

CABINET10 AUGUST 2011Present:-

Councillor Stock (Chairman)  
 Councillor Candy  
 Councillor G V Guglielmi (except items 38-41)  
 Councillor Halliday  
 Councillor P B Honeywood (except items 29-33 (part))  
 Councillor S S Mayzes  
 Councillor McWilliams  
 Councillor Sambridge  
 Councillor Turner  
 Councillor Watling

Portfolio:-

Leader of the Council  
 Regeneration  
 Planning  
 Finance and Asset Management  
 Housing  
 Tourism and Community Life  
 Customer and Central Services  
 Technical Services  
 Environment  
 Benefits and Revenues

Group Leaders present by Invitation:- Councillors Double, Shearing, Talbot.

Also Present:- Councillors Broderick, G L Mitchell, White.

In Attendance:- Chief Executive, Acting Strategic Director, Head of Financial Services, Assistant Head of Legal Services (Democratic Services), Principal Solicitor, Communications and Public Relations Manager, Customer Services Manager (Planning Services) (except items 35 (part) – 41).

(Noon – 1.47 p.m.)  
 -----

29. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillor P J Oxley (who, as a Group Leader, had been invited to attend the meeting).

30. WELCOME

The Chairman welcomed Councillor Double who was attending his first meeting of the Cabinet as an invited Group Leader.

31. MINUTES

The minutes of the meeting of the Cabinet held on 13 July 2011 were approved as a correct record and signed by the Chairman subject to the heading of minute 20(ii) being amended to read "Local Development Framework".

32. ANNOUNCEMENTS BY LEADER OF THE COUNCILCivil Unrest

The Leader of the Council (Councillor Stock) spoke on arrangements in place should there be incidents of civil unrest in the District. He reported that there had been no incidents of widespread violence or disorder in Essex.

33. ANNOUNCEMENTS BY CABINET MEMBERS(i) Pop-Up Shop Scheme

The Regeneration Portfolio Holder (Councillor Candy) reported on the success of the Pop-Up Shop initiative in Dovercourt which it was intended would be extended to Clacton-on-Sea when suitable premises had been identified.

(ii) Local Development Framework

Following previous announcements by the Leader of the Council that the Council would stop and review the Local Development Framework process because of emerging policies and concerns from residents, the Planning Portfolio Holder (Councillor G V Guglielmi) announced that there would be further consultation on residential development proposed in the District for the next 20 years. This would be by way of further public exhibitions and a leaflet to all residents, Members and Town and Parish Councils. The leaflet would also be available in Libraries and on-line.

The results of the consultation would be considered by full Council and a new revised District Plan would be produced early next year.

34. WITHDRAWAL BY PLANNING SERVICES OF THE PROVISION OF OVERHEAD PROJECTOR SLIDES IN RESPECT OF PLANNING APPLICATIONS THAT ARE REFERRED TO TOWN AND PARISH COUNCILS

It was reported that the Service Development and Delivery Committee, at their meeting held on 20 June 2011, had considered the decision made in April 2011 to cease the practice of providing Brightlingsea, Harwich, St Osyth and Frinton and Walton Town/Parish Councils with overhead projector slides in respect of planning applications received by Planning Services.

The Cabinet was informed of the decision of the Service Development and Delivery Committee and received a demonstration from the Customer Services Manager on the ease of using Public Access.

Having considered the decision of that Committee and current practice:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Halliday and:-

RESOLVED – That the Cabinet notes the comments made by the Service Development and Delivery Committee, but given that this service is now easily accessible on the Council website through Public Access in the Planning Portal, it remains of the opinion that the provision of overhead projector slides to certain Town/Parish Councils is no longer needed.

35. OUTTURN PERFORMANCE REPORT 2010/11

Members had before them a report which provided them with feedback from the Corporate Management Committee on the Outturn Performance Report for 2010/11.

Having considered the comments of the Corporate Management Committee:-

It was moved by Councillor Halliday, seconded by Councillor Candy and:-

RESOLVED – That the responses to the Committee's questions are as follows:-

(a) Thank you.

(b) No, and no and as these are the Cabinet's answers, the second part of the Committee's question is irrelevant.

36. CORPORATE BUDGET MONITORING REPORT FOR THE FIRST QUARTER OF 2011/12

The Cabinet considered a report which provided it with an overview of the Council's actual financial position against the budget as at the end of June 2011.

Having considered the information submitted:-

It was moved by Councillor Halliday, seconded by Councillor Candy and:-

RESOLVED – (a) That the financial position at the end of June 2011 be noted.

(b) That individual budgets for 2011/12 be amended to take account of the budget reductions of £1,179,590, as set out in Appendix 'H' to item A.3 of the Report of the Finance and Asset Management Portfolio Holder.

(c) That given the rigorous approach taken to the above budget reductions, £500,000 of the saving be allocated to the contingency to provide for the eventuality that some of the budget removed is required with the remaining saving of £679,590 being allocated to the one-off Fit for Purpose budget.

(d) That authority to allocate the contingency be delegated to the Head of Financial Services in consultation with the Finance and Asset Management Portfolio Holder, following representation from the relevant Officer and Portfolio Holder.

37. EASEMENT AT MARTELLO BAY, CLACTON-ON-SEA

It was reported that agents for DONG Energy Gunfleet Sands Demo (UK) Ltd (Dong) had approached the Council seeking a cable easement at Martello Bay, Clacton-on-Sea to serve additional trial wind turbines to be erected at Gunfleet Sands.

The agents had proposed a route and terms for the easement and in view of the urgency of the request the Finance and Asset Management Portfolio Holder had requested that Cabinet considered the initiation of the disposal process and the principle of granting a cable easement to Dong at the same time.

To enable this matter to be progressed:-

It was moved by Councillor Halliday, seconded by Councillor McWilliams and:-

RESOLVED – (a) That the Council's process for property dealing be initiated in respect of the proposed cable easement.

(b) That Cabinet agree in principle to grant a cable easement to Dong.

(c) That authority to agree the easement route and other terms be delegated to the Head of Legal Services in consultation with the Finance and Asset Management Portfolio Holder.

(d) That the Head of Legal Services be authorised to enter into an easement agreement with Dong.

38. URGENT ITEM – RETURNING THE DOG WARDEN SERVICE IN-HOUSE

The Chairman informed the Cabinet that he was allowing consideration of the Environment Portfolio Holder's report in respect of the Dog Warden Service to be taken as a matter of urgency in view of the need of the Council to have a service provision in place in the light of the notice of termination (with effect from 30 September 2011) given by the Council's current contractor.

Cabinet were aware that the Council had a statutory duty under Section 68 of the Clean Neighbourhoods and Environment Act 2005 and Section 149 of the Environmental Protection Act 1990 to provide a service for stray dogs.

Having considered the contents of the Environment Portfolio Holder's report and to enable a service provision to be put in place:-

It was moved by Councillor Turner, seconded by Councillor Halliday and:-

RESOLVED – (a) That the Acting Head of Environmental Services be authorised to:-

- (i) Accept the notice of termination of the dog warden service from Animal Wardens;
- (ii) Arrange, in consultation with the Head of Human Resources and Customer Services, for the current wardens employed by Animal Wardens to be transferred to the employment of the Council in accordance with TUPE regulations;
- (iii) Contract with Hiskeys Farm Kennels, Little Bromley to provide kennelling services to the Council on the agreed terms;
- (iv) Arrange for a holding kennel to be constructed at a suitable location for the reception of stray dogs;
- (v) Instigate new charges as set out below; namely a:-
  - £25 Statutory Fee;
  - £25 Seizure Fee (in line with all other neighbouring authorities);
  - £15 optional micro chipping fee on return of dog;
  - £10 optional return fee (plus the HMRC mileage rate per mile) for dog to be taken back to owner's home;
- (vi) Take any other action necessary to maintain the continuity of the Dog Warden service when the current contract comes to an end.

(b) That a dog re-homing page is set-up on the Council's website.

(c) That the Service Development and Delivery Committee be requested to carry out a review of the new in-house service after six months of operation.

39. KEN BROWN, ASSISTANT HEAD OF LEGAL SERVICES

The Chairman referred to the fact that this was the last meeting of the Cabinet that Ken Brown would be attending before he left the Council's employment after over 40 years local government service.

He extended his thanks to Mr Brown and wished him well for the future.

Members showed their support for the Chairman's comments with a round of applause.

40. LOCAL GOVERNMENT ACT 1972 – EXEMPT ITEM – EXCLUSION OF PUBLIC

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

41. SPECIAL MINUTE

The special minute of the meeting of the Cabinet held on 13 July 2011 was approved as a correct record and signed by the Chairman.

Chairman