
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 4TH NOVEMBER, 2016 AT 10.30 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Stock (Chairman), CGuglielmi, Honeywood, Howard, Hughes, McWilliams, Talbot, Turner and Watling

Group Leaders Present by Invitation:

Councillor Joy Broderick, Councillor Ivan Henderson, Councillor Anne Poonian and Councillor Mark Stephenson

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Lisa Hastings (Head of Governance and Legal Services), Richard Barrett (Head of Finance, Revenues and Benefits Services), Andy White (Head of Property Services), Karen Neath (Management and Members' Support Manager), Ian Ford (Committee Services Manager), Nigel Brown (Communications Manager), Jenny Haggis (Benefits Manager) and Janey Nice (Committee Services Officer)

87. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors T M Ferguson (Portfolio Holder for Tourism and Culture) and J Chittock (Leader of the Tendring Independents Group).

The Leader of the Council referred to a recent email from the Committee Services Manager that had informed the Leader and the Deputy Leader of the Tendring Independents Group that they did not have an automatic right to attend formal Cabinet meetings and to participate fully in the discussion of all agenda items under Cabinet Procedure Rule 1.5 which set out who may attend formal Cabinet meetings. It was felt that they did not meet the criteria of Paragraph (ii) of that Rule which stated:-

“(ii) The Leader or Deputy Leader of the opposition groups may, as of right, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group’s opposition to all or part of a decision.”

The Leader of the Council stated, in his capacity as “chairman of cabinet meetings”, that he had now extended a standing invitation to the Leader (or in his absence the Deputy Leader) of the Tendring Independents Group to attend formal Cabinet meetings and to participate fully in the discussion of all agenda items. He felt that it was important that every Group Leader who was not a member of the Cabinet be able to take part in the Cabinet’s decision making process. He also felt that the Constitution lacked a definition of what constituted an “opposition group”.

Councillor Broderick, on behalf of the Holland Residents' Group, expressed concern that, in her view, the Leader of the Council was overriding the Constitution and stated that, in future, her Group would not be represented at formal Cabinet meetings.

88. MINUTES OF THE LAST MEETING HELD ON FRIDAY 9 SEPTEMBER 2016

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 9 September 2016, be approved as a correct record and signed by the Chairman.

89. DECLARATIONS OF INTERESTS

There were no declarations of interest made at this time, though later in the meeting under Minute 82 below, Councillor I J Henderson declared a non-pecuniary interest in item A.6 of the Report of the Portfolio Holder for Enforcement and Community Safety insofar as he was a member of Harwich Town Council.

90. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

(1) Electoral Review of Tendring District Council

The Leader of the Council (Councillor Stock) was pleased to inform Cabinet that the Local Government Boundary Commission for England (LGBCE) had announced that it was minded to approve the recommendation submitted by Tendring District Council that the number of Members on the Council be reduced from 60 to 48. He further stated that the LGBCE had invited the Council and any other interested party to now put forward a pattern of electoral wards that would accommodate 48 Members and also meet the LGBCE's statutory criteria.

(2) Local Plan Committee

The Leader of the Council was also pleased to inform Cabinet that the Local Plan Committee, which he chaired, had made excellent progress the previous evening in moving the Local Plan onto the Pre-Submission Draft stage. The Committee had unanimously supported a huge reduction in the housing allocation for Weeley. The Leader of the Council congratulated the residents of Weeley for the way in which they had fully engaged in the process and which had contributed to this positive result. He recognised that the Council would still face a lot of opposition from those developers and landowners whose sites had not been included right up to, and including, the Examination-in-Public. Councillor Stock also announced that the Garden Settlements proposal was progressing very well and a further report would shortly be submitted to Cabinet.

The Deputy Leader of the Council (Councillor Guglielmi) welcomed the fact that the Council had met its "duty to co-operate" and that Essex County Council and Colchester Borough Council were not objecting to the Local Plan.

Councillor Watling congratulated Councillor Stock on the way in which he had chaired the Local Plan Committee meeting.

91. ANNOUNCEMENTS BY CABINET MEMBERS

(1) Galloper Offshore Wind Farm

The Portfolio Holder for Planning and Regeneration (Councillor Watling) was delighted to announce that Galloper Wind Farm Ltd was looking to set up an Operations and Maintenance base on five acres at Harwich International Port with construction expected in spring 2017. The base would fulfil the long-term contract for the operation and management of the Galloper Offshore Wind Farm – which has scheduled to commence operations in spring 2018 – which was an extension of the existing Greater Gabbard Wind Farm off the coast of Suffolk. The construction and operation would produce an anticipated 90 jobs. Councillor Watling added that it would also provide new opportunities for the Harwich Energy Skills Centre – a training facility run from Hamilton House by Colchester Institute. Councillor Watling commended the Council's Head of Regeneration and his team in bringing this to fruition and those commendations were endorsed by Councillors Stock, I J Henderson and the Chief Executive.

Councillor I J Henderson urged the Regeneration Team to ensure that all commercial spin-off opportunities were vigorously pursued and that local schools and training organisations pursue the possibilities for local apprenticeships.

Councillor Watling also informed Cabinet that, on 2 November 2016, 40 representatives from businesses in the District attended a breakfast seminar at Harwich International Port to mark National Offshore Wind Week. The seminar had been arranged by the Council's Regeneration Team and attendees had received valuable advice and guidance on how to future proof a business; intellectual property protection; design repeatability; sustainable manufacturing as well as information on offshore renewables and supply chain opportunities.

(2) Essex Hall

The Deputy Leader of the Council welcomed the refurbishment of the Essex Hall and commended the Corporate Director (Operational Services) and his Theatre Management Team.

92. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

93. REFERENCE FROM AUDIT COMMITTEE - A.1 - POLICY IN RESPECT OF LAND PURCHASES IN JAYWICK

Cabinet was informed that, at its meeting held on 22 September 2016, the Audit Committee had considered the actions in respect of the Annual Government Statement 2016 and, in particular, the acquisition and development of sites in Jaywick. At the same meeting, the Audit Committee had been informed as part of the Statement of Accounts process that an impairment charge had been made to the Housing Revenue Account in 2015/16 totalling £0.700m, which reflected the lower balance sheet or 'book' value of land purchased in Jaywick compared with the actual purchase price.

The Audit Committee had agreed to comment to Cabinet as follows:

“That Cabinet review the policy in respect of any future land purchases in Jaywick given the impairment loss of £0.700m in 2015/16.”

Members were aware that the existing policy in respect of the purchase and development actions in Jaywick had been set out in a report to Cabinet on 5 September 2014 when it had been acknowledged that the Council would need to take a leadership role to ‘kick start’ regeneration in Jaywick and that it could take a longer term view on its initial investment.

The Finance, Revenues & Benefits Portfolio Holder had considered the Audit Committee’s comment and had responded as follows:-

“It has been and remains the policy that all land purchases are carefully considered to fully assess the financial implications.”

Having considered the comment of the Audit Committee and the Portfolio Holder’s response thereto:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Turner and **RESOLVED** that the Finance, Revenues & Benefits Portfolio Holder’s response be endorsed.

94. REFERENCE FROM COMMUNITY LEADERSHIPS AND PARTNERSHIPS COMMITTEE - A.2 - CAREERS ADVICE WITHIN SCHOOLS

Cabinet was informed that, at its meeting held on 3 October 2016, the Community Leadership and Partnerships Committee had raised concerns about the lack of careers advice for students within schools.

Following the closure of the Connexions career’s advice service, the Committee had discussed the availability and consistency of career’s advice across schools. Members had expressed concern that opportunities could be missed if advice was not available. In particular, the Committee had raised concern that students might not have access to advice to raise aspirations and awareness of higher learning opportunities, such as university, which could have a detrimental effect on the student’s future job options and career.

The Community, Leadership and Partnerships Committee had agreed to request that Cabinet look into the lack of career’s advice in schools and what else can be done to assist pupils when making career choices.

The Leisure, Health & Well-being Portfolio Holder had considered the Community Leadership and Partnerships Committee’s request and had responded as follows:-

“Whilst not considered to fall within the remit of Cabinet, the Portfolio Holder will look into this matter in line with her influencing role on Education projects.”

Having considered the request of the Community Leadership and Partnerships Committee and the Portfolio Holder’s response thereto:-

It was moved by Councillor McWilliams, seconded by Councillor Turner and **RESOLVED** that the Leisure, Health & Well-being Portfolio Holder's response be endorsed.

95. REFERENCE FROM CORPORATE MANAGEMENT COMMITTEE - A.3 - RENT REDUCTION

. Cabinet was informed that, at its meeting held on 26 September 2016, the Corporate Management Committee had raised concerns about the 1% rent reduction and the impact of this policy within Tendring. As part of the Committee's review of the Corporate Budget Monitoring report for the First Quarter 2016/17, the Committee had discussed the 1% rent reduction and the implications for Tendring.

The Corporate Management Committee had agreed to recommend to Cabinet that:

- (a) *Cabinet notes the concerns about the 1% rent reduction and the impact for Tendring District Council; and*
- (b) *Members of the Cabinet raise this matter as a concern at any relevant Local Government Association conferences.*

The Finance, Revenues & Benefits Portfolio Holder had considered the Corporate Management Committee's recommendations and had responded as follows:-

"Cabinet shares the Committee's concerns about the implications of the 1% rent reduction and will raise these concerns where the opportunity exists."

Having considered the recommendations of the Corporate Management Committee and the Portfolio Holder's response thereto:-

It was moved by Councillor Honeywood, seconded by Councillor Turner and:

RESOLVED that the Finance, Revenues & Benefits Portfolio Holder's response be endorsed.

96. REFERENCE FROM CORPORATE MANAGEMENT COMMITTEE - A.4 - FLY TIPPING

Cabinet was informed that, at its meeting held on 26 September 2016, the Corporate Management Committee had raised concerns about the potential for increased fly tipping and costs associated with the removal of fly tipping, throughout the District as a result of business waste no longer being accepted at Essex Recycling Centres from 31 October 2016.

The Corporate Management Committee had agreed to comment to Cabinet that:

- (a) *The Committee would like Cabinet to note their concerns about the restrictions to the Recycling Centres within the District from 31st October 2016 and the potential for increased fly tipping across the District; and*

(b) Members of the Committee would like to ask the Environment Portfolio Holder for information about who will be responsible for covering the cost of any increase in fly tipping, associated with these changes.

The Environment Portfolio Holder had considered the Corporate Management Committee's comments had responded as follows:-

"The Portfolio Holder is in active discussion with the County Council to obtain the best possible outcome in relation to this matter."

Having considered the comment of the Corporate Management Committee and the Portfolio Holder's response thereto:-

It was moved by Councillor Talbot, seconded by Councillor Stock and **RESOLVED** that the Environment Portfolio Holder's response be endorsed.

97. REFERENCE FROM SERVICE DEVELOPMENT AND DELIVERY COMMITTEE - A.5 - DOG FOULING AND BIN PROVISION

Cabinet was informed that, at its meeting held on 19 September 2016, the Environmental Services Technical Officer, Mr Hamlet, had given the Service Development and Delivery Committee, an overview of the services currently offered by his team in relation to dog fouling in Tendring.

Mr Hamlet had informed Members that the Council had two designated dog wardens that covered the whole of the District and that they could issue a fixed penalty notice to any dog-fouling or littering offenders. He had also mentioned that other authorised Officers, including himself, had the ability to issue Fixed Penalty Notices. Mr Hamlet had informed the Committee that there were approximately 1,200 litter bins around the District and that wrapped or bagged dog waste could also be put in the normal black waste bins.

Mr Hamlet had said that the street sweeping contract also had a dog waste disposal machine called "Faeces Intake Disposal Operation" (FIDO) which could collect dog waste on grassed areas such as the Greensward and other grassed areas and playing fields. Finally, Mr Hamlet had reported that By-Laws were in place for certain fenced-off play areas and that that a Public Space Protection Order could be used in the future to make it a lot easier to enforce and protect sensitive areas such as children's play areas.

There had been a general discussion amongst Members about the different services undertaken by Essex County Council, Tendring District Council, and Town and Parish Councils, including grass cutting and street cleaning. It was noted that there was some overlap and that there might be opportunities to improve efficiencies and save funds.

The Service Development and Delivery Committee had agreed to recommend to Cabinet that:

(a) That the relevant Officers work with the Council's Communications Manager to compose a press release reminding residents of the number of litter bins the Council provided and that they could be used for bagged dog waste and that the press release should include details of the number of Fixed Penalty Notices that had been issued regarding dog fouling;

(b) *That the relevant Officers produce a schedule for the Faeces Intake Disposal Operation (FIDO) which would state when and where FIDO would be in operation and that the schedule should be placed on the Council's website;*

(c) *That an information sharing forum be created to include Members from the Council, County Council and Town and Parish Councils, to discuss topics affecting them, such as street sweeping, dog fouling and waste bin provision, in order to promote the co-ordination of activities and promote best practice; and*

(d) *That the relevant group look at incorporating dog fouling within the new Open Space Public By-law.*

The Environment Portfolio Holder had considered the Service Development and had responded as follows:-

"The Portfolio Holder for Environment has confirmed that he is very happy with the report of the Service and Development Committee and its recommendations to Cabinet."

Having considered the recommendations of the Service Development and Delivery Committee and the Portfolio Holder's response thereto:-

It was moved by Councillor Talbot, seconded by Councillor Watling and **RESOLVED** that the Environment Portfolio Holder's response be endorsed.

98. REPORT OF THE ENFORCEMENT AND COMMUNITY SAFETY PORTFOLIO HOLDER - A.6 - A SURRENDER OF THE CURRENT LEASE AND GRANT OF A NEW LEASE OVER THE SKATE PARK ADJACENT TO THE SWIMMING POOL, LOW ROAD, RECREATION GROUND, DOVERCOURT

Councillor I J Henderson declared a non-pecuniary interest in this item insofar as he was a member of Harwich Town Council.

There was submitted a report by the Portfolio Holder for Enforcement and Community Safety (Report A.6), which sought Cabinet's approval, in principle, for the surrender of the current lease and the granting of a new lease of the skate park adjacent to the swimming pool at Low Road Recreation Ground, Dovercourt.

Cabinet was informed that the current tenants, Harwich Town Council (HTC), had taken a Lease over the land on Low Road Recreation Ground in 2002 and had built the skate park. HTC had now advised this Council that the current facility was now over 10 years old and becoming more expensive to repair and maintain. HTC were proposing to fully replace the skate park and wished to apply for grant funding to do this. The current Lease was due to expire in 2023 and in order to qualify for a grant HTYC needed a longer unexpired term.

It was the Officers' recommendation that the surrender of the current Lease be accepted and a new 21 year Lease be granted in accordance with the Heads of Terms set out in item B.1 of the Report of the Portfolio Holder for Enforcement and Community Safety.

Having considered the information provided together with the advice of Officers:-

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

RESOLVED that Cabinet approves, in principle, the surrender of the current lease and the granting of a new lease of the site to the Lessees.

99. REPORT OF THE ENFORCEMENT AND COMMUNITY SAFETY PORTFOLIO HOLDER - A.7 - DISPOSAL OF ACCESS LAND FOR DEVELOPMENT OFF MAIN ROAD, DOVERCOURT

There was submitted a report by the Portfolio Holder for Enforcement and Community Safety (Report A.7), which sought Cabinet's approval, in principle, for the disposal of land at Dovercourt Green to facilitate development of the redundant Delford's factory site.

It was reported that the redundant Delfords Factory site lay immediately north of Dovercourt Green, off Main Road, Dovercourt. It had lain vacant and derelict for some years. Between the redundant factory site and Main Road the Council owned Dovercourt Green, which was public open space and registered as a Town/Village Green.

Cabinet was advised that the current owner had agreed to sell the site factory site to a housing association which planed to develop around 70 new homes. In order to provide the highway access requested by Essex County Council the existing access must be reconstructed and widened to include footways.

Cabinet was made aware that terms had been provisionally agreed with the current owner to dispose of the necessary access land. The detail of those terms was outlined in item B.2 of the Report of the Portfolio Holder for Enforcement and Community Safety.

Having considered the information provided together with the advice of Officers:-

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

RESOLVED that Cabinet approves, in principle, the disposing of 166m² of land at Dovercourt Green in order to provide access for development.

100. REPORT OF THE PORTFOLIO HOLDER FOR ENFORCEMENT AND COMMUNITY SAFETY - A.8 - PRINCIPLE OF GRANTING A NEW LEASE, EASTCLIFF PLAYING FIELDS, HOLLAND-ON-SEA

There was submitted a report by the Portfolio Holder for Enforcement and Community Safety (Report A.8), which sought Cabinet's approval, in principle, for the granting of a new lease of land to the rear of Eastcliff Playing Fields, off Dulwich Road, Holland-on-Sea.

Cabinet was made aware that Scott Residential Limited was developing a number of bungalows on land edged green on the plan attached as Appendix A to item A.8 of the Report of the Portfolio Holder for Enforcement and Community Safety and was under a Section 106 planning obligation to provide open space including a basic football pitch and to construct a new pavilion on the land shown edged red on the plan and to transfer both to the Council. The proposals included the provision of a new car park on the land

coloured yellow on the plan. Work on the bungalow development was already under way.

Cabinet was informed that the Council owned the land shown edged blue on the plan. It leased the land shown coloured yellow on the plan to the Holland Sports Association.

It was reported that Holland Sports Association had changed its name to Holland Football Club ("Holland FC"). Holland FC was holding over on a 14 year lease that reached the end of its contractual term on 30 November 2007. In July 2016 the Council had served notice to end that lease in order to facilitate the development of the new facilities.

Cabinet was advised that Holland FC was seeking a new lease of the land edged red and the land coloured yellow on the plan for a 25 year term which would facilitate the seeking of grant funding for further enhancements to the ground. Holland FC was building up a fund to improve and develop the main pitch to the standards required for Step 6 Football following its promotion to the Thurlow Nunn Eastern Counties League. Provisional terms for such a lease had been agreed by officers. Details of the terms were set out in item B.3 of the Report of the Portfolio Holder for Enforcement and Community Safety.

Having considered the information provided together with the advice of Officers:-

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

RESOLVED that Cabinet approves, in principle, the granting of a new 25 year lease of the land shown edged red and coloured yellow on the plan attached as Appendix A to item A.8 of the Report of the Portfolio Holder for Enforcement and Community Safety to Holland Football Club.

101. REPORT OF FINANCE, REVENUES & BENEFITS PORTFOLIO HOLDER - A.9 - LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX DISCOUNTS 2017/18, ANNUAL MINIMUM REVENUE PROVISION AND HARDSHIP POLICY

There was submitted a report by the Portfolio Holder for Finance, Revenues & Benefits (Report A.9), which sought Cabinet's approval of the Local Council Tax Support Scheme 2017/2018 (including the associated exceptional hardship policy); the Council Tax Exemptions and Discounts for 2017/2018 and the Annual Minimum Revenue Policy Statement for 2017/2018 all for recommendation to Council.

Accordingly and in order to allow these matters to progress to Council it was moved by Councillor Howard, seconded by Councillor G V Guglielmi and:

RECOMMENDED TO COUNCIL that:

- (a) the Local Council Tax Support Scheme (LCTS) remained the same as the current year, as set out as Appendix A and that therefore:
 - i) the LCTS was approved with the maximum LCTS award being 80% for working age claimants; and
 - ii) delegation to be given to the Corporate Director (Corporate Services), in consultation with the Finance, Revenues & Benefits Portfolio Holder, to

undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2017.

- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B, was approved;
- (c) the proposed Council Tax exemptions and discounts, as set out in Appendix C, were approved and that delegation was given to the Corporate Director (Corporate Services), in consultation with the Finance, Revenues & Benefits Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2017..
- (d) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2017/18, as set out in Appendix D, was approved.

102. MANAGEMENT TEAM ITEMS

There were no items from the Management Team on this occasion.

103. 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 18, 19, 20 and 21 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

104. EXEMPT MINUTE OF THE LAST MEETING HELD ON FRIDAY 9 SEPTEMBER 2016

The exempt minute of the last meeting of the Cabinet, held on Friday 9 September 2016, was approved as a correct record and signed by the Chairman.

105. REPORT OF THE ENFORCEMENT AND COMMUNITY SAFETY PORTFOLIO HOLDER - B.3 - THE TERMS FOR THE GRANTING OF A NEW LEASE, EASTCLIFF PLAYING FIELDS, HOLLAND-ON-SEA

That Cabinet:

- (a) approved the proposed Heads of Terms; and
- (b) authorised the Corporate Director (Corporate Services) to enter into a lease on the terms set out and subject to such other terms the he considered necessary.

106. REPORT OF ENFORCEMENT AND COMMUNITY SERVICES PORTFOLIO HOLDER - B.1 - TERMS FOR THE SURRENDER OF THE CURRENT LEASE AND THE GRANT OF A NEW LEASE OVER THE SKATE PARK ON LOW ROAD PLAYING FIELDS, DOVERCOURT

That Cabinet:

- (a) Approved the proposed Heads of Terms; and
- (b) Authorised the Corporate Director (Corporate Services) to enter into a lease on the terms set out and subject to such other terms that he considered necessary.

107. REPORT OF THE ENFORCEMENT AND COMMUNITY SAFETY PORTFOLIO HOLDER - B.2 - THE TERMS FOR THE DISPOSAL OF ACCESS LAND FOR DEVELOPMENT OFF MAIN ROAD, DOVERCOURT

That Cabinet:

- (a) Approved the proposed Heads of Terms; and
- (b) Authorised the Corporate Director (Corporate Services) to enter into a lease on the terms set out and subject to such other terms that he considered necessary

The Meeting was declared closed at 11.51 am

Chairman