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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 15TH FEBRUARY, 2019 AT 10.37 AM  
ESSEX HALL, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

**Present:** Councillors Neil Stock OBE (Leader of the Council) (Chairman), 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), Mary Newton (Leader of the UKIP Group), Gary Scott (Deputy Leader of the Liberal Democrats / Tendring First Group) and Mark Stephenson (Leader of the Tendring Independents Group)(except items 107 and 108, 113 (part) and 114 (part))

**Also Present:** Councillors Kanagasundaram King and Colin Winfield (both except items 113 (part) - 122)

**In Attendance:** Ian Davidson (Chief Executive), Paul Price (Corporate Director (Operational 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), Andy White (Head of Property Services), Ian Taylor (Head of Public Realm), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Debianna Messenger (Work Based Learning Manager) and William Lodge (Communications Manager)

**107. APOLOGIES FOR ABSENCE**

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

**108. MINUTES OF THE LAST MEETING OF THE CABINET HELD ON FRIDAY 18 JANUARY 2019**

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 18 January 2019 be approved as a correct record and signed by the Chairman.

**109. DECLARATIONS OF INTEREST**

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Councillor Broderick, Leader of the Holland-on-Sea Group, declared a personal interest in Agenda Item 6 - Matters Referred to the Cabinet by the Council - A.1-Petition: Closure of Ipswich Road Public Convenience, Holland-on-Sea insofar as she was one of the petitioners.

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

North East Essex Economic Development Board

The Leader of the Council (Councillor Stock OBE) informed Cabinet that, following a meeting with his political counterparts at Essex County Council, Braintree District Council and Colchester Borough Council, it had been jointly decided to set up an Economic Development Board for North East Essex.

The Investment and Growth Portfolio Holder (Councillor Fairley) would be this Council's representative on the board and it was expected that its initial meeting would be held within the next few weeks.

Cabinet noted the foregoing.

**111. ANNOUNCEMENTS BY CABINET MEMBERS**

There were none on this occasion.

**112. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - PETITION: CLOSURE OF IPSWICH ROAD PUBLIC CONVENIENCE, HOLLAND-ON-SEA**

Earlier in the meeting Councillor Broderick had declared a personal interest in this matter insofar as she was one of the petitioners.

Cabinet was aware that, at the meeting of Council held on 22 January 2019, the Chief Executive had reported the receipt of a petition submitted by Councillors Broderick, Winfield and King. The petition had been signed by 247 residents of the District and requested that the Council reopened or replaced the closed public convenience at Ipswich Road, Holland-on-Sea. The front page of the Petition stated:-

*"This petition is demanding that TDC maintains your human right to "spend a penny" by re-opening (or better still replacing) the Ipswich Road toilet."*

In accordance with the Council's scheme and following reporting of the petition at Council in January, Councillors Broderick, Winfield and King had been requested to nominate a lead petitioner to present the petition to Cabinet at this meeting.

Issues arising from the petition had been investigated in accordance with the provisions of the Council's approved scheme for dealing with petitions and the outcome of that investigation together with the current position was before Cabinet as part of item A.1 of the Report of the Portfolio Holder for Leisure and Tourism. In particular, that investigation had highlighted that the closure of the Ipswich Road toilet had been supported by the local Holland Residents' Association and that it had been almost two years before the first objection to the closure had been received by the Council from a member of the public, which had then been followed by the petition received on 3 January 2019.

Members were aware that the Council's strategy for public convenience provision adopted in June 2017 supported a programme of refurbishment and service improvement for public toilets and ensured that all areas of the District previously operating public toilets would continue to do so. The strategy also stated that the Council would close those facilities identified as uneconomic to continue to operate, or were under-used by reason of their poor location or anti-social behaviour.

It was reported that the Council had achieved a year-on-year revenue saving of £100,000 arising from the implementation of the public convenience strategy, but had also invested, to date, £200,000 in new and improved facilities.

Councillor Winfield, as the lead petitioner, explained the petition and outlined the action that the petitioners wanted the Council to take.

Having considered both the petition and the information provided in the Officers' report:-

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

**RESOLVED** that –

- (a) Cabinet, having regard to the vote of the Council taken at its meeting on 22 January 2019 at which it had considered a petition placed before it to replace those toilets which had been closed for being not fit for purpose, agrees that no further action should be taken in respect of this petition, thereby reaffirming the will of the Council in respect of its support for the Public Conveniences Strategy, adopted in June 2017; and
- (b) the Leisure and Tourism Portfolio Holder be requested to undertake a review of the Council's Public Conveniences Strategy (which will also include the Portfolio Holder inviting scrutiny of that Strategy by the Resources and Services Overview and Scrutiny Committee) in view of any changed circumstances with regards to the impact of changes to by Government to National Non-Domestic Rates.

**113. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.2 - FREE SWIMMING LESSONS FOR CHILDREN**

Cabinet recalled that, at the meeting of the Full Council held on 27 November 2018, Members had considered a motion proposed by Councillor Pemberton in relation to free swimming lessons for children. Council had decided not to 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 school education:

- (a) *The Community Leadership Overview and Scrutiny Committee invite the Director of Education from Essex County Council to attend a future meeting of the 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 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."*

Consequently, Clare Kershaw (Director of Education, Essex County Council) and Dawn Emberson (Relationship Manager, Active Essex) had attended the meeting of the Community Leadership Overview and Scrutiny Committee held on 28 January 2019. They had set out for the Committee the statutory requirement under the National Curriculum for swimming which was as follows:-

*All schools must provide swimming instruction either in key stage 1 or key stage 2. In particular, pupils should be taught to:*

- *swim competently, confidently and proficiently over a distance of at least 25 metres;*
- *use a range of strokes effectively [for example, front crawl, backstroke and breaststroke]; and*
- *perform safe self-rescue in different water-based situations.*

In relation to part (b) of Council's resolution the Committee had been informed that this Council had set up a Water Safety Forum, which included this Council, the Royal National Lifeboat Institution), HM Coastguard, the Royal Lifesaving Society, Essex Police, Essex Fire and Rescue Service, the East of England Ambulance Service, the Brightlingsea Harbourmaster, Harwich Haven Authority and others.

It had been reported that in a short space of time, the Forum had secured funding for a nationally recognised outdoor water safety programme to be held in Clacton, Walton and Dovercourt during 2019. Working with Swim England, the scheme would provide free sessions to around 2,000 youngsters aged between 7-14 years. Young people would spend time learning about the differences between swimming in a pool and in the sea, what the safety flags meant and how to get help if it was needed, before heading into the water to practise safety skills. There would be specific school sessions, followed by spaces offered to the general public.

It was also reported that the Forum was working with Clacton Coastal Academy (CCA) who would produce a water safety film to be completed in time for Easter 2019. The school had agreed to write and produce the film, with specialist advice being provided by members of the Forum, in particular, the RNLI. It was especially pertinent that CCA had taken on this project, as Ben Quartermaine, who had tragically died off the coast of Clacton in summer 2018 had been a pupil at the school.

Furthermore, a signage audit had been undertaken in Clacton by a specialist from the RNLI and all their recommendations would be implemented in time for the 2019 season. The Forum was also working on a number of other measures including a programme of education and updates would be provided to Members as soon as they were available.

Cabinet was made aware that the Community Leadership and Scrutiny Committee had submitted the following recommendations:-

*"That the actions identified be endorsed, with Essex County Council / Active Essex to lead on:-*

- i. A review of pupils not reaching the required level of proficiency and actions to target the gap;*
- ii. how it was decided where the swim safe programme is run and if it could be extended;*
- iii. whether the swimming pools available at local caravan parks could be used to provide swimming lessons to school children;*
- iv. investigate whether local bus providers could assist with taking pupils from school to pools*
- v. review the affordability of and capacity to provide school swimming lessons; and*

*Tendring District Council to lead on:*

- vi. considering whether Tendring District Council's beach patrol staff could provide swimming lessons in the sea*
- vii. whether the ONE card or something similar could be re-introduced for use at local Leisure Centres;*
- viii. investigate extending the promotion of water safety advice around the coastline during the summer."*

Having considered the recommendations submitted by the Community Leadership Overview and Scrutiny Committee together with the other information provided:-

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

**RESOLVED** that -

- (a) the actions identified be agreed, whilst recognising that Essex County Council retains the responsibility for schools and school provision and that Active Essex has a lead role in promoting physical activity;
- (b) this Council provides support across all actions, where appropriate, having regard to its available capacity and resources; and
- (c) it be noted that, in relation to action (viii), the promotion of water safety information and advice is a key part of the work of the Water Safety Forum which this Council has set up and that a signage audit has been undertaken by the RNLI.

**114. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.3 - ESSEX FUTURE LIBRARY SERVICES STRATEGY 2019 - 2024 (DRAFT)**

For the record and as a point of information Councillors G V Guglielmi, I J Henderson and P B Honeywood each reminded the meeting that they were also elected Members of Essex County Council.

Cabinet was aware that the Community Leadership Overview and Scrutiny Committee, at its meeting held on 28 January 2019, had considered the consultation being undertaken by Essex County Council on its draft strategy for the future of library services over the next five years. The proposed strategy was based on the views gathered from the public in 2018 and the consultation would close on 20 February 2019.

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The full strategy and a consultation response proposed by that Committee were attached at appendices A and B respectively to item A.3 of the Reference from the Community Leadership Overview and Scrutiny Committee.

Having considered the strategy together with the proposed consultation response:-

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

**RESOLVED** that the proposed consultation response, as attached as Appendix B to item A.3 of the Reference from the Community Leadership Overview and Scrutiny Committee, be approved as this Council's formal response to Essex County Council's consultation on its "Essex Future Library Services Strategy 2019 – 2024".

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

There were none on this occasion.

**116. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.4 - FREEHOLD DISPOSAL OF FORMER ISOLATION HOSPITAL SITE, MAIN ROAD, DOVERCOURT**

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.4) which sought its approval, in principle, for the freehold disposal of the former Isolation Hospital Site, Main Road, Dovercourt.

Members were informed that a decision to declare this site surplus to requirements had originally been made in October 2003 and that various options had been explored by the Council over the years. Full and final bids had now been invited for this site and four offers had been received. The report sought agreement to proceed with the sale of the land to the highest bidder, subject to terms and conditions.

Having considered the matter:-

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

**RESOLVED** that, subject to its decision to be taken in private later in the meeting in respect of the terms and conditions, Cabinet authorises, in principle, the freehold disposal of the former Isolation Hospital Site, Main Road, Dovercourt.

**117. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.5 - PERFORMANCE REPORTS: OCTOBER - DECEMBER 2018 (QUARTER 3)**

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.5) which presented the Performance Reports (2018/19) for the period October – December 2018 (Quarter 3).

The Performance Reports (Resources & Services and Community Leadership) attached as Appendices A and B respectively to the report set out the detailed actions and targets for the delivery of the Council's priorities throughout the year. They included both the Corporate Plan and Priorities and Projects 2018/19.

In Appendix A of the 18 indicators and projects where performance was measured, the third 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 Appendix B were deemed 'non measurable' as this Council's role was that of 'influence only'.

Having considered the contents of the Appendices together with an update on the 'Transforming Tendring' project:-

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

**RESOLVED** that the contents of the Performance Reports for the period October – December 2018 (Quarter 3) be noted.

**118. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.6 - FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF DECEMBER 2018 AND LONG-TERM FINANCIAL FORECAST UPDATE**

The Cabinet gave consideration to a detailed report of the Finance and Corporate Resources Portfolio Holder (A.6) which provided it with an overview of the Council's financial position against the budget as at the end of December 2018 and also presented it with an updated forecast on an on-going basis as part of developing the long term financial plan.

The report was presented in two distinct sections as follows:-

- 1) The Council's in-year financial position against the budget at the end of December 2018; and
- 2) An updated long term financial forecast.

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

In respect of the position at the end of December 2018, this showed that overall the General Fund Revenue position was behind the profiled budget by £2.863m. As had been the case in previous quarters, the variance to date primarily reflected the timing of expenditure and income although any significant issues arising to date had been highlighted and comments provided as necessary.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, there were no major issues that had been identified to date.

Appendix H to the report set out a number of changes to in-year budgets. The net impact of all of the budget adjustments would be moved to, or from, the Forecast Risk Fund. The long term forecast was based on the identification of £0.500m of in-year outturn savings, which would be set aside over the course of the whole year within the Forecast Risk Fund in order to support the long term plan.

As in previous years, it was recognised that a number of smaller variances within services would emerge over the course of the year that would not necessarily be

specifically highlighted or discussed within the in-year finance reports. It was still therefore possible that a range of smaller variances could remain at the end of the year and contribute to the overall outturn position. In addition, a number of budgets that related to schemes / initiatives or earmarked for specific purposes might not be fully spent by the end of the year and be subject to end of year processes such as carry forward requests and therefore remain committed. However, at this stage and after taking into account the current position and information available it was anticipated that any adverse issues would be offset by favourable variances elsewhere within the overall budget at the end of the year.

Appendix I to the report set out amounts (both capital and revenue) at the end of 2017/18 that had been requested to be carried forward for more than one year. Following a review of the relevant items, it was not proposed to transfer any funding elsewhere within the overall budget and therefore the current commitments that they reflected had been reconfirmed as part of this review.

In respect of the updated long term financial forecast:

Appendix J to the report set out the long term financial forecast based on the position considered by Full Council at its budget setting meeting on 5 February 2019. Although the figures set out within that appendix would change as part of updating the forecast on a regular basis during 2019/20, there had been no issues that significantly increased the risks in future years with the forecast position remaining broadly in-line with original expectations.

A review of the risks associated with the long term approach to the forecast was also subject to on-going review and was reported within Appendix K.

As previously mentioned in previous reports, 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) Delivering a positive outturn position each year; and
- 5) The mitigation of cost pressures wherever possible.

Pursuant to the provisions of Article 7.08 - Cabinet Procedure Rule 1.5(ii) of the Council's Constitution, the Leader of the Labour Group (Councillor I J Henderson) requested that it be included within this Minute that his Group opposed the increased costs of £100,000 in the Waste and Recycling Contract and the Labour Group still believed that the Waste and Recycling Contract should have undergone a full re-tender process.

Having considered and discussed the information provided in the report and the appendices attached thereto:-

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

**RESOLVED** that -

- (1) in respect of the financial performance against the budget at the end of December 2018:
  - (a) the position be noted; and
  - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.6 of the Report of the Finance and Corporate Resources Portfolio Holder be agreed.
- (2) in respect of the Updated Long Term Forecast:
  - (a) the updated forecast be agreed; and
  - (b) the Resources and Service Overview and Scrutiny Committee be consulted on the latest position.

**119. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**120. 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 Items 15 and 16 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.

**121. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 18 JANUARY 2019**

It was **RESOLVED** that the Exempt Minute of the meeting of the Cabinet held on Friday 18 January 2019 be approved as a correct record and signed by the Chairman.

**122. CABINET MEMBERS' ITEMS - REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD DISPOSAL OF FORMER ISOLATION HOSPITAL SITE, MAIN ROAD, DOVERCOURT**

**RESOLVED** that Cabinet –

- (a) approves the terms for a freehold disposal to [a named individual]; and
- (b) authorises the Deputy Chief Executive to enter into a contract to dispose of the site on the approved terms and subject to such other terms that he considers necessary.

The Meeting was declared closed at 11.44 am

**Chairman**