
MINUTES OF MEETING OF THE CABINET HELD ON THURSDAY 21 NOVEMBER 2013**AT 10.30 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA****PRESENT:**

Councillor P Halliday (Chairman)
Councillor A Goggin
Councillor G V Guglielmi
Councillor P B Honeywood
Councillor S S Mayzes
Councillor L McWilliams
Councillor N W Turner

PORTFOLIO:

Leader of the Council and Finance and Asset Management
Tourism
Planning and Corporate Services
Housing, Benefits and Revenues and Sports Facilities
Education and Skills
Health and Community Safety
Environment and Coast Protection

Group Leaders Present by Invitation: There were none present on this occasion

Also Present: There were no Councillors present in the public gallery on this occasion.

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Public Experience) (June Clare), Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Communications Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford), Democratic Services Officer (Michael Pingram) and Deputy Executive Support Manager (Sally Cornish)

Also in Attendance: John Wolton (Independent Person)

92. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors S Candy (Inward Investment and Growth Portfolio Holder), I J Henderson (Leader of the Labour Group), P J Oxley (Leader of the Tendring First Group), H Shearing (Leader of the Liberal Democrat Group) and M Talbot (Leader of the Independent Group).

93. DECLARATIONS OF INTEREST

There were none received at this time.

94. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

There were none on this occasion.

95. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

96. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none.

97. MATTERS REFERRED TO THE EXECUTIVE BY A COMMITTEE

There were none.

98. LEADER OF THE COUNCIL'S ITEMS

There were none.

99. CABINET MEMBERS' ITEMS**A.1 Clacton and Holland-on-Sea Coast Protection Project Update and Proposed Procurement Processes, Key Milestones and Risks**

The Cabinet received a comprehensive report, which provided it with a project update including:

- Key Project Milestones;
- Procurement Processes, including a review of the Environment Agency's Water and Environment Management (WEM) framework;
- Choice of Contract;
- Risk Review;
- Project Governance and External Project Review; and
- Consultation and public engagement.

In particular, it was reported that there were a number of steps in the process of being taken or about to be taken with the aim to secure a 'start on site' position in 2014/15 which included:

- Develop tender evaluation criteria and contract documentation, in consultation with the Council's External Auditors, external coastal engineer and relevant Portfolio Holders;
- Tenders issued, received back and evaluated in accordance with criteria;
- Finalise scheme budget;
- Detailed design finalised;
- Planning permission gained;
- Relevant licenses secured such as those from the Marine Management Organisation and EA;
- Works contractor appointed;
- Contract Management and Supervision consultant appointed;
- Communication and public engagement strategy finalised; and
- Identify spending and grant receipt profiles and ensure the Council's treasury management activities reflected the necessary works programme and associated cash flows.

Having considered the report and the proposed next steps forward, it was moved by Councillor Turner, seconded by Councillor Halliday and **RESOLVED** that

- (a) the updated position and key milestones that were required to enable the project to commence in 2014/15 be noted;
- (b) the Portfolio Holder for Environment and Coast Protection be a member and co-chairman of the Project Board;
- (c) the use of the Water and Environment Management Procurement Framework for the Construction Works Contractor and Contract Management and Supervision Consultant, based on the final design and works information, be approved;
- (d) the evaluation criteria to be used in assessing tenders be developed by the project team and that the Corporate Director (Public Experience), in consultation with the Portfolio Holders for Environment and Coast Protection and Finance and Asset Management, be

- delegated to agree the final criteria to be applied in the formal tender process;
- (e) the use of the standard form of engineering contract NEC Options C and A for the Construction Works and Contract Management and Supervision, respectively, be approved;
 - (f) the inclusion of secondary options, or additional clauses, within the NEC Contract be delegated to the Corporate Director (Public Experience), in consultation with the Legal Services Manager;
 - (g) the decision to award contracts to those contractors, whose tenders had been evaluated in accordance with relevant criteria, be delegated to the Environment and Coast Protection and Finance and Asset Management Portfolio Holders; and
 - (h) the Risk Register and the actions being taken to manage and mitigate the risks associated with the project be noted.

100. MANAGEMENT TEAM ITEMS

A.2 Proposed New Standards Arrangements

The Monitoring Officer presented a report, which had been prepared following a comprehensive revision of the Council's arrangements for promoting high standards of conduct by Members and which had resulted in a proposed new Standards Framework for the Council.

The five elements of the proposed new Framework were:

- The new Members' Code of Conduct;
- The Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils Sub-Committee;
- The Monitoring Officer Protocol;
- The Independent Person's Protocol; and
- The Complaints Procedure.

The overall approach of the new arrangements was to seek:

- A focus on clarity of information and training for Members to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which were proportionate to their seriousness;
- Timeliness – with clear timescales for the various stages of complaints to be progressed;
- Checks, balances, reporting requirements and delegation to the Monitoring Officer of key elements of the process in order to maximise independence from the political process; and
- Early and informal intervention to resolve complaints wherever possible (including an expectation that Group Leaders will play a key role).

The proposals were set out in full detail in the Officers' report to full Council on 26 November 2013, and which were before the Cabinet, (together with the Appendices setting out each of the elements of the Framework) as Appendix 1 to the Report of the Monitoring Officer and the Corporate Director (Corporate Services).

The Cabinet was also informed that the Conduct Committee, at its meeting held on 19 November 2013, had considered the proposed new arrangements. The decisions of the Conduct Committee were set out in the minutes of that meeting which were before Cabinet as an appendix to an Addendum Report of the Monitoring Officer and the Corporate Director (Corporate Services).

The Chairman thanked Mr Wolton, an Independent Person, for his input into the work of the Conduct Committee and his attendance at both this meeting and the Conduct Committee's meeting on 19 November 2013. At the invitation of the Chairman, Mr Wolton addressed the Cabinet and stated that he felt that the proposed new standards framework was the correct way forward for the Council in that it set clear boundaries for conduct whilst maintaining an openness in interpretation on a case-by-case basis.

The Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) informed Cabinet that training sessions would be provided for all Members in order that they could properly understand the new standards framework.

Having considered the proposed new arrangements and the comments of the Conduct Committee, it was moved by Councillor G V Guglielmi, seconded by Councillor Turner and:

RESOLVED that

- (a) Cabinet notes the comments made by the Conduct Committee;
- (b) the proposed new Standards Framework be endorsed and the recommendations to Full Council, as set out in the report attached as Appendix 1 to item A.2 of the Report of the Monitoring Officer and the Corporate Director (Corporate Services), be supported; and

RECOMMENDED TO COUNCIL that

- (c) the Council's Constitution, is amended as set out in Appendix 1, subject to the amendments suggested by the Conduct Committee.

101. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet is to be held on Friday 13 December 2013 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 10.44 a.m.

Chairman