
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 14TH SEPTEMBER, 2018 AT 10.33 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Finance and Corporate Resources Portfolio Holder), Zoe Fairley (Investment and Growth Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Health and Education Portfolio Holder), Fred Nicholls (Corporate Enforcement Portfolio Holder), Mick Skeels (Snr)(Leisure and Tourism Portfolio Holder) and Michael Talbot (Environment Portfolio Holder)

Group Leaders Present by Invitation:

Councillors Robert Bucke (Leader of the Liberal Democrats / Tendring First Group), Mary Newton (Leader of the UKIP Group), Mark Stephenson (Leader of the Tendring Independents Group) and Colin Winfield (Deputy Leader of the Holland-on-Sea Group)

Also Present: Councillors Mike Bush (Deputy Leader of the Tendring Independents Group), Gary Scott (Deputy Leader of the Liberal Democrats / Tendring First Group) and Karen Yallop

In Attendance: Ian Davidson (Chief Executive), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Richard Barrett (Head of Finance, Revenues and Benefits Services), Tim Clarke (Head of Housing and Environmental Health), Karen Neath (Head of Leadership Support and Community), Ian Taylor (Head of Public Realm), Ian Ford (Committee Services Manager) and William Lodge (Communications Manager)

35. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Joy Broderick (Leader of the Holland-on-Sea Group) and Ivan Henderson (Leader of the Labour Group).

36. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 13 July 2018, be approved as a correct record and signed by the Chairman.

37. DECLARATIONS OF INTEREST

There were none on this occasion.

38. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Local Plan

Further to the statement that he had made at the full Council meeting on 11 September 2018, the Leader of the Council (Councillor Stock OBE) informed Cabinet that he was encouraged by what he had heard about Colchester Borough Council's (CBC) consideration of the Local Plan the previous evening. However, he would await the formal notification of CBC's decision to this Council and a review of that decision by this Council's Officers before he would write to all Members in his capacity as Chairman of the Local Plan Committee with an update.

39. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

40. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were none on this occasion.

41. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE - A.1 - TOURISM STRATEGY

Cabinet was informed that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 30 July 2018 (Minute 22 referred) the Head of Sport and Leisure (Mike Carran) had given an update to that Committee on the production of a new District wide Tourism Strategy.

That update had touched on the following:-

- (i) that the Strategy was due to be produced by October 2018;
- (ii) the ever closer working relationships with the private sector and the voluntary sector (such as on successful initiatives like Love Clacton and the Coastal Communities Group) and the lessons to be taken into the Strategy; and
- (iii) new models for marketing and promoting tourism and the importance of "Local Pride" in tourism within the District.

Mr Carran had then outlined to the Committee the nine key focuses of the new Strategy, namely:-

- (1) Two tier focus on Events;
- (2) Council's role in facilitating as well as leading on Events;
- (3) Tourism promotion;
- (4) Digital marketing;
- (5) Increasing sector confidence for example through increasing investment;
- (6) Developing the seafront offer;
- (7) Developing the heritage offer for example the Mayflower 400 project;
- (8) Partnership working; and
- (9) Promoting the district for outdoor activity.

The Corporate Director (Operational Services) (Paul Price) had then addressed the Committee and had emphasised that tourism was a fast moving, agile economy and that this had not been taken into account in the previous Tourism Strategy (2010-16). The private sector had not been involved in the formulation of that Strategy. The Strategy had not focused on the visitor economy from within the District as well as that from

outside the District. In the new Strategy there was a greater emphasis on the Council's role of facilitation.

Having considered and discussed the information provided the Resources and Services Overview and Scrutiny Committee had:-

“RESOLVED that this Committee recommends to Cabinet that –

(a) the parish and town councils within the District be included as part of the consultation process on the emerging Tourism Strategy; and

(b) in view of the fact that tourism generates £372million income for the District, additional funding be allocated to the Tourism Section within the Operational Services department in order to ensure that it is fully resourced.”

Cabinet was made aware that the Leisure and Tourism Portfolio Holder had thanked the Resources and Services Overview and Scrutiny Committee for its consideration and its recommendations and had commented as follows:-

“In respect of recommendation (a), I support the proposal that the parish and town councils within the District be included as part of the consultation process on the emerging Tourism Strategy; and

In respect of recommendation (b), I will discuss this with the Finance and Corporate Resources Portfolio Holder, the Corporate Director (Operational Services and the Head of Finance, Revenues and Benefits as part of the budget setting process.”

Having considered the recommendations of the Resources and Services Overview and Scrutiny Committee and the responses of the Leisure and Tourism Portfolio Holder thereto:-

It was moved by Councillor Skeels Snr., seconded by Councillor Fairley and:-

RESOLVED that -

(a) Cabinet notes the Resources and Services Overview and Scrutiny Committee's recommendations; and

(b) the parish and town councils within the District be included, in due course, as part of the consultation process on the emerging Tourism Strategy.

42. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

43. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.2 - PERFORMANCE REPORT APRIL - JUNE 2018 (QUARTER ONE)

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.2) which presented the Performance Reports (2018/19) for the period April – June 2018 (Quarter 1). The Performance Reports set out the detailed actions

and targets for the delivery of the Council's priorities throughout the year and included both the Corporate Plan and Priorities and Projects 2018/19.

It was reported that, of the 18 indicators and projects where performance had been measured, the first quarter's position demonstrated that 14 (78%) were on, or above, their expected target and 4 (22%) were not currently in line with the expected performance. The indicators and projects highlighted in the Community Leadership report were deemed 'non measurable' as Tendring District Council's role was that of influence only.

Cabinet was reminded that the respective performance reports had been presented to the Community Leadership Overview and Scrutiny Committee on 3 September 2018 and would be presented to the Resources and Services Overview and Scrutiny Committee on 17 September 2018.

Members were made aware that, in respect of the "Transforming Tendring" project statutory consents had been obtained, at the end of June 2018, in respect of work at Pier Avenue and Barnes House. Work had started on the internal refurbishment of the Council Tax Building on 25 June 2018 with staff moved to the first floor and a temporary reception created at the Town Hall.

Work on customer service portal and on printing and postal initiatives had continued generally on schedule although a minor technical issue within the printing element had caused some delay. Work on the back scanning of old records had been completed at the Pier Avenue sites and had moved on to the Town Hall and Weeley offices. Throughout the Council staff had been encouraged to consider work processes and the streamlining of paperwork and archiving in preparation for the new working methods.

It was further reported that IT consultants were continuing to develop designs for a replacement network and Direct Access was replacing Citrix on a phased team by team basis. Meanwhile the Human Resources team were developing training programmes and preparing for the updating of internal procedures in order to support flexible working.

Having considered the contents of the performance reports:-

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

RESOLVED that the contents of the Performance Reports for the period April - June 2018 (Quarter 1) be noted.

44. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.3 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AS AT THE END OF JULY 2018 AND LONG-TERM FINANCIAL FORECAST UPDATE

The Cabinet gave consideration to a comprehensive report of the Finance and Corporate Resources Portfolio Holder (A.3) which provided it with an overview of the Council's financial position against the budget as at the end of July 2018 together with an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

In respect of the in-year financial position at the end of July 2018:

The Cabinet was informed that, in respect of the position at the end of July 2018, it was relatively early in the financial year and therefore some expenditure or income trends could still be emerging. However, any significant issues arising to date had been highlighted within the report and comments provided as necessary.

It was reported that the position to the end of July 2018 showed that, overall, the General Fund Revenue position was behind the profiled budget by £2.143million. As had been the case in previous years, the variance at the end of the first period of the year primarily reflected the timing of expenditure and income although as previously mentioned, underlying trends were likely to emerge or be confirmed over the next quarter.

Members were made aware that, in respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the report, there were no major issues that had been identified to date. Any emerging issues would be monitored and updates provided in future reports which would include their consideration as part of updated financial forecast.

The Cabinet was advised that it was proposed to respond to in-year budget pressures and other changes as they emerged rather than wait until the detailed estimates were prepared in December / January of each year as part of the annual revised budget process. This would not only provide a more up-to-date budget monitoring process over the course of the year, but it would also 'unbolt' the revised budget process from the work associated with developing the subsequent years forecast which in turn would allow a greater level of focus on those two separate strands of work. However, both strands of work would be brought together when the budget was reported to Council in February each year.

With the above in mind, Appendix H to the report had been added, which set out a number of changes to in-year budgets with an associated recommendation also included within the report. Appendix H also provided for the continuation of the 'banking' of savings as they arose, which would be contributed to the Forecast Risk Fund as required to support the long term forecast. The long term forecast relied upon £0.500million of in-year outturn savings being set aside over the course of the whole year within the Forecast Risk Fund in order to support the long term plan.

The Cabinet was informed that it was proposed to delegate changes to in-year employee budgets to the Chief Finance Officer in order to ensure the budget reflected the most up-to-date position as internal reorganisations were agreed by the Chief Executive. It was proposed to delegate to the Finance and Corporate Resources Portfolio Holder the decision on whether to continue as a member of the Essex Business Rates Pool along with supporting a bid for Business Rates Pilot status, if it was advantageous for the Council.

In respect of the updated long term financial forecast:

It was reported that the forecast had been reviewed and updated from 2019/20 onwards. The required changes did not expose the Council to any additional risk and although the annual deficit or surplus position for each year of the forecast had been

amended, they could still be accommodated within the overall projected financial position supported by an increased Forecast Risk Fund.

Members were advised that a review of risks associated with the long term approach to the forecast had also been undertaken with the outcomes separately reported within Appendix J to the report.

Cabinet recognised that it was important to continue to deliver against the new longer term approach to the budget as it continued to provide a credible alternative to the more traditional short term approach which would require significant savings to be identified over 2019/20 and 2020/21. Work therefore remained on-going across the 5 key work strands of:

- 1) Increases to underlying income;
- 2) Controlling expenditure / inflationary increases;
- 3) The identification of savings / efficiencies;
- 4) Delivery of a positive outturn position each year; and
- 5) The mitigation of cost pressures wherever possible.

Having considered and discussed the contents of the Portfolio Holder's comprehensive report and appendices:-

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:-

RESOLVED –

- (1) That in respect of the financial performance against the budget at the end of July 2018, that:
 - (a) the position be noted;
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.3 of the Report of the Finance and Corporate Services Portfolio Holder, be approved;
 - (c) future amendments to in-year employee budgets to reflect organisational changes be delegated to the Chief Finance Officer on the basis that they do not increase the Council's overall net budget; and
 - (d) the decision to continue to be a member of the Essex Business Rates Pool and associated bid for pilot status in 2019/20 (if advantageous to the Council) be delegated to the Finance and Corporate Resources Portfolio Holder.
- (2) That in respect of the updated Long Term Forecast, that:
 - (a) the updated forecast be approved; and
 - (b) the Resources and Service Overview and Scrutiny Committee be consulted on the updated position.

45. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.4 - ADOPTION OF A PRIVATE SECTOR HOUSING ENFORCEMENT POLICY FOR CIVIL PENALTIES UNDER THE HOUSING AND PLANNING ACT 2016

The Cabinet gave consideration to a report of the Housing Portfolio Holder (A.4) which sought its agreement to adopt a policy in relation to the issue of Civil Penalties under the Housing and Planning Act 2016.

Members were reminded that the Housing and Planning Act 2016 had introduced the option to issue Civil Penalties in respect of certain offences committed by private housing landlords under the Housing Act 2004, as an alternative to prosecution.

Cabinet was advised that the Council needed to adopt a policy on how it would apply the new powers before they could be used and such a policy had been drafted and appended to the Portfolio Holder's report. This policy was underpinned by the Corporate Enforcement Strategy adopted by Cabinet in September 2017.

It was reported that Tendring District Council was committed to raising standards in the private rented sector, ensuring that residents of the District were provided with accommodation that was free from hazards that could adversely affect their health and safety, whilst making sure that the said accommodation was suitably managed and maintained for those occupying it. To that end the Council aimed to focus its resources to take action against landlords who rented out properties that were in a substandard condition, and where necessary take formal enforcement action in order to ensure those landlords were prevented from continuing to flout the law. Formal enforcement action would also be taken against landlords who had failed to licence their properties and had made financial gain as part of their non-compliance.

Cabinet was aware that it is Tendring District Council's view that the non-compliant landlords in the District should bear the cost of enforcement action and be punished accordingly, and not the 'good' landlords who continued to provide decent affordable accommodation for their tenants and who worked with the Council to ensure those standards were maintained. To that end the Council was committed to implementing the new powers under the Housing and Planning Act 2016 in order to ensure good quality, safe and affordable private rented accommodation was available to the residents of the District.

Having considered and discussed the proposed policy:-

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

RESOLVED that Cabinet:

- (i) notes the new powers available to the Council to impose financial penalties on irresponsible landlords who continue to provide sub-standard accommodation across the District;
- (ii) adopts the Private Sector Housing Enforcement Policy for Civil Penalties under the Housing and Planning Act 2016, as set out in Appendix A to item A.4 of the Report of the Housing Portfolio Holder;

- (iii) authorises the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Housing, to amend the Policy to reflect any future amendments to legislation and/or best practice; and
- (iv) authorises the Head of Housing and Environmental Health to issue Civil Penalties and determine the level of the financial penalty to be imposed, in accordance with the Policy.

46. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE AND TOURISM PORTFOLIO HOLDER - A.5 - REFURBISHMENT OF PUBLIC CONVENIENCES - ROSEMARY ROAD, CLACTON-ON-SEA AND PROMENADE WAY, BRIGHTLINGSEA

The Cabinet gave consideration to a report of the Leisure and Tourism Portfolio Holder (A.5) which - (1) sought its agreement to implement the earlier decision in respect of the refurbishment of the public conveniences in Rosemary Road, Clacton-on-Sea but not to introduce charging at this time; and (2) sought its approval for expenditure relating to the refurbishment of the public conveniences at Promenade Way, Brightlingsea.

Rosemary Road, Clacton-on-Sea

Members were aware that the public toilets in Rosemary Road, Clacton-on-Sea were the busiest year round facilities in Tendring. However, they were also subject to frequent misuse and had been identified in the Public Convenience Strategy as in need of refurbishment and £70,000 had subsequently been for this purpose. It had also been decided that charging would be introduced at this site.

A further £70,000 in reserves had been set aside for the refurbishment of additional facilities throughout the District.

It was reported that there was an agreement with in-house services to undertake the necessary work at Rosemary Road which was due to commence later in the year. The in-house solution would ensure a full refurbishment was achievable within budget. However, to facilitate the introduction of charges to this site an additional £30,000 would be required to provide the necessary infrastructure, which would in turn reduce the capital budget available for additional refurbishments of public conveniences elsewhere in the District. There would also be on-going additional maintenance costs to consider arising from the charging facilities as well as administrative costs associated with cash handling such as collection, banking, auditing of accounts.

It was estimated that a decision to not introduce charges at Rosemary Road would reduce potential future income to the Council by £20,000 per annum.

In addition a number of high profile closures of prime retailers in Clacton town centre were planned in the near future which could reduce 'footfall' and needed to be taken into account.

It was felt that the refurbishment of the Rosemary Road toilets would benefit Clacton town centre, promoting town centre rejuvenation as well as supporting the existing and future visitor economy. A refurbished modern town centre public convenience in Clacton would also reduce future operating costs.

However, the proposal at this time was to not introduce charging on this site but to consider charging both at this site and others at a future date in order to further support the aims of the Public Convenience Strategy for Tendring. As technology advanced, particularly with 'tap and go' type technology, the risks to cash based charging systems could be all but removed. This would be kept under review but at this juncture no charging mechanism would be put in place at this facility.

Promenade Way, Brightlingsea

The Cabinet was aware that this was a seafront location and was the main visitor area of Brightlingsea and that there had been many requests in recent years from all sections of the local community and seafront users for improvement to the general seafront infrastructure in this location.

Members recognised that the public conveniences at Promenade Way, Brightlingsea supported the visitor economy of the town and its blue flag beach area and were an important local asset.

It was reported that the work programme for in-house services was very extensive at present resulting in no available capacity for this Brightlingsea refurbishment. An open tender exercise had been sought for the refurbishment by outside contractors and the lowest bid had been in the region of £130,000.

There was no current budget available for this work other than by means of an application for Section 106 money which had been provisionally approved pending the decision of the Cabinet.

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

Having considered and discussed the issues raised in the report:-

It was moved by Councillor Stock OBE., seconded by Councillor G V Guglielmi and:-

RESOLVED that -

- (a) the refurbishment of public conveniences (to be funded from Section 106 allocations) at Promenade Way, Brightlingsea at an estimated cost of £130,000 be approved; and
- (b) the refurbishment of the public convenience in Rosemary Road, Clacton-on-Sea, be authorised to proceed but that charges at this site be not introduced at this time.

47. MANAGEMENT TEAM ITEMS

There were none on this occasion.

48. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, 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 Item 15 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

49. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE ENFORCEMENT PORTFOLIO HOLDER - B.1 - REVISED TERMS TO REGULARISE BOUNDARY ISSUES AT THE HANGINGS, DOVERCOURT

RESOLVED that -

- (a) the revised terms to regularise boundaries at The Hangings in Dovercourt, as set out in the Current Position section of the report, be approved; and
- (b) the Deputy Chief Executive be authorised to enter into agreements to acquire the Green Land, together with a sum of £60,000.00, in exchange for the Council offering the Red Land to the Affected Plot owners and disposing of the Red Land to those owners where such transactions are agreed, as set out in this report and on such other terms as he considers appropriate.

The Meeting was declared closed at 10.53 am

Chairman