
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 12TH OCTOBER, 2018 AT 10.32 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Stock OBE (Leader of the Council) (Chairman), C Guglielmi (Deputy Leader of the Council & Finance and Corporate Resources Portfolio Holder), Fairley (Investment and Growth Portfolio Holder), P Honeywood (Housing Portfolio Holder), McWilliams (Health and Education Portfolio Holder), Nicholls (Corporate Enforcement Portfolio Holder), Skeels (Snr) (Leisure and Tourism Portfolio Holder) and Talbot (Environment Portfolio Holder)

Group Leaders Present by Invitation:

Councillor Robert Bucke (Leader of the Liberal Democrats / Tendring First Group), Councillor Ivan Henderson (Leader of the Labour Group), Councillor Mary Newton (Leader of the UKIP Group) and Councillor Mark Stephenson (Leader of the Tendring Independents Group)

Also Present: Councillor Mike Bush (Deputy Leader of the Tendring Independents Group), Councillor Peter Cawthron and Councillor Anne Davis

In Attendance: Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Richard Barrett (Head of Finance, Revenues and Benefits Services), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager) and Martin Klaassen (Senior Governance Officer)

50. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Joy Broderick (Leader of the Holland-on-Sea Group).

51. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 14 September 2018 be approved as a correct record and signed by the Chairman.

52. DECLARATIONS OF INTEREST

There were none declared at this time, though later in the meeting, under Minute 58 below, Councillor Talbot declared a personal interest in item A.3 of the Report of the Health and Education Portfolio Holder.

53. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Ian Davidson, Chief Executive

The Leader of the Council, on behalf of the Cabinet, extended best wishes to Ian Davidson, the Council's Chief Executive as he recovered from a medical procedure.

Harwich – BREXIT Opportunities

The Leader of the Council read out the following statement:-

“As Britain prepares to leave the EU on March 29th there is still much uncertainty as to what our future trading arrangements are going to be, particularly the customs and regulatory arrangements for goods being imported from and exported to the EU.

New arrangements, new systems and new ways of doing business might well create a lot of challenges for the business community and indeed the country as a whole but amidst that fog of uncertainty there could be opportunities to create new jobs and employment in this district and specifically in and around the International port of Harwich and I am determined that we explore every possible opportunity that could arise regardless of the sort of Brexit we end up with.

I make no comment or prediction about which version of Brexit might be best for the country or the national economy, I just recognise that history is very clear that with every dramatic change of circumstances that has befallen this country there have followed challenges and problems, of course, but also new openings and opportunities. I want us to be on the front foot as a district, seeking to exploit any possible advantages for this area and for our residents. Fortune favours the bold, and this Council has always been at its best when it has been bold.

I am not going to attempt to prophesise what those opportunities will look like, as it all depends on the precise details of the deal that gets agreed, or even the lack thereof. It might simply be that Harwich could provide additional capacity for Felixstowe, which is only 2 miles across the River Stour and where currently 40% of all UK imports are landed. Or perhaps we could see a requirement for new customs posts to inspect goods or collect import duties coming in from the EU, and we could help to establish that facility in Harwich. Whatever the scenario is we need to do all we can to identify as soon as possible the impact of leaving the EU and to exploit any opportunities we can to the benefit of this District.

I make this statement today to announce that I am asking our officers to draw up a report, as a matter of urgency, to look at how we can address these aforementioned issues, how we can make sure we are in the strongest possible position to identify the opportunities from Brexit and to have in place the necessary resources to exploit those opportunities to the fullest extent.”

Manningtree Rail Crossing Road Improvements

The Leader of the Council read out the following statement:-

“My other announcement today concerns the Manningtree rail crossing. This is an issue I have raised before on several occasions. The situation is that the Norwich to London mainline crosses the A137 by means of either an unmanned level crossing which is frequently closed due to the volume of rail traffic or via an underpass of restricted height and width which severely impedes the free-flowing movement of road traffic. And this is

all in immediate proximity to the entrance to the railway station, to a major roundabout and also a bus stop.

Use of the Station has increased hugely over the past few years and despite a second-storey extension being constructed the car park is again full to capacity on a daily basis and this extra usage is adding further to the traffic problems.

The congestion in that area at peak times has to be experienced to be believed; Just this morning traffic was stationary for not just the entire length of Cox's Hill, but also along Wignall Street and adjoining roads for some distance. It is an unacceptable situation that is entirely avoidable with the proper road and rail planning and given the huge amount of new housing development taking place in and around Manningtree, including the Suffolk side of the river, the problems are only going to get worse.

We have made strenuous efforts – in particular Carlo and I have between us attended countless meetings with untold agencies, partners, MPs, County cabinet members etc, etc in an effort to get some short-term improvements made now whilst working towards a longer-term solution that will solve the problem once and for all. But even getting a simple traffic light system installed to control the traffic flow under the rail line has so far failed to materialise and I find that failure of action to be totally unacceptable. Trying to make meaningful progress on this issue has not been helped by the failure of the rail industry to take their responsibilities seriously and to engage with us.

I propose therefore to write to the Transport Secretary and ask him personally to look at this issue as a matter of urgency. I shall also set up a meeting to which I shall invite the Chief Executives of Network Rail and Greater Anglia, the Leaders of Essex and Suffolk county councils, the MPs for that area as well as other key stakeholders and partners to attempt to thrash out a solution to this problem as it is only fair that people and businesses in the area know what is being planned and when it is going to happen.”

54. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

55. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - REFERENCE FROM COUNCIL - A.1 - MOTION TO COUNCIL - "FREE SWIMMING LESSONS FOR CHILDREN"

Cabinet was aware that, at the meeting of the Council held on 11 September 2018, the following motion had been moved by Councillor Pemberton and seconded by Councillor Gray and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for consideration and report:

“That this Council takes the necessary steps to offer, at Clacton Leisure Centre and other suitable venues, up to six free swimming lessons every year for all children under the age of 15 years, in order to see that every child in the District of Tendring can be taught to swim, cope with a riptide or strong current, swim/float fully clothed and learn basic life-saving.”

Members were informed that, in accordance with Council Procedure Rule 12.5, Councillor Pemberton had been invited to attend the meeting and explain the motion. However, Councillor Pemberton had informed Officers that, due to his work

commitments, he would be unable to attend the Cabinet meeting. He had, therefore, asked Councillor Davis to explain the motion on his behalf.

Cabinet had before it a written submission which had been circulated, on behalf of Councillor Davis, prior to the meeting.

Councillor Davis attended the meeting and formally explained Councillor Pemberton's motion.

The Leisure and Tourism Portfolio Holder (Councillor Skeels Snr.) then responded, as follows, to the issues and matters raised by Councillor Pemberton in his motion and in Councillor Davis' written and oral submissions:-

"I would like to thank Councillor Pemberton for his motion; he raises an issue of the greatest significance.

As all Members will no doubt be aware, each school has a statutory obligation under the National Curriculum to provide swimming instruction for every child either in key stage 1 or key stage 2.

As a result of this, children should be able to swim competently, confidently and proficiently over a distance of at least 25 meters using a range of strokes; and perform safe self-rescue in different water-based situations by the time they leave primary school.

It is not clear that every school in the District is meeting this obligation and in our role as Community Leaders, we need to try to understand why and if we can support schools to ensure this vital strand of education is taking place.

There is far from any guarantee that Free Swimming Lessons provided by ourselves or any other agency, would attract any additional children than are currently participating in a Learn to Swim programme. It would make sense therefore, that we focus our efforts on ensuring our local children are taught to swim 'competently and proficiently' in their primary school, as should be their entitlement.

With that in mind, it is my suggestion that we invite the Director for Education from Essex County Council to attend a future meeting of the Community Leadership Overview and Scrutiny Committee to discuss how we can move towards 100% of our local children learning to swim before they leave primary school education.

Further to this, it is important the Council does not make decisions in isolation, but through a partnership approach with water safety professionals.

In our role as community leaders, I am pleased to inform Cabinet we are actively working with partners in the RNLI, Coastguard, Essex Police and other emergency services to review what additional safety measures could be implemented across the entire stretch of Tendring coastline. Rather than work in isolation, it is a sensible approach to develop a cohesive plan of action with partners possessing wide ranging local and national professional expertise in water safety. This work will continue during the remainder of 2018, with the view of implementing a number of initiatives prior to the 2019 season.

With regards to just one of these evolving initiatives, Members may be aware that Swim England and the RNLI provided a Swim Safe course in the sea at Dovercourt Bay during the summer, which was a huge success. This involved children of 7 to 14-years of age learning how to swim outdoors and what to do if they got into trouble in the water. The Council is actively working with these organisations to see if this scheme can be rolled out to other parts of the District in 2019. I will keep Members up to date with progress.

Taking all this into account I applaud the spirit of Cllr Pemberton's motion, but I believe there is a better way of achieving the outcomes that we all want."

Having considered the motion and the supporting submissions:-

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

RECOMMENDED TO COUNCIL that Council does not support the motion in its original format and that instead the following amended motion be approved:-

"That this Council takes the following steps in order to see that every child in the District of Tendring can be taught to swim, before they leave primary school education:

(a) the Community Leadership Overview and Scrutiny Committee invite the Director for Education from Essex County Council to attend a future meeting of that Committee in order to discuss how all schools can meet their statutory duty and move towards 100% of the District's children learning to swim before they leave primary school education; and

(b) that Officers continue work with partners to develop a cohesive plan to further improve safety measures across the District's coastline and report back with findings and any recommendations to Cabinet in February 2019, for implementation prior to the 2019 season."

56. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE - A.2 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AS AT THE END OF JULY 2018 AND LONG-TERM FINANCIAL FORECAST UPDATE

Cabinet was informed that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 17 September 2018 (Minute 29 referred), that Committee had had before it a report of the Deputy Chief Executive (Corporate Services), which had presented it with an overview of the Council's actual financial position against the budget as at the end of July 2018 and which had also presented an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

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

"RESOLVED that this Committee comments and recommends to Cabinet that –

(1) the Committee proposes that in respect of the in-year position for 2018/19, the Committee notes the position regarding planning income which was expected at some point given the progress of the local plan. However, it is suggested that if this trend in planning income continues, Officers explore ways to manage the cash flow implications across financial years to alleviate any adverse implications on the budget in any one year.

(2) the Committee will remain alert to the rental income situation within the HRA and hope to see the position stabilise over the coming year. Although not necessarily for inclusion in future reports, it would be helpful for Members to receive more detailed information concerning void periods on a regular basis whilst the current adverse position continues.

(3) in respect of the money owed by one public sector debtor, it would be helpful to the Council's cash flow position if the relevant service took whatever steps necessary to ensure that money is recovered as soon as possible during the year.

(4) in respect of the Updated Forecast, the Committee notes the updated forecast but in respect of the cost pressure allowance figure of £150k, which is recognised as one of the highest risks to the forecast, the Committee waits to see the level of cost pressures submitted by Services for 2019/20.

(5) the Committee hopes that the Council and its Essex neighbours are successful in forming a business rate pilot/pool in 2019/20 given the level of additional income that this is likely to generate in the area.

(6) when Cabinet see the recommendations from this Committee, Cabinet's recommendations and comments are to go forward onto this Committee's next agenda."

Cabinet was made aware that the Finance and Corporate Resources Portfolio Holder had thanked the Resources and Services Overview and Scrutiny Committee (RSOSC) for its recommendations and had commented as follows:-

"(a) That in respect of point (1), it is recognised that this is a significant risk to the forecast and will be kept under review, with Officers requested to explore how such cash flow implications can be managed across financial years if required; but we need to recognise that planning Income was always going to level out, once the onslaught of speculative applications decreased, but rest assured that this will continue to be monitored;

(b) that in respect of point (2), I agree, and this is something I have already flagged up previously, therefore Officers are requested to provide Members with additional detail in respect of void periods within the HRA to support their role in reviewing the financial position of the Council as part of the on-going budget management process;

(c) that in respect of point (3), the relevant service is requested to review the current situation to see if they can identify opportunities to improve the time taken to recover money owed to the Council;

(d) that in respect of point (4), information relating to future cost pressures will form part of the new on-going approach to reporting the financial forecast and will be available as part of the next report in November;

(e) that in respect of point (5), Cabinet joins the Committee in hoping that this Council, along with other authorities in Essex, are successful in their bid to form a business rates pool and pilot in 2019/20. The application was made on 25 September and we should hear if we have been successful or not by late November / early December, although we are disappointed that Thurrock have taken the decision of not joining the Pilot, and it's very much hoped that this will not weaken the bid; and

(f) that in respect of point (6), Cabinet's recommendations are always freely available. The replies to comments from RSOSC are given as a genuine response to those specific comments, and should not be construed as the start of a secondary debate."

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

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

RESOLVED that the Resources and Services Overview and Scrutiny Committee's comments and recommendations be noted and that the responses of the Finance and Corporate Resources Portfolio Holder thereto be endorsed.

57. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

58. CABINET MEMBERS' ITEMS - REPORT OF THE HEALTH AND EDUCATION PORTFOLIO HOLDER - A.3 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE GLOBE INN, CASTLEGATE STREET, HARWICH

Councillor Talbot declared a Personal Interest in this matter insofar as he was a member of CAMRA.

The Cabinet gave consideration to a report of the Health and Education Portfolio Holder (A.3) which sought its determination whether The Globe Inn, Castlegate Street, Harwich met the criteria set out in the Localism Act 2011 ("the Act") and the Assets of Community Value (England) Regulations 2012 ("the Regulations") following its valid nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria were pertinent to the decision.

Cabinet was reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

Members were made aware that the Government's non-statutory guidance defined an asset of community value as: "Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future".

Cabinet was informed that taking the evidence provided into account it was the advice of Officers that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011. Accordingly it was being recommended by Officers that the building should be listed as an Asset of Community Value.

Having considered the valid nomination submitted by the Tendring CAMRA Branch together with the advice of Officers:-

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

RESOLVED that The Globe Inn, Castlegate Street, Harwich, CO12 3HA does meet the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011 and that therefore the asset be now added to the Council's list of Assets of Community Value.

59. MANAGEMENT TEAM ITEMS

There were none on this occasion.

60. 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 Item 12 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.

61. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 14 SEPTEMBER 2018

It was **RESOLVED** that the Exempt Minute of the meeting of the Cabinet held on Friday 14 September 2018 be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.07 am

Chairman