

MINUTES OF CABINET MEETING HELD ON FRIDAY 1 MARCH 2013**AT 10.30 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA****PRESENT:**

Councillor Halliday (Chairman)

Councillor Candy

Councillor Goggin

Councillor P B Honeywood

Councillor S S Mayzes

PORTFOLIO:Leader of the Council; Finance and
Asset Management

Inward Investment and Growth

Tourism

Housing, Benefits, Revenues and
Sports Facilities

Education and Skills

Group Leaders Present by Invitation: Councillor Talbot**Also Present:** Councillors De-Vaux Balbirnie (except items 82 – 86 (part)), Howard, G L Mitchell and White**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Head of Planning (Catherine Bicknell), Chief Executive's Support Manager (Karen Neath), Democratic Services Manager (Colin Sweeney), Inward Investment and Business Liaison Manager (Sally Looker) (except items 90 (part) – 93), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)**82. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G V Guglielmi (Planning and Corporate Services Portfolio Holder), McWilliams (Health and Community Safety Portfolio Holder) and Turner (Environment and Coast Protection Portfolio Holder).

The Leader of the Council informed Cabinet that the Leader of the Labour Group (Councillor I J Henderson) and the Leader of the Liberal Democrat Group (Councillor Shearing) had both formally declined his invitation to attend the meeting.

83. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Cabinet held on 23 January 2013 were approved as a correct record and signed by the Chairman.

84. DECLARATIONS ON INTEREST

There were no declarations of interest made at this time.

During discussion of Agenda Item No.6 - Reference from Council - A.1 - Provision of a Bus Shelter at Little Bromley (Minute 87 below), Councillor Candy declared a personal interest in relation to this matter by virtue of the fact she resided within the village.

85. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

There were none on this occasion.

86. ANNOUNCEMENTS BY CABINET MEMBERSAir Show

The Tourism Portfolio Holder (Councillor Goggin) informed Cabinet that Southend Borough Council had confirmed that it would not be running its air show in 2013 and that this was therefore both an opportunity and a challenge to this Council in that record numbers were now anticipated to attend the Clacton Air Show. Network Rail had indicated that it was considering running more, and longer, trains to Clacton over the air show days.

Harwich Society Heritage Trail

The Tourism Portfolio Holder informed Cabinet that the Harwich Society, in partnership with the National Geographic Society, had produced a smartphone application that would enable visitors to Harwich to download information about the many historic places of interest in Harwich on its heritage trail. He would ensure that the appropriate links were included on the Council's website.

Inward Investment and Growth Update

The Inward Investment and Growth Portfolio Holder (Councillor Candy) informed Cabinet that she had signed concurrences to: (1) appoint the consultant to produce the Council's inward investment and economic regeneration strategy; and (2) initiate a related consultation exercise with small and medium enterprises.

Education Plan

The Education and Skills Portfolio Holder (Councillor S S Mayzes) informed Cabinet that the development of an Education Plan was underway and that it was the intention to submit to Cabinet on 22 March 2013 a discussion document on the Council's aspirations for raising the attainment rates for pupils, maximising life opportunities for children and ensuring that school governors were of the highest standard.

Big Society Working Party

The Finance and Asset Management Portfolio Holder (Councillor Halliday) informed Cabinet that in choosing the membership of his portfolio holder's working party for the Big Society he had sought to ensure a broad political and geographical balance. In addition to himself as chairman of the working party, the following Members had agreed to be members of the working party: Councillor S S Mayzes (as portfolio holder for education and skills), Councillor P B Honeywood (as portfolio holder with responsibility for sports facilities), Councillor C Callender, Councillor Howard and Councillor Scott. Councillors Brown, Casey, Cossens and Powell had declined his invitation to serve on the working party at this time. Councillor Halliday informed Cabinet that Councillors Brown, Casey and Cossens would be very welcome to join the working party at any time in the future if the circumstances changed.

87. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL**A.1 - Provision of a Bus Shelter at Little Bromley**

Councillor Candy declared a non-pecuniary interest in the subject matter of this item insofar as she was a resident of Little Bromley.

It was reported that, at the meeting of the Council held on 12 February 2013, a question pursuant to Council Procedure Rule 14 had been put to the Leader of the Council by the Chairman of Little Bromley Parish Council, Councillor Steve Wilcox, and had been

answered and, in accordance with Council Procedure Rule 14.9, had been referred to the Cabinet.

The question submitted by Councillor Wilcox, and the answer given by the Leader of the Council, were set out in full in item A.1 of the Reference from Council.

Councillor Wilcox had been invited to attend the meeting and was present in the public gallery.

Having considered the question submitted by Councillor Wilcox and the answer given by the Leader of the Council:-

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

RESOLVED that the question, and the comprehensive response given at the meeting of the full Council on 12 February 2013, be noted.

88. MATTERS REFERRED TO THE EXECUTIVE BY A COMMITTEE

There were none on this occasion.

89. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

90. CABINET MEMBERS' ITEMS

A.2 - Householder Parking Permits

The Cabinet had before it a report of the Environment and Coast Protection Portfolio Holder which provided it with information with regard to the current free Tendring householder parking permit scheme and to enable it to determine whether it wished to extend the scheme beyond the current expiry date of 31 March 2013 and, subject to that decision, for it to also determine the terms and conditions for use of the permit.

The report provided:

- The background and purpose to the concessionary parking schemes operating on Tendring District Council car parks;
- What would constitute success for the current free householder parking permit and how this would be measured;
- An analysis of the measures used to determine success for the permit scheme;
- Options for Cabinet to consider prior to determining whether to extend the current scheme beyond the expiry date of 31 March 2013; and
- Further options for Cabinet to consider in respect of determining the terms and conditions of use for a free householder parking permit.

Having considered the options available, the financial and other implications of the decision and the advice of Officers:

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

RESOLVED that

- (a) the extension of the current free householder parking permit scheme beyond the current expiry date of 31 March 2013 be agreed;
- (b) an expiry date for the permit of 31 March 2014 be agreed;

- (c) a permit to allow free parking be issued to all Council Tax paying households, to be used between 1 April 2013 to 31 March 2014, between 11 a.m. and midnight, in all TDC car parks across the District, with the exception of The Naze, Holland Haven and any Council owned resident only car parks be agreed;
- (d) Officers be delegated the authority, in consultation with the relevant Portfolio Holder, to make all necessary arrangements and incur expenditure to continue the scheme including the provision of replacement permits;
- (e) the Corporate Director (Corporate Services) be authorised to set aside £300,000 to offset the potential financial impact of the scheme on the parking services budget for 2013/2014; and
- (f) Officers bring forward a quarterly financial report within the quarterly corporate budget monitoring report on the impact to the Council's car park income budget.

A.3 - Proposed Renewal of Lease for Land at Park Playing Field, Frinton-on-Sea with Frinton Bowls Club

The Cabinet had before it a report of the Finance and Asset Management Portfolio Holder seeking its approval for the renewal of the existing lease with The Trustees of Frinton-on-Sea Bowls Club for a new 21 year term for continued use as a Bowls Club.

Having considered the matter:-

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

RESOLVED that the renewal of the existing lease, as set out in the report and in item B.1, be agreed.

A.4 – Review of Development of Land – Horsley Cross/A120 Corridor

Further to Minutes 60 (12.12.12) and 68 (21.12.12) the Cabinet had before it a report of the Finance and Asset Management Portfolio Holder which:

- (a) presented the outcome from the audit of the possible development of land at Horsley Cross or elsewhere along the A120 corridor; and
- (b) responded to the request for further information and guidance requested at the Cabinet meeting held on 12 December 2012.

At that meeting, Cabinet had resolved to note the outcomes of the review and requested that the report came back with the following information added:

1. Why the May 2006 planning application was considered by the Development Control Committee in May 2008;
2. As central government's planning policy had changed with the introduction of the National Planning Policy Framework, Counsel's Advice on the implications of the allocation of land at Horsley Cross which was put forward at full Council; and
3. Officers' advice (both Planning and Regeneration) on the allocation at Horsley Cross put forward at full Council on 11 September 2012.

Having considered the further information provided:

It was moved by Councillor Halliday, seconded by Councillor P B Honeywood and:

RESOLVED that the outcome of the review and the further information provided be noted.

A.5 - Corporate Budget Monitoring Report for the Third Quarter of 2012/13

The Cabinet had before it a detailed report of the Finance and Asset Management Portfolio Holder, which provided it with an overview of the Council's actual financial position against the Budget as at the end of December 2012.

The Cabinet was aware that the Corporate Management Committee would also scrutinise the overview in due course.

It was also reported that although no formal comments back to Cabinet had been made by the Corporate Management Committee when it considered the budget monitoring report for the second quarter of 2012/13 at its 6 December 2012 meeting, a specific budget monitoring comment had been made by the Committee when it formally reviewed the Financial Strategy and detailed Budget estimates for 2013/14 at its 3 January 2013 meeting. That comment, along with the response of the Finance and Asset Management Portfolio Holder, had been agreed by Cabinet at its 23 January 2013 meeting. The Committee's comment and the response agreed by Cabinet were as follows (minute 77 referred):

“Corporate Management Committee’s Comment

Future Corporate Budget Monitoring reports should provide additional analysis of expenditure on External Legal Advice and on planning enforcement to support the monitoring of this area of the Council’s budget. The Committee supports the principle of keeping the provision of legal advice in house wherever possible and any decision to acquire external legal advice should be challenged and justified on each occasion.

Finance and Asset Management Portfolio Holder’s Response

Officers will be requested to provide additional analysis as part of future budget monitoring reports.

Looking to procure internally wherever possible is a principle that has been fully supported by Cabinet in the past and continues to be so and will be reflected in the revised procurement rules that forms part of the ongoing review of the Council’s Constitution that will be considered by Members in 2013. Officers will be requested to provide additional analysis as part of future budget monitoring reports.”

It was reported that additional information had now been included in the Portfolio Holder's report and would be included in future monitoring reports, subject to any subsequent decisions or considerations.

Having discussed the information provided in the report, the appendices attached thereto, the suggestion of the Corporate Management Committee and the Cabinet's previously agreed response:

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

RESOLVED that

- (a) the financial position as at the end of December 2012 be noted;
- (b) the salary budgets be adjusted by £0.335m to reflect the current position with a corresponding transfer to the Fit for Purpose Budget;
- (c) given the risk and volatility around the new Local Council Tax Support Scheme and the new business rates retention model, additional information be requested to be included in all future Budget Monitoring reports to enable all Members to monitor the financial impact on an ongoing basis; and

(d) in respect of professional fees, which could cover a broad range of expenditure, Officers be requested to investigate how a specific cost of legal advice could be better captured within the Council's systems, to enable better analysis of the Council's budget in the future.

A.6 - Annual Treasury Strategy for 2013/14 (including Prudential and Treasury Indicators)

The Cabinet recalled that, at its meeting held on 23 January 2013 (Minute 78 referred) it had approved the Annual Treasury Strategy for 2013/14 (including the Prudential and Treasury Indicators) for submission to the Corporate Management Committee.

The Corporate Management Committee had considered the Strategy at its meeting held on 18 February 2013 (Minute 59 referred) and had decided:-

"That Cabinet be informed that this Committee supports and endorses the contents of the Annual Treasury Strategy for 2013/14."

Having considered the comment of the Corporate Management Committee:-

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

RESOLVED that the comment of the Corporate Management Committee be noted.

RECOMMENDED TO COUNCIL that the Annual Treasury Strategy for 2013/14 (including Prudential and Treasury Indicators) be approved.

A.7 - Review of Pre-Application Advice Service

The Cabinet had before it a report of the Planning and Corporate Services Portfolio Holder which reviewed the Council's pre-application advice service and sought its agreement to adopt a revised service.

It was reported that the Council currently offered a non-fee paying pre-application advice service. The quality of information submitted by customers was often sparse and the Council's responsiveness to enquiries had become slow. The Planning Services' Improvement Plan included the review of the pre-application service as a top priority and the Council's Corporate Management Committee, at its meeting held on 3 January 2013, had expressed support for the introduction of fees for the service with the following comment that: *'The Council supports the principle of maximising opportunities to introduce new fees and charges such as introducing a reasonable charge for pre-application advice on planning applications thereby both maximising income and assisting applicants through the planning process'*. It was noted that introducing a revised service would therefore be an opportunity to take a more structured approach, to better manage enquiries, to improve previous response times and to generate income.

Having considered the proposed scheme, fee structure and national and Officer advice:

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

RESOLVED that

- (a) the pre-application advice service be relaunched, including the expansion of the proposed self-help service;
- (b) the arrangements for the implementation of the service, including a policy for where exemptions from charging might apply, be delegated to the Head of Planning, in

consultation with the Planning and Corporate Services and the Inward Investment and Growth Portfolio Holders; and

- (c) the Corporate Management Committee be requested to scrutinise the new advice service after its initial six months of operation and review its efficiency and effectiveness.

A.8 - Tendring District Council Public Speaking Scheme

The Cabinet had before it a report of the Planning and Corporate Services Portfolio Holder, which outlined amendments to the Council's Public Speaking Scheme for Planning Committee meetings.

Cabinet was aware that the Council had a scheme that allowed for public speaking at Planning Committees. Its existence and the provisions within it were generally in line with best practice and schemes adopted by other local planning authorities. However, the Planning Service Improvement Plan included an action to review the scheme in order to address inequalities that arose in the current scheme between parished and non-parished areas of the District.

It was proposed to implement changes to the scheme in order to improve the current scheme by increasing its equity and opportunities for public speaking at Planning Committees. The proposed changes to the scheme had been discussed with the Chairman and the Vice-Chairman of the Planning Committee. It was proposed to request that the Monitoring Officer amend the Public Speaking Scheme in the following ways:

1. Remove the time limit on Ward Members speaking at Committee. The reference to Ward Members would, in the majority of cases, refer to the Member(s) of the Ward where the proposed development was taking place but could also allow Members of adjacent Wards or Wards impacted by the proposed development to speak. Management of the meeting would be the responsibility of the Chairman;
2. Remove the requirement that public speakers must live or work within 500 metres of the development proposal; and
3. Allow one member of the public to speak in favour of the recommendation and one member of the public to speak against the recommendation.

All Members would be informed of the amended scheme and the Head of Planning would amend the material made available to the public outlining the scheme in order to ensure that the Council's procedures remained transparent.

Having considered the proposed changes:

It was moved by Councillor Halliday, seconded by Councillor P B Honeywood and:

RESOLVED that

- (a) Cabinet requests that the Public Speaking Scheme and the Members' right to speak to a planning application at Planning Committee meetings be changed in order to allow:
- (1) the removal of the time limit on Ward Members speaking at Committee. The reference to Ward Members will, in the majority of cases, refer to the Member(s) of the Ward where the proposed development is taking place but could also allow Members of adjacent Wards, or Wards impacted by the proposed development to speak. Management of the meeting will be the responsibility of the Chairman;
 - (2) the removal of the requirement that public speakers must live or work within 500 metres of the development proposal;

- (3) allow one member of the public to speak in favour of the recommendation and one member of the public to speak against the recommendation (or more at the Chairman's discretion);
- (b) the Monitoring Officer write to all Members setting out the amended scheme; and
- (c) the Head of Planning amends the material available to the public outlining the scheme to ensure that the Council's procedures remain transparent.

91. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

92. EXEMPT MINUTES OF THE LAST MEETING AND ITEM B.1 OF THE REPORT OF THE FINANCE AND ASSET MANAGEMENT PORTFOLIO HOLDER

As there was to be no discussion and consequently no need to exclude the press and public:

It was moved by Councillor Halliday, seconded by Councillor S S Mayzes and:

RESOLVED that

- (a) the exempt minutes of the meeting of the Cabinet held on 23 January 2013 be approved as a correct record and signed by the Chairman; and
- (b) item B.1 of the Report of the Finance and Asset Management Portfolio Holder be agreed, as minuted below (Minute 93).

DATE AND TIME OF NEXT MEETING

The next meeting of the Cabinet will be held on Friday 22 March 2013 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 12.21 p.m.