is to be held on Thursday 21 November 2013 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 12.59 p.m.

Chairman