

**MINUTES OF THE MEETING OF THE CABINET, HELD ON FRIDAY 20 NOVEMBER 2015
AT 10.30 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA**

PRESENT:

Councillor N R Stock
Councillor G V Guglielmi
Councillor P B Honeywood
Councillor T A Howard
Councillor M J Hughes
Councillor L A McWilliams
Councillor M J D Skeels
Councillor M J Talbot
Councillor N W Turner
Councillor G F Watling

PORTFOLIO:

Chairman, Leader of the Council and Planning Portfolio Holder
Deputy Leader of the Council and Asset Management and Corporate Services Portfolio Holder
Housing Portfolio Holder
Finance and Transformation Portfolio Holder
Revenues and Benefits Portfolio Holder
Well-being and Partnerships Portfolio Holder
Leisure Portfolio Holder
Environment Portfolio Holder
Coastal Protection Portfolio Holder
Regeneration Portfolio Holder

Group Leaders Present by Invitation:

Councillors J A Broderick (Leader of Holland Residents' Group) and M E Stephenson (Leader of the UKIP Group).

Also Present: Councillors Bennison, J A Brown, Bucke, Cawthron, Massey and Newton

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities (Paul Price), Head of Planning (Cath Bicknell), Finance and Procurement Manager (Richard Barrett), Parking and Seafronts Manager (Ian Taylor), Management and Members' Support Manager (Karen Neath), Communications Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

89. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor I J Henderson (Leader of the Labour Group).

90. MINUTES OF THE LAST MEETING HELD ON FRIDAY 23 OCTOBER 2015

The minutes of the last meeting of the Cabinet, held on 23 October 2015, were approved as a correct record and signed by the Chairman.

91. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

92. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

93. ANNOUNCEMENTS BY CABINET MEMBERS

The Finance and Transformation Portfolio Holder (Councillor Howard) stated his concern that the new room layout meant that the Cabinet Members had their back to the public gallery which meant that the public present might not be able to identify which Cabinet Member was speaking.

The Leader of the Council and the Chief Executive agreed to reconsider the layout.

94. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were none on this occasion.

95. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE – RESIDENTS IN TENDRING BEING CONTACTED BY TENDRING DISTRICT COUNCIL OVER THE MAKE-UP OF THEIR HOUSEHOLD (Report A.1)

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 2 November 2015, the Portfolio Holder for Revenues and Benefits (Councillor Hughes) and the Revenues and Benefits Manager (Harry Bates), accompanied by the Fraud, Counter Fraud and Compliance Manager (Clare Lewis) had attended at the request of the Chairman of the Committee (Councillor Griffiths) who had raised concerns over the Council's practice of phoning single-person households during the evening.

At the invitation of the Chairman, a resident of Tendring, Mr David Bolton, had addressed the meeting and explained how this practice was causing concern to residents, particularly elderly residents, especially during the evening and with the type of questions being asked.

Members had discussed the issue and had asked a number of questions concerning:

- (a) How many set questions were asked;
- (b) Did the caller identify themselves before asking questions;
- (c) Were claimants of the single-person discount made aware that they must contact the Council if their circumstances changed;
- (d) Would a letter be more effective at identifying changes of circumstance for single-occupancy households; and
- (e) Was data matching available.

Mr Bates had then answered the above questions informing the Committee that there were three set questions asked after the caller had informed the recipient that they were calling from the Council but the caller did not give their name. He had then informed Members that when the annual Council Tax was sent to residents there was a provision asking residents to notify the Council of any change in circumstance, including a change in single-person occupancy. He had further added that data matching was not available at the present time but that this was a possible step for the future.

The Committee had decided to recommend to Cabinet as follows:

- (a) *Revenues and Benefits give consideration to a two-yearly renewal rate in which residents have to inform the department whether they wish to retain the single-person discount, if this was not done, the single person discount would go back to the full Council Tax charge;*
- (b) *The questions to residents were changed especially the 'are you on your own' question which could cause alarm and worry as to whether the call to them was genuine; and*
- (c) *When residents were completing the application for single occupancy discount that there was an area where the resident could advise the department of the best time that they could be contacted if required.*

Having considered the recommendations of the Service Development and Delivery Committee it was moved by Councillor Hughes, seconded by Councillor Watling and **RESOLVED** that:

- (a) the Service Development and Delivery Committee is thanked for its recommendations; and
- (b) Cabinet notes the following responses of the Revenues and Benefits Portfolio Holder:
 - (1) It is not recommended to introduce a two yearly review because of the potential impact on customers and the sizeable backlog that could accrue if reviews were only undertaken every two years;
 - (2) The questions to residents have been reviewed and amended. In addition, all staff have been reminded of the correct wording to use; and
 - (3) There are around 25,000 residents to contact and it is not therefore possible to offer individual contact times. However, Officers are looking into the option of contacting residents on Saturdays and, if it is not convenient for residents to speak when they are called, they are asked what time would be preferable for them to be contacted.

96. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – REFERENCE FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE – ANTI-SOCIAL BEHAVIOUR AT THE PUBLIC TOILETS AT MAGDALEN GREEN, CLACTON-ON-SEA (Report A.2)

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 2 November 2015, the Portfolio Holder for Coastal Protection (Councillor Turner) and the Seafronts and Parking Manager (Ian Taylor) had attended at the request of the Chairman of the Committee (Councillor Griffiths) in order to answer concerns raised by the Chairman at the on-going anti-social behaviour at the Public Toilets, Magdalen Green, Clacton-on-Sea.

The Chairman had informed the meeting that he had raised this issue after a Pier Forum meeting where residents had raised their concerns at anti-social activities taking place at those particular public toilets which were on the route to a local primary school and for teenagers on the way to the Coastal Academy in Clacton.

The Chairman had stated that the residents had complained about homelessness people living in the toilets, their aggression to the Council's cleaners and possible drug abuse, they had also commented that complaints had been made to the Police but that no action had been taken.

Councillor Turner had then addressed the Committee and informed it that this was a very contentious subject and that it had been a problem for about three years and when it was suggested the toilets be closed, it had been requested that they be kept open, particularly in the tourist season. He had further informed the Committee that the department dealing with public toilets were in the process of producing a Strategy as the Council was responsible for 44 public toilets across the District.

Members had then considered this item suggesting several possible solutions and questions had been asked about the possible closure of the toilets, reduction of opening hours and if the Council was actually obliged to provide public toilets. The Committee had been informed that there was no obligation for the Council to provide public toilets but it had the authority to build them and open them.

The Committee had decided to recommend to Cabinet as follows:

“That the Strategy on Public Toilets, when it was ready, be brought back to the Service Development and Delivery Committee for scrutiny by its Members.”

Having considered the recommendations of the Service Development and Delivery Committee it was moved by Councillor Turner, seconded by Councillor McWilliams and **RESOLVED** that the Public Toilet Strategy, when prepared, be submitted to the Service Development and Delivery Committee for comments prior to consideration by the Cabinet.

97. LEADER OF THE COUNCIL’S ITEMS

There were none on this occasion.

CABINET MEMBERS’ ITEMS – REPORTS OF THE PORTFOLIO HOLDER FOR ASSET MANAGEMENT AND CORPORATE SERVICES

98. FREEHOLD DISPOSAL OF 34 ELECTRICITY SUB-STATION SITES ACROSS THE DISTRICT (Report A.3)

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which sought Cabinet’s for the freehold disposal of 34 electricity sub-station sites across the District.

It was reported that the Council owned the freehold of 34 substation sites of various sizes within the District, which were leased to Eastern Power Networks (EPN) for use as sub-station sites. Those leases varied considerably and the cost and time involved in the administration of them was disproportionate in relation to the rents received.

Cabinet was informed that EPN had offered to purchase the freehold of the sites for a capital sum. In the interests of progressing with the transaction in line with the offer received, the Asset Management and Corporate Services Portfolio Holder had requested that Cabinet considered the principle of the disposal without the prior initiation of the disposals process.

In order to allow the disposal to progress it was moved by Councillor G V Guglielmi, seconded by Councillor Turner and **RESOLVED** that Cabinet authorises, in principle, the freehold disposal of the sites in question, subject to its decision on terms to be taken later in the meeting when item B.1 of the Report of the Asset Management and Corporate Services Portfolio Holder is considered.

99. PERFORMANCE REPORT: QUARTER TWO (JULY – SEPTEMBER 2015) (Report A.4)

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services, which presented the Performance Report for Quarter Two.

Appendix A to the report contained the Performance Report for Quarter Two (July – September 2015), including details of 18 key project areas, as well as 12 performance indicators that detailed critical business areas of the Council’s work. The report also contained details of sickness, complaints handling and number of approved surveillances.

Cabinet was made aware that of the 30 indicators and projects reported; 26 (87%) were on, or above, their expected target. There were 4 (13%) that were currently not in line with the expected performance. Explanations of the performance and the supporting data were included in the report.

Cabinet was reminded that the performance report would be presented to the Corporate Management Committee at its meeting to be held on 14 December 2015 and any feedback from that meeting would be presented to a future meeting of the Cabinet.

Having considered the data submitted, it was moved by Councillor G V Guglielmi, seconded by Councillor Watling and **RESOLVED** that the performance for Quarter Two (July to September 2015) be noted.

CABINET MEMBERS' ITEMS - REPORTS OF THE PORTFOLIO HOLDER FOR COASTAL PROTECTION

100. CONSTRUCTION OF NEW BEACH HUTS (Report A.5)

There was submitted a report by the Portfolio Holder for Coastal Protection, which sought Cabinet's approval for the construction of 12 new beach huts along the Clacton / Holland-on-Sea seafront funded from the Council's Austerity Reserve.

Cabinet recalled that, at its meeting held on 23 October 2015 (Minute 81 referred), it had considered a report that had set out various projects relating to the regeneration of the Clacton to Holland Coastline, which included the proposal to build 12 new beach huts. Cabinet had resolved that:

- 1) *In principle, 12 new beach huts be constructed along the seafront with further details being reported to the next meeting of the Cabinet;*

The report now before Cabinet set out the further details referred to above and sought formal agreement to use £100,000 from the Austerity Reserve to meet the cost of the project.

Cabinet was informed that the wider provision of beach huts was set out in the Beach Hut Strategy for Tendring which had been adopted by the Council in 2013 and which encouraged and authorised the construction and subsequent rental and / or future sale of beach huts by the Council as a means of supporting further seafront related improvements. Such improvements would include the future recharge of the newly constructed beach along the Clacton to Holland coast, which was currently estimated as costing £150,000 each year to fund the total cost of £1.5million every 10 years.

It was considered that beach huts made a significant contribution to the coastal areas of Tendring, attracting visitors from inside and outside the District, and provided a valuable source of revenue directly to the Council and indirectly to local businesses.

Therefore, based on an option appraisal, it was proposed to construct at least 12 new beach huts along the Clacton / Holland-on-Sea seafront for resale at a cost of up to £100,000 which would generate additional income via the annual site licence fee charged to the new owners. However, based on market conditions and the location of the beach huts, it was recognised that retaining ownership of some of the new beach huts for rent might provide a favourable alternative approach, although this would be balanced against the background of maximising the return on investment.

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

- a) the construction of 12 beach huts along the Clacton to Holland frontage with the cost of up to £100,000 being funded from the Austerity Reserve in 2015/16 be approved;

- b) the Corporate Director (Coastal and Seafronts), in consultation with the Portfolio Holder for Coast Protection, be authorised to agree the locations for the new beach huts;
- c) the principle of the beach huts being initially offered for sale be agreed and that the following delegations to the Corporate Director (Coastal and Seafronts) are approved, based on the principle of maximising the return on investment, namely the:
- Determination of the most appropriate process for lease / selling / marketing the beach huts;
 - Determination of the annual licence fee for the beach huts that are sold;
 - Determination of the mix of beach huts for lease / resale or rent to reflect market conditions; and
 - Determination of the rent levels for any beach huts rented out.

101. PART-NIGHT STREET LIGHTING: PROPOSALS FROM THE WORKING PARTY AND NEW INFORMATION FROM ESSEX COUNTY COUNCIL (Report A.6)

There was submitted a report by the Portfolio Holder for Coastal Protection, which sought to:

- (1) Enable Cabinet to consider and note the findings and recommendations of the Part-Night Street Lighting Working Party, which were to be reported to Council on 24 November 2015; and
- (2) Provide Cabinet with details of a letter received from the Leader of Essex County Council to the Leader of Tendring District Council, in which, he set out the conditions which would apply should this Council decide to fund all, or part, restoration of night-time street lighting in the District; and
- (3) Enable Cabinet to decide what recommendation(s) it wished to make to Council in light of this new information.

Cabinet was aware that Council had decided, at its meeting held on 24 March 2015:

“That Tendring District Council requests Essex County Council to switch on street lights within the Tendring District at night to be funded from the £160,000 set aside within the 2014/2015 Fit for Purpose budget. Further, that the Leader of the Council and the Chief Executive be authorised to discuss the terms, including funding arrangements, with Essex County Council and bring proposals back to a meeting of full Council.”

Following that decision, the Leader of the Council had announced, on 7 July 2015, the formation of a cross-party Working Party, to be led by the Portfolio Holder for Coastal Protection.

Findings of the Working Party

It was reported that the Terms of Reference for the Working Party had provided for it to identify those areas within the District where the predominant local view was that the lights should be switched back on at night-time and those areas within the District where the view was that they should not.

All District Councillors and Town and Parish Councils had been asked to provide that information for their respective Ward and or Town and Parish and these responses were set out in Appendix A to the report.

The Working Party had then met on 9 November 2015 to consider those responses and had agreed that if the Council wished to propose part-on and part-off lighting arrangements to Essex County Council then it would be preferable (and consistent with the majority of views expressed by Members and Town and Parish Councils) to submit a simple proposal based broadly on the lights in the main urban areas of Clacton and Harwich being switched back on and for the lights to remain switched off within the rest of the District.

Letter from Essex County Council

Attached as Appendix B to the report was a letter, received from the Leader of Essex County Council, to the Leader of this Council, which stated that any agreement to reinstate street lighting during the night would be subject to conditions, which meant that the cost of any commitment would be in excess of the £160,000 currently set aside by the Council.

With the permission of the Chairman, Councillor Bucke addressed the Cabinet on the matter.

Having considered the contents of the report; the findings of the Working Party and the contents of the letter received from the Leader of Essex County Council, it was moved by Councillor Stock, seconded by Councillor Turner and:

RESOLVED, that Cabinet notes the recommendation to Council of the Part-Night Street Lighting Working Party that if the Council wished to obtain costings from the County Council to restore night time street lighting in Tendring for parts of the District, but not others, it should be on the following basis:

- (a) Lights to be switched back on all night for the following:-
 - (i) All Clacton, Jaywick and Holland-on-Sea Wards, namely Alton Park, Bockings Elm, Burrsville, Golf Green, Haven, Peter Bruff, Pier, Rush Green, St Bartholomews, St James, St Johns, St Marys and St Pauls;
 - (ii) All Harwich, Dovercourt and Ramsey and Parkeston wards, namely Harwich East, Harwich East Central, Harwich West, Harwich West Central and Ramsey and Parkeston;
 - (iii) The Ward of Brightlingsea; and
 - (iv) The Parish of Little Oakley.
- (b) Lights to remain switched off at night for the following:
 - (i) All other wards of the Tendring District, namely Alresford, Ardleigh and Little Bromley, Beaumont and Thorpe, Bradfield, Wrabness and Wix, Frinton, Great Bentley, Hamford, Holland and Kirby, Homelands, Lawford, Little Clacton and Weeley, Manningtree, Mistley, Little Bentley and Tendring, St Osyth and Point Clear, Thorrington, Frating, Elmstead and Great Bromley and Walton; and
 - (ii) The Parish of Great Oakley.

RECOMMENDED TO COUNCIL that the recommendation of the Working Party, of the areas to remain lit at night, be submitted to Essex County Council, in response to the letter from Councillor Finch.

CABINET MEMBERS' ITEMS - REPORT OF THE PORTFOLIO HOLDER FOR THE ENVIRONMENT**102. TO CONSIDER CEASING THE DELIVERY OF BLACK SACKS (Report A.7)**

There was submitted a report by the Portfolio Holder for the Environment, which sought Cabinet's decision on whether to cease the delivery of black sacks to households in the District for use in disposing of their residual waste.

It was reported that the Council, via its waste contractor, Veolia, currently provided fifty-two black sacks once a year for the collection of residual waste (i.e. non-recyclable waste) and that the cost of this service was currently £154,728 per annum.

Cabinet was aware that the Council was required to make savings of £2 million in 2015/16 and a further £2 million in 2016/17. It was suggested that ceasing provision of the sacks would make a significant contribution to the required saving given that many residents already purchased additional black sacks as they used more than one a week but given the Council's commitment to reducing overall waste tonnage and increasing the level of recycling, ending the provision of sacks purely for non-recyclable materials could be seen as counter intuitive.

Having considered the matter, it was moved by Councillor Talbot, seconded by Councillor Turner and **RESOLVED** that:

- (a) the delivery of black sacks by the Council to residents is ceased; and
- (b) a promotion and press campaign is delivered to provide information about the ceasing of the service and informing residents how waste should be presented running alongside our promotion of increased recycling.

CABINET MEMBERS' ITEMS - REPORT OF THE PORTFOLIO HOLDER FOR FINANCE AND TRANSFORMATION**103. CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2015/2016 (Report A.8)**

There was submitted a detailed report by the Portfolio Holder for Finance and Transformation, which provided Cabinet with an overview of the Council's financial position against the budget as at the end of September 2015 and set out a number of budget adjustments required in 2015/16.

It was reported that it was still relatively early in the financial year and therefore some expenditure or income trends could still be emerging / evolving. However any significant issues arising to date had been highlighted and comments provided as necessary. The position to the end of September 2015 showed that overall the General Fund Revenue position was behind the profiled budget by £4.685million. After allowing for significant one-off budgets such as the Fit for Purpose Budget where commitments or decisions were still to be made, the position had been revised to £1.430million behind the profiled budget. A considerable element of this variance was due to the timing of expenditure and income although some emerging issues had been identified. It was highlighted that the favourable income position being experienced in areas such as planning was making a significant contribution to the overall variance.

Cabinet was made aware that in respect of other areas of the budget such as the Housing Revenue Account, Capital Programme, debt recovery and treasury activity, there were no significant issues arising to date.

Members were also made aware of some key considerations highlighted by the Council's External Auditor, as part of their Value for Money work undertaken earlier in the year. The general findings of the Auditor had been very positive especially given that the Council has delivered some major capital investment projects in the last year. However, summarised in the report were issues around financial resilience which specifically drew Cabinet's attention to the level of Council Tax set each year along with the use of reserves to fund the budget gap.

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

- (a) the financial position as at the end of September 2015 be noted;
- (b) in respect of the 2015/16 budget it be agreed that £0.074million to fund additional capacity and training within the Planning Department be included in the budget and met from a corresponding increase in the Planning fee income budget; and
- (c) the 2015/16 budget be amended to reflect net favourable variances emerging so far to date as follows: Reduction in the budget of £0.075million from reduced salary costs; Reduction in the budget of £0.050million from increased planning fee income over and above the adjustment set out in (b) above; Increase in the budget of £0.079million to reflect reduced crematorium fee income as a result of reduced capacity during the major cremator replacement works; and £0.046million – Contribution to Reserves (being the net total of the above transferred to the Austerity Reserve).

CABINET MEMBERS' ITEMS - REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

104. ADOPTION OF AN UPDATED EMPTY HOMES STRATEGY (Report A.9)

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.

105. MANAGEMENT TEAM ITEMS

There were none on this occasion.

106. 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.

107. EXEMPT MINUTE OF THE LAST MEETING HELD ON FRIDAY 23 OCTOBER 2015

The exempt minute of the last meeting of the Cabinet, held on 23 October 2015, was approved as a correct record and signed by the Chairman.

CABINET MEMBERS' ITEMS – REPORT OF THE PORTFOLIO HOLDER FOR ASSET MANAGEMENT AND CORPORATE SERVICES**108. TERMS FOR THE FREEHOLD DISPOSAL OF 34 SUB-STATION SITES ACROSS THE DISTRICT (Report B.1)**

RESOLVED that

- (a) the terms for a freehold disposal to Eastern Power Networks be approved;.
- (b) the Corporate Director (Corporate Services) be authorised to enter into a contract to dispose of the sites on the terms approved and subject to such other terms that he considers necessary.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was scheduled to take place on Friday 11 December 2015 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 12.03 p.m.

Chairman

