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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 8TH MARCH, 2019 AT 10.30 AM  
ESSEX HALL, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

**Present:** Councillors Neil Stock OBE (Leader of the Council), Carlo Guglielmi, (Deputy Leader of the Council and Finance & 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 Joy Broderick (Leader of the Holland-on-Sea Group), Ivan Henderson (Leader of the Labour Group)(except items 129 - 136), Mary Newton (Leader of the UKIP Group), Mark Stephenson (Leader of the Tendring Independents Group) and Gary Scott (Deputy Leader of the Liberal Democrats / Tendring First Group)

**Also Present:** None

**In Attendance:** Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Karen Neath (Head of Leadership Support and Community) and William Lodge (Communications Manager)

**123. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Robert Bucke (Leader of the Liberal Democrats /Tendring First Group).

**124. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 15 February 2019 be approved as a correct record and signed by the Chairman.

**125. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time though later in the meeting, under Minute 127 below, Councillor I J Henderson declared an interest in the announcement by Councillor Fairley, the Portfolio Holder for Investment and Growth insofar as he was a member of the Harwich and Dovercourt Tourism Group.

**126. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

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The Leader of the Council (Councillor Stock OBE) made the following announcements:-

(1) High Street Futures Fund: Expression of Interest Application for Clacton

*“In December 2018 The Future High Streets Fund was established by Government in order to support the transformation of town centres across the country, focusing on towns which can best demonstrate the need for major change in order to be sustainable in the years to come.*

*This is an opportunity that fits well with our Council Priorities, cuts across all Cabinet Portfolios and of course the ongoing work of the Clacton Town Centre Working Party, which I established last summer.*

*As with most Government grant programmes the process is competitive and starts with an initial call for Expressions of Interest, which is to be submitted by the 22nd of March. Districts can make only one bid for one town centre.*

*The Expression of Interest is not a commitment for a specific direction or project; rather it is a pitch to Government that Clacton should be one of the towns included in the High Street Futures Fund programme.*

*Therefore, Officers are working to develop the most robust and attractive Expression of Interest bid possible for Clacton as the town within the District which has the best opportunity to attract support from the Fund.*

*Work to produce the Expression of Interest bid is ongoing but, due to the very tight timescales involved, has not been completed in time for this Cabinet meeting.*

*This is clearly not an opportunity we want to miss out on. Therefore I aim to agree the submission, with the support of Cabinet, under my delegations as Leader and this decision will be formally published in due course.*

*The outcome of the Expression of Interest application will in due course be reported to Cabinet and this is likely to be July 2019.”*

On a related matter, the Leader also confirmed the importance of the Council progressing as speedily as it was sensible to do so with the investment it planned for the Dovercourt public realm improvements.

(2) National Planning Policy Programme

*“On 19 February 2019, the Government published the revised National Planning Policy Framework (NPPF) and how these would be applied. As a consequence of the revision, for the District of Tendring, the housing allocation would increase from 550 homes per year to 850 homes per year until such time as the Local Plan was approved, at which point it would revert to 550. This implication would have a perverse and ludicrous impact on this District with local planning decisions being taken to appeal and rational decisions being potentially overturned on the basis of the higher allocation. As a consequence, Officers have been asked to prepare a letter to the Secretary of State for Communities and Local Government expressing in no uncertain terms the disastrous implications of this latest Government revision to the NPPF.”*

Following suggestions made at the meeting, the Leader also confirmed his intention to write to the local Members of Parliament and to the Local Government Association to alert them to the NPPF issue and to seek to enlist support of similarly affected Planning Authorities. The Leader agreed to circulate a copy of the letter to MPs and the LGA to all councillors.

In addition, he stated that in the near future the Council would be sending correspondence to local Parish and Town Councils in the District on the wider issue of the development of the Local Plan and the revision to the NPPF.

#### **127. ANNOUNCEMENTS BY CABINET MEMBERS**

The Investment and Growth Portfolio Holder (Councillor Fairley) made the following announcement:-

##### Benefits of working with Firstsite Colchester

*"TDC has developed strong links with Firstsite Colchester who have assisted us with evaluation of the emerging Creative and Cultural Strategy and already the benefits are being seen. TDC recently applied for £15,000 from Arts Council England (ACE) to support a Holiday Fun programme (previously known as Holiday Hunger) that Firstsite are keen to deliver in Harwich costing £20,000, following its success in Colchester. TDC applied for the award from ACE and earmarked the remaining £5k in match funding in the event that the bid was successful.*

*I'm delighted to say the grant of £15,000 was awarded to TDC and together with TDC's £5,000 contribution, Firstsite will commence delivery of the project in the Easter school Holidays. The excellent news is that following the success of the award and the £5k committed by TDC the Clinical Commissioning Group (CCG) announced last week that they have awarded Firstsite an additional £75,000 to deliver the Holiday Fun programme in term time in both Tendring and Colchester.*

*Firstsite Director Sally Shaw stated that the catalyst for the additional funding started with the initial £5,000 TDC committed at the outset and has been an excellent example of a 'can do' approach by Tendring."*

Councillor I J Henderson declared a personal interest in Councillor Fairley's announcement insofar as he was a member of the Harwich and Dovercourt Tourism Group.

#### **128. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

#### **129. RECOMMENDATIONS FROM THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE - PERFORMANCE REPORT: 2018/2019 THIRD QUARTER**

Cabinet was aware that the Resources and Services Overview and Scrutiny Committee, at its meeting held on 11 February 2019 (Minute 60 referred) had considered a report of the Deputy Chief Executive which had presented the Performance Report for Quarter

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Three (October to December 2019), including the Corporate Plan and Priorities and Projects 2018/19.

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

***“RESOLVED*** (a) *that this Committee recommends to Cabinet that –*

- (1) in relation to the removal of Fly Tipping target future performance reports should also include details of the number of incidents requiring a specialist response and the response times provided. The Committee would also like the recycling service to confirm if there is an SLA requiring specific response times for specialist removals;*
- (2) any and all action be undertaken to ensure that, in future, the Head of IT and Corporate Resilience ‘signs off’ on all IT related procurements before any purchase of IT related equipment/software etc. is made.*

*(b) that this Committee comments to Cabinet that –*

- (1) it is very disappointed that it has still not yet seen the proposed Recycling Booklet for the public and requires that the booklet be sent digitally to the members of the Committee before it is printed in order that Members can comment on its contents;*
- (2) an All Member briefing be arranged to give a further update to Members on the progress of the Local Plan and the NEGC following the recent approval of the Council’s Local Development Scheme by the Planning Policy and Local Plan Committee; and*
- (3) in relation to the Recycling Rate target this target should not be listed as being “On Target” if the latest quarterly performance data has not yet been received as it is misleading.”*

Cabinet had before it the responses of the relevant Portfolio Holders to the recommendations and comments of the Resources and Services Overview and Scrutiny Committee as follows:-

In relation to Committee recommendation (1) above the Environment Portfolio Holder had responded:-

*“I would like to thank the Committee for their comments and I will consult my officers as to the practicalities and work required to provide this information.*

*Caravans are sometimes burnt out and/or full of rubbish and require action from our waste contractor to attend and clear first before the caravan itself can be removed.*

*Asbestos is reported and removed by a contractor which is employed via Essex County Council and is usually removed within 10 working days but this can also change due to availability of collection vehicles or any specialist equipment required.*

*Each case is different due to the location, materials/contents, the amount of waste and therefore it is not possible to specify an exact time frame.”*

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In relation to Committee recommendation (2) above the Finance and Corporate Resources Portfolio Holder had responded:-

*“It is agreed that any procurement in relation to IT systems should be signed off by the Head of IT and Corporate Resilience.”*

The Portfolio Holder, at the meeting, also referenced the highly successful Intergence Digital Transformation Event hosted by the Council on 28 February 2019 at the Clacton-on-Sea Town Hall for Council representatives from across Essex and beyond looking to emulate the transformation model being implemented locally.

In relation to Committee comment (1) above the Environment Portfolio Holder had responded:-

*“Unfortunately the timing of the Committee and the drafting/approval process has meant that a draft was not available in time for the meeting but I understand that a digital copy has now been sent to all members of the Committee for their comments.”*

In relation to Committee comment (2) above the Leader of the Council had responded:-

*“Given the scale and importance of these two projects there have been a number of All Member Briefings over the past 2 years. This will continue with the next one likely to be in June 2019 in line with the next key decision milestones for both projects.”*

In relation to Committee comment (3) above the Environment Portfolio Holder had responded:-

*“This is a matter of presentation. It was not the intention to mislead in any way if that is how it has been interpreted.”*

Having considered the responses of Portfolio Holders to the recommendations and comments submitted by the Resources and Services Overview and Scrutiny Committee:-

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

**RESOLVED** that the Resources and Services Overview and Scrutiny Committee’s comments and recommendations be noted and that the Leader’s and Portfolio Holders’ responses thereto be endorsed.

**130. LEADER OF THE COUNCIL'S ITEMS**

There were none on this occasion.

**131. REVIEW OF THE COUNCIL PROCEDURE RULES (PART 4 OF THE COUNCIL'S CONSTITUTION)**

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.2) which sought Cabinet’s approval of the recommended changes to the Council Procedure Rules (Sections 1 and 2), as contained within Part 4 of the Council’s Constitution, for referral onto Full Council, following Council’s decision taken on 22 January 2019.

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Cabinet recalled that Council, at its meeting held on 22 January 2019, had considered Cabinet's recommendations in relation to proposed changes to the Council's Constitution and the sizes of the Council's Committees and had decided, inter alia, that:-

- (a) the start time of 7.30pm for Ordinary Full Council meetings remains unchanged recognising that a proportion of elected councillors are employed; and*
- (b) the alternative procedure for changes relating to dealing with Motions on Notice, as set out in the report, is agreed in principle only and that revised Council Procedure Rules be produced for approval to the next practicable meeting of Full Council, so that the same can come into effect on 1<sup>st</sup> May 2019.*

#### The Alternative Procedure

Members were reminded that, at the meeting of the Constitution Review Working Party held on 6 December 2018, when it had reviewed the outcome of the consultation with all Members of the Council on the proposed changes to the Council Procedure Rules, the Finance and Corporate Resources Portfolio Holder after consulting the Monitoring Officer, had suggested an alternative approach to dealing with Motions on Notice at Full Council meetings which could be summarised as the following procedure:

- (i) The Motion is moved and seconded, and thereafter the member who moved the motion would be permitted to explain their motion and give reasons why they felt it would be appropriate for it to be dealt with on the night;*
- (ii) The Leader, Portfolio Holder or relevant Chairman of the Committee would be permitted to respond either agreeing with the motion being dealt with on the night or setting out reasons why it would be appropriate to stand referred to the appropriate body for further consideration;*
- (iii) The Chairman after hearing both representations and receiving professional advice makes a ruling on whether the motion should be debated or referred; and*
- (iv) In making the Ruling the Chairman must give consideration to Article 13 of the Constitution and the Executive Functions Regulations and provide a short explanation of the reasons for their decision.*

Cabinet had then formally endorsed that alternative procedure at its meeting held on 18 January 2019 and had recommended it, in principle, to Full Council. As set out above, Full Council at its meeting held on 22 January 2019 had agreed, in principle, to the alternative procedure for dealing with motions on notice subject to revised Council Procedure Rules being produced for approval to the next practicable meeting of Full Council, so that they could come into effect on 1<sup>st</sup> May 2019.

It was reported that revised Council Procedure Rules (Sections 1 and 2) which included the alternative procedure for dealing with Motions on Notice were set out in Appendices A1 and A2 to the Portfolio Holder's report.

Cabinet was informed that Group Leaders had been consulted on the contents of the revised Council Procedure Rules and their comments, together with the Portfolio Holder's comments and recommendations in response thereto, were set out in Appendix A3 to the Portfolio Holder's report.

Members were made aware that a summary of the changes compared to the existing Council Procedure Rules was provided under each heading in the Current Position section of the report and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient working practices for Members and Officers and checked to ensure it was in accordance with legislation, where necessary.

Having considered the information provided in the report and the proposed revised Council Procedure Rules (Sections 1 and 2) set out in Appendices A1 and A2, together with the Group Leaders' consultation responses and the Portfolio Holder's comments and recommendations in response thereto as set out in Appendix A3:-

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

**RESOLVED** that –

- (a) Cabinet recommends to Council that Part 4 of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A1 and A2 attached hereto (subject to Council Procedure Rule 36.1 in Appendix A2 being further amended in accordance with the Portfolio Holder's recommendation in Appendix A3) and that those changes come into effect from 1<sup>st</sup> May 2019; and
- (b) a mandatory review of the revised arrangements be undertaken, commencing six months from 1st May 2019.

**132. PROGRAMME OF MEETINGS 2019/2020 MUNICIPAL YEAR**

The Cabinet gave consideration to a report of the Finance and Corporate Services Portfolio Holder (A.3) which sought Cabinet's agreement, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a programme of meetings for the 2019/2020 Municipal Year.

The draft programme of meetings for 2019/2020 was set out as an Appendix to the Portfolio Holder's report.

Cabinet was aware that, as part of the "Transforming Tendring" project, the Council Offices at Thorpe Road, Weeley would be closed and the site disposed of, with the departments currently based at Weeley being moved to Clacton-on-Sea. This would also mean that the current Council Chamber at Weeley would then no longer be available for Committee etc. meetings.

It was reported that in preparation for this disposal a phased programme of office accommodation works was underway at the Town Hall, Clacton-on-Sea. Included within those works was the provision of a new Council Chamber within the Town Hall in Clacton and it was anticipated that the new Council Chamber would be operationally available from Autumn 2019. At that time a graduated transition of Committee etc. meetings from Weeley to Clacton would take place.

Having considered the proposed Programme of Meetings:-

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

**RESOLVED** that -

- (a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.3 of the Report of the Resources and Corporate Resources Portfolio Holder, be approved, in principle, and be submitted to the Annual Meeting of the Council on 21 May 2019 for formal approval;
- (b) the dates for the meetings of the Resources and Services Overview and Scrutiny Committee in December 2019 and January 2020, where the budget is considered, be reviewed with any proposed amendments to be submitted to the Annual Meeting of the Council on 21 May 2019; and
- (c) the proposed dates for All Member Briefings and Members' training on planning matters be noted.

**133. ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2019/20 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)**

The Cabinet gave consideration to a detailed report of the Finance and Corporate Resources Portfolio Holder (A.4), which sought Cabinet's agreement for the Annual Capital and Treasury Strategy for 2019/2020 (including the Prudential and Treasury Indicators) to be submitted to Council.

Cabinet recalled that the Finance and Corporate Resources Portfolio Holder had approved the Annual Capital and Treasury Strategy for 2019/2020, including Prudential and Treasury Indicators, on 5 February 2019 for consultation with the Resources and Services Overview and Scrutiny Committee.

It was reported that the Resources and Services Overview and Scrutiny Committee had considered the Strategy at its meeting held on 11 February 2019 (Minute 61 referred) and had resolved:-

*"That the Committee both notes the contents of the Annual Capital and Treasury Strategy for 2019/2020 and agrees that it does not need to submit any comments for the Cabinet's consideration."*

Having considered the Strategy and the proposals contained therein:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Skeels Snr. and:-

**RESOLVED** that the resolution of the Resources and Services Overview and Scrutiny Committee be noted.

**RECOMMENDED TO COUNCIL** that the Annual Capital and Treasury Strategy for 2019/2020 (including Prudential and Treasury Indicators) be approved and implemented.

**134. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**135. 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 14 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.

**136. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 15 FEBRUARY 2019**

It was **RESOLVED** that the exempt minute of the last meeting of the Cabinet, held on Friday 15 February 2019, be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.23 am

**Chairman**