

**MINUTES OF THE MEETING OF THE CABINET, HELD ON FRIDAY 13 MAY 2016 AT
10.34 AM 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 Talbot
Councillor N W Turner
Councillor G F Watling

PORTFOLIO:

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

Group Leaders Present by Invitation:

Councillors J Chittock (Leader of the Tendring Independents Group) and I J Henderson (Leader of the Labour Group).

Also Present: Councillor Amos

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) & Deputy Monitoring Officer (Martyn Knappett), Head of Planning Services (Cath Bicknell), Finance and Procurement Manager & Section 151 Officer (Richard Barrett), Senior Democratic Services Officer (Ian Ford), Deputy Management and Members' Support Manager (Lizzie Ridout) and Democratic Services Officer (Janey Nice)

1. APOLOGIES FOR ABSENCE

Apoloiges for absence were received on behalf of Councillor J A Broderick (Leader of the Holland-on-Sea Residents' Group).

2. MINUTES OF THE LAST MEETING HELD ON FRIDAY 15 APRIL 2016

The minutes of the last meeting of the Cabinet, held on Friday 15 April 2016, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none declared at this time though later in the meeting:

- (1) Councillors G V Guglielmi and Honeywood each declared an interest in item A.1 of the Reference Report from the Community Leadership and Partnerships Committee relating to the Essex County Fire and Rescue Service's consultation on the future of that service, as detailed in Minute 7 below, insofar as they were both members of the Essex Fire Authority.

Councillor I J Henderson also declared an interest in that item as he too was a member of the Essex Fire Authority and he also declared that he had previously been granted a Dispensation by the Monitoring Officer.

(2) Councillor Talbot declared an interest in respect of item A.4 - Determination of a Nomination to Register an Asset of Community Value: The Blacksmith's Arms, 20 The Street, Little Clacton, as detailed in Minute 11 below, in that he was a member of CAMRA (the Campaign for Real Ale).

4. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Councillor M J D Skeels – Portfolio Holder for Leisure

The Leader of the Council, Councillor Stock, referred to the following email that he had circulated to all members of the Council the previous day:

"I stated publicly when the issue concerning Councillor Mick Skeels' (Senior) conduct was first brought to my attention that the right and appropriate body to determine an allegation of this nature is the Council's Standards Committee and their decision today has proved that my judgement was correct. The Committee has made a very clear and unambiguous statement that all councillors, and especially cabinet members, must demonstrate faultless conduct at all times and I have immediately executed the request that they have made of me as Leader of the Council, to remove Councillor Mick Skeels Snr from Cabinet and outside bodies connected with the Council.

The Council's Constitution states any removal will take effect two working days after receipt of the notice by the Chief Executive, in this case this will be Monday 16 May 2016."

Cabinet noted the foregoing.

Jaywick

The Leader of the Council announced that Jaywick was to have its own Cabinet Member with the special responsibility to drive forward regeneration efforts to bring new homes, jobs and infrastructure to the area. He stated that he had appointed Councillor Honeywood, Portfolio Holder for Housing, to take on this role.

Cabinet noted the foregoing.

5. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements by members of the Cabinet on this occasion.

6. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

7. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE

Presentation by the Essex County Fire and Rescue Service (Report A.1)

Councillors G V Guglielmi and Honeywood each declared an interest in this item insofar as they were both members of the Essex Fire Authority.

Councillor I J Henderson also declared an interest in this item as he too was a member of the Essex Fire Authority and he also declared that he had previously been granted a Dispensation by the Monitoring Officer.

The Cabinet was informed that, at the meeting of the Community Leadership and Partnerships Committee held on 6 April 2016, Paul Bowers (Senior Divisional Officer) and Mike Clayton (Finance Director and Treasurer) had attended to present the Consultation Document for Essex Fire Authority. This was the second of two consultations and set out three options for change.

Mr Clayton had presented some background information including data on the number and types of incidents over the last 5 years, the availability of appliances and the average and peak demand. Mr Clayton had advised that the Fire Service now had a greater focus on preventative work and had invested £3m per annum in this. The first consultation had set new attendance standards of attending 90% of incidents in 15 minutes and an average time of 10 minutes to attend potentially life threatening incidents. Mr Clayton also gave some background on the financial position of the Fire Authority and savings required of £9.9m up to 2020 and the relative Council Tax implications for each option.

Mr Bowers then set out the options being consulted on which included changing a number of stations from two to one appliances, changing from whole time to on-call crewing at some stations and the replacement of Pinzgauers with fire engines at some stations.

The Chair had taken questions both from the Committee and from the audience.

The Committee had recommended to Cabinet that:

- (a) *The Council work with Essex Fire Service to facilitate access to a small number of local schools the Fire Service have not currently accessed to allow them to undertake preventative work with school children.*
- (b) *The Committee is not convinced that sufficient evidence has been provided that any of the three options would provide adequate cover in some parts of Tendring and that none of the options could be supported until it can be proven that the necessary recruitment for on-call coverage can take place*
- (c) *The Council embrace and support the ethos of all emergency services exploring working together.*

Having considered the recommendations of the Community Leadership and Partnerships Committee, it was moved by Councillor McWilliams, seconded by Councillor Turner and:

RESOLVED that it be noted that responses to the consultation, including the comments from the Community Leadership and Partnerships Committee, were announced at the meeting of Cabinet held on 15 April 2016 and were submitted to the Fire Service by the closing date of their consultation (25 April 2016).

8. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

Cabinet Members' Items – Report of the Portfolio Holder for Asset Management & Corporate Services

9. GRANT OF LEASE OF KIOSK 6, LOWER PROMENADE, MARINE PARADE EAST, CLACTON-ON-SEA (Report A.2)

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services which sought Cabinet's approval, in principle, for a new lease of the Kiosk 6 building, Marine Parade East, Clacton-on-Sea.

Cabinet was informed that the premises were currently vacant, the previous tenant having moved out in 2014. It had been unused since then due to the on-going sea defence works which had closed the promenade in front of the kiosk and the resolution of a structural defect. The site had now been fully marketed including on site and press publicity. The kiosk had been placed with a local agent and had benefitted from a full two month marketing campaign. A formal tender process taking account of the proposed uses of the site, the visual impact of any changes to the site and the regeneration of the area as well as the proposed rental had been carried out. Over 80 tender packs had been requested and sent out.

It was reported that a full tender evaluation process had then been conducted by a Panel which included officers from both Corporate Services and Life Opportunities. That process had resulted in one tenderer being identified as the strongest in terms of use of the site, jobs creation, regeneration and financial gain. It was proposed to grant a lease of the site to this party. Further details of the tenders and process were set out in item B.1 of the Report of the Portfolio Holder for Asset Management and Corporate Services.

Having considered the report it was moved by Councillor G V Guglielmi, seconded by Councillor Turner and **RESOLVED** that Cabinet approves, in principle, the granting of a new lease of the site to the successful tenderer.

10. PERFORMANCE REPORT – QUARTER FOUR JANUARY 2016 – MARCH 2016 (Report A.3)

There was submitted a report by the Portfolio Holder for Asset Management and Corporate Services which presented the Performance Report for Quarter Four (January – March 2016). Appendix A to that report contained details of 18 key project areas, as well as 12 performance indicators, detailing business critical areas of the Council's work. The report also contained details of levels of staff sickness, complaints handling and the number of approved surveillances.

Cabinet was made aware that, of the 30 indicators and projects reported, 24 (80%) were on, or above, their expected target. There were six (20%) that were not in line with the expected performance. Explanations of the performance and the supporting data were included under each topic.

Cabinet was also aware that this report had been presented to the Corporate Management Committee on 9 May 2016. The comments made by that Committee would be presented to a future meeting of the Cabinet as a separate reference report.

After discussion of the report it was moved by Councillor G V Guglielmi, seconded by Councillor Watling and **RESOLVED** that the contents of the report be noted.

Cabinet Members' Items – Report of the Portfolio Holder for Well-being and Partnerships

11. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE BLACKSMITHS ARMS, 20 THE STREET, LITTLE CLACTON (Report A.4)

Councillor Talbot declared an interest in respect of item A.4 - Determination of a Nomination to Register an Asset of Community Value: The Blacksmith's Arms, 20

The Street, Little Clacton, as detailed in Minute 11 below, in that he was a member of CAMRA (the Campaign for Real Ale).

There was submitted a report by the Portfolio Holder for Well-being and Partnerships which sought Cabinet's decision on whether The Blacksmiths Arms, Little Clacton met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its valid nomination as an Asset of Community Value by Little Clacton Parish Council. No other criteria were pertinent to the decision.

The Cabinet was informed that the Officers, taking the evidence provided into account, were of the opinion that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011 and, accordingly, were recommending that the building should be listed as an Asset of Community Value.

Having considered the report, the valid nomination and the advice of Officers, it was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:

RESOLVED that Cabinet considers that the issues put forward by TLT Solicitors have not been fully addressed in the nomination and as a result it is not conclusive that the criteria set out in the legislation have been met. Therefore the property should not at this point be added to the Council's list of Assets of Community Value.

12. MANAGEMENT TEAM ITEMS

There were none on this occasion.

13. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor Watling 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 Item 12 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.

CABINET MEMBERS' ITEMS – REPORT OF THE PORTFOLIO HOLDER FOR ASSET MANAGEMENT AND CORPORATE SERVICES

14. LEASE OF KIOSK 6, LOWER PROMENADE, MARINE PARADE EAST, CLACTON-ON-SEA: TENDER SELECTION AND LEASE TERMS (Report B.1)

RESOLVED that

- (a) the tender submitted by Mr and Mrs Freeman be selected as the successful tender;
- (b) the proposed terms for the new lease be approved; and
- (b) the Corporate Director (Corporate Services) be authorised to enter into a lease of Kiosk 6 to Mr and Mrs Freeman or their company S & E Catering on the terms approved and subject to such other terms that she considers necessary.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was due to take place on Friday 10 June 2016 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 10.59 a.m.

Chairman