

**MINUTES OF THE MEETING OF THE CABINET, HELD ON FRIDAY 21 APRIL 2017 AT
10.33 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA**

PRESENT:

Councillor N R Stock OBE
Councillor G V Guglielmi

Councillor T M Ferguson
Councillor P B Honeywood
Councillor L A McWilliams
Councillor M J Talbot
Councillor N W Turner
Councillor G F Watling

PORTFOLIO:

Leader of the Council (Chairman)
Deputy Leader of the Council; Portfolio Holder for
Resources and Corporate Services
Portfolio Holder for Tourism and Leisure
Portfolio Holder for Housing
Portfolio Holder for Leisure and Partnerships
Portfolio Holder for Environment
Portfolio Holder for Commercialisation, Seafronts & Parking
Portfolio Holder for Planning and Regeneration

Group Leaders Present by Invitation: There were none present on this occasion.

Also Present: Councillor Steady.

In Attendance: Corporate Director (Corporate Services), Corporate Director (Operational Services) (Paul Price), Head of Finance, Revenues & Benefits (Richard Barrett), Head of Property Services (Andy White), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Communications and Public Relations Manager (Nigel Brown)

168. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors J A Broderick (Leader of the Holland-on-Sea Residents' Group), I J Henderson (Leader of the Labour Group), M E Stephenson (Leader of the UKIP Group) and E F Whitmore (Deputy Leader of the UKIP Group).

169. MINUTES OF THE LAST MEETING HELD ON FRIDAY 17 MARCH 2017

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 17 March 2017, be approved as a correct record and signed by the Chairman.

170. DECLARATIONS OF INTEREST

Councillor G V Guglielmi declared a non-pecuniary interest in relation to the Disposal of the Riverview Playing Fields at Lawford (Report A.4), as detailed in Minute 177 below.

171. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

172. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

173. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

174. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – A.1 – UPDATE ON RELATIONSHIP WITH THE NORTH ESSEX PARKING PARTNERSHIP

Cabinet was informed that, at the meeting of the Service Development and Delivery Committee held on 27 February 2017, Members had received an update on the Council's relationship with the North Essex Parking Partnership and especially the offer made by Essex County Council to extend the current term of the Joint Committee Agreement by four years.

The Committee had before it a briefing note prepared by the Head of Public Realm (Ian Taylor) and which was set out under the following main headings:-

- (1) Background;
- (2) Current Position;
- (3) Alternative Options;
- (4) Proposal and Delegated Power;
- (5) Financial Implications and Risk; and
- (6) Risk Management Implications.

The Committee had also had before it a draft letter to Councillor Robert Mitchell, Chairman of the North Essex Parking Partnership which stated that Tendring District Council (TDC) had considered the matter, understood the advantages of continuing with the current agreement for a further four years and was in agreement with the proposal subject to the following provisions:-

- (a) TDC will not budget for any money to cover losses arising from the partnership;
- (b) No Camera enforcement cars will operate within the Tendring District; and
- (c) That the partnership agrees to further develop the arrangement with Civil Enforcement Officers employed by TDC to assist with meeting local requirements for on street parking enforcement.

The Committee had agreed that Cabinet be requested to -

- *acknowledge the excellent job that the Parking Services team and their Portfolio Holder have done with regards to the building of relationships with the North East Parking Partnership.*
- *be requested to ensure that the North East Parking Partnership Terms of Reference are scrutinised by the relevant committee before the next contract is signed by TDC (likely 2021).*

The Cabinet had before it the following recommendations of the Commercialisation, Seafronts and Parking Portfolio Holder made in response to the requests of the Service Development and Delivery Committee:

- a) *The Committee be thanked for their supportive comments regarding the work done on building relationships with the North Essex Parking Partnership.*
- b) *It will be ensured that the North Essex Parking Partnership Terms of Reference are scrutinised by the relevant committee before the next contract is signed by TDC.*

Having considered the comments of the Service Development and Delivery Committee and the comments and recommendations of the Commercialisation, Seafronts and Parking Portfolio Holder:

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

RESOLVED that the recommendations of the Commercialisation, Seafronts and Parking Portfolio Holder be approved.

175. **MATTERS REFERRED TO THE CABINET BY A COMMITTEE – A.2 – CORPORATE BUDGET MONITORING REPORT FOR THE THIRD QUARTER OF 2016/17**

Cabinet was informed that, at the meeting of the Corporate Management Committee (CMC) held on 13 March 2017 the Committee had considered the contents of the Corporate Budget Monitoring Report for the Third Quarter of 2016/17.

The Committee had agreed to make the following comments to Cabinet:

“Income from Section 106 Agreements

(a) *no monies should ever be left in the “Less than one year column for Section 106 Agreement unallocated/uncommitted monies” i.e. the money should always have been allocated/committed or spent before that point;*

Housing Revenue Account

(b) *a robust system should be put in place to protect Council as much as possible from costs arising on-going major repairs/improvements to Council dwellings especially where these are as a result of tenants’ actions;*

(c) *Are the HRA properties periodically fully inspected and if not, why not?; and*

Supporting People Funding

(d) *Essex County Council (ECC) should be urged to reconsider its decision to end the Supporting People funding. The Committee is disappointed that this Council did not make a public protest at the time especially given the short timescale given before ECC’s decision came into effect and is concerned that this may have set a precedent for future ECC decisions. The Committee is also concerned that the blame for any future decision to remove Sheltered Housing Wardens as a result of budgetary pressures will now be placed at the door of this Council.”*

The Cabinet had before it as Appendix A to item A.2 of the Reference from the Corporate Management Committee the responses of the Resources and Corporate Services Portfolio Holder to CMC’s comments.

Having considered the comments of the Corporate Management Committee and the responses thereto of the Resources and Corporate Services Portfolio Holder:

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

RESOLVED that the responses of the Resources and Corporate Services Portfolio Holder, as set out in the Appendix to item A.2 of the Reference from the Corporate Management Committee be approved, subject to the response to (a) being amended to read as follows:

“Noted, and Cabinet agrees that Section 106 monies should be spent as soon as practicable but cabinet recognises that it may not always be possible, or in the best interests of the Council/community to spend them immediately.”

176. MATTERS REFERRED TO THE CABINET BY A COMMITTEE – A.3 – SUSTAINABILITY TRANSFORMATION PLAN

Cabinet was informed that, at the meeting of the Community Leadership and Partnerships Committee held on 20 March 2017, Susannah Howard (STP Programme Director) from the Clinical Commissioning Group was in attendance and gave the Committee a presentation on the Sustainability Transformation Plan. This is a high level strategy for transformation of the health service and focuses on a system rather than an organisational approach. The next stage will be to develop operational plans for each strand so that meaningful consultation can take place with a wider audience on what the STP means in practice for front line staff and patients. The presentation covered the following:

- (1) Introduction;
- (2) NHS structure;
- (3) Working together and moving forward;
- (4) Suffolk and North East Essex footprint statistics;
- (5) The three main areas of the STP Plan;
- (6) The required steps to help achieve and deliver the complex programme;
- (7) The conclusions of the Kings Fund Review of STPs;
- (8) Taking the STP forward;
- (9) Work streams;
- (10) Governance;
- (11) STP programme board – Terms of reference;
- (12) Process of aligning work streams to the STP;
- (13) Work stream delivery mandate;
- (14) Dashboard reporting; and
- (15) Forthcoming interactive programme events.

Members had asked questions on various issues which including:-

- Social care issues and bed blocking;
- How the high level STP will be communicated down to front line staff;
- What the impact of the STP will ultimately be on patients;
- Financial savings;
- Collaborative working with for example the ambulance service and GP services and how the STP integrated with other health issues such as the urgent care review and the contract for provision to 0 -19 year olds;
- Engagement with other stakeholders such as Police and Fire;
- The need to streamline health provision ranging from consultants to chemists and how this could be done.

It had been agreed that Susannah Howard be invited back to a future meeting along with representatives from the North East Essex Clinical Commissioning Group and Essex County Council in order to discuss a more detailed plan of what STP means for Tending health staff and patients.

The Committee had agreed that Cabinet be requested to contact the STP Lead to seek assurance that when the STP Plan is at a more detailed level, timely consultation with the wide public will take place.

The Cabinet had before it the following recommendation of the Leisure and Partnerships Portfolio Holder made in response to the request of the Community Leadership and Partnerships Committee:

“When the STP Plan is at a more detailed level, the STP Lead be contacted to seek assurance that timely consultation with the wider public will take place.”

Having considered the request of the Community Leadership and Partnerships Committee and the recommendation of the Leisure and Partnerships Portfolio Holder:

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

RESOLVED that Cabinet agrees that when the STP Plan is at a more detailed level, the STP Lead be contacted to seek assurance that timely consultation with the wider public will take place and that an All Member Briefing be held as part of this process.

177. LEADER OF THE COUNCIL’S ITEMS – DISPOSAL OF THE RIVERVIEW PLAYING FIELDS AT LAWFORD TO THE LAWFORD PARISH COUNCIL (Report A.4)

Councillor G V Guglielmi had earlier in the meeting declared a non-pecuniary interest in relation to this item.

There was submitted a report by the Leader of the Council (Report A.4), which sought Cabinet’s agreement, in principle, to the disposal of the playing fields at Riverview, Lawford to Lawford Parish Council.

It was reported that Lawford Parish Council currently had a lease for the Riverview playing fields which had started in 1992 and had passed its contractual end date in August 2013. Since 2013 the lease had continued in force under the provisions of Part II of the Landlord and Tenant Act 1954.

Cabinet was informed that terms for the renewal of the lease had been proposed but after initial acceptance the Parish Council had subsequently declined to accept the proposed increase in rent. The Parish Council had instead applied for the transfer of the freehold of the land under the Council’s Community Asset Transfer Policy to enable them to have certainty going forward and to apply for grant funding. This had been rejected by Tendring District Council as Officers did not consider that the proposal was strong enough to warrant the transfer of the freehold.

Members were advised that the Parish Council had now offered to purchase the land for a cash consideration. In addition to the land that the Parish Council currently rented they would also be purchasing the land which Essex County Council (ECC) rented from TDC. This was because the land currently rented to ECC for school playing fields was effectively land locked by the section of land rented by the Parish Council. If the Parish Council did not buy all of the land then TDC would have no access to land that it owned thereby devaluing that area. The lease to ECC would remain in place and the use of the area would not change.

Having considered the information provided:-

It was moved by Councillor Stock, seconded by Councillor Watling and:-

RESOLVED that Cabinet approves, in principle, the disposal of the playing fields at Riverview, Lawford to Lawford Parish Council subject to the decision as to the terms of the disposal to be taken later in the meeting following the exclusion of the press and public.

Cabinet Members' Items – Report of the Portfolio Holder for Leisure and Partnerships**178. DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: YE OLDE CHERRY TREE, CLACTON ROAD, LITTLE CLACTON, CO12 5JH (Report A.5)**

There was submitted a report by the Portfolio Holder for Leisure and Partnerships (Report A.5), which sought Cabinet's decision on whether Ye Olde Cherry Tree, Clacton Road, Little Oakley met the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, following its valid nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria were pertinent to the decision.

The Cabinet was informed that the Officers, taking the evidence provided into account, were of the opinion that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011 and, accordingly, were recommending that the building should be listed as an Asset of Community Value.

Having considered the report, the valid nomination and the advice of Officers, it was moved by Councillor Watling, seconded by Councillor Ferguson and:

RESOLVED that Cabinet agrees that Ye Olde Cherry Tree, Clacton Road, Little Oakley, CO12 5JH meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the building be added to the Council's list of Assets of Community Value.

Cabinet Members' Items – Report of the Portfolio Holder for Resources and Corporate Services**179. ASSET MANAGEMENT PLAN, PROPERTY STRATEGY, PROPERTY PROGRAMME, PROCEDURE RULES AND CONSEQUENT CONSTITUTION AMENDMENTS (Report A.6)**

There was submitted a report by the Portfolio Holder for Resources and Corporate Services (Report A.6), which enabled Cabinet to consider the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution amendments.

Cabinet was informed that the adoption of an Asset Management Plan was no longer mandatory but it was considered to be good practice. The Asset Management Plan was not a budget and policy framework document. The Asset Management Plan, Property Strategy and updated procedure rules had been outstanding Auditors' requirements for some years. Officers had therefore produced a suite of policy and procedure documents comprising a high level Asset Management Plan and subsidiary documents.

It was proposed that the Asset Management Plan would be adopted at full Council together with the necessary changes to the Council's Constitution.. Other parts of the package would be adopted, subject to the foregoing, as the documents progressed through the approvals process.

It was reported that the key proposed changes to the Constitution were to:

- Provide authority for the adoption of the Property Strategy, Property

Programme and procedure rules.

- Remove detailed provisions on property procedures and provide authority for a separate suite of procedure rules.
- Update decision making and valuation thresholds.

Cabinet was reminded that the Corporate Management Committee had considered the draft documents at its meeting held on 13 March 2017 and had made comments as set out below. Where applicable the draft documents had been adjusted to reflect the Committee's comments.

The Corporate Management Committee had commented to Cabinet that:

- a) the Council's attitude should be that "if we don't need it and its costing us money then we dispose of it";*
- b) robust action/business plans should be put in place to deliver the aspirational aspects of the Property Programme;*
- c) the Property Programme should cover at least a three year period in order to take into account the next District Council Elections; and*
- d) the need for an Integrated Transport Plan should be included, where appropriate, in the documents*

The Resources and Corporate Services Portfolio Holder had responded to those comments as set out below. Where applicable the draft documents had been amended to reflect those responses.

The Portfolio Holder's responses were:

"I thank the Committee for its time and comments.

- a) The Committee is quite right in its view of the need to dispose of surplus property. This approach is in line with the draft documents prepared by officers and will help the Council to achieve a leaner property portfolio that actively contributes to our objectives and is sustainable in the light of our future financial circumstances.*
- b) The documents proposed are not the best place to expand on the detailed plans for specific projects. Instead I propose that Cabinet should request that officers prepare plans separately for the delivery of projects.*
- c) The Property Programme needs to both reflect long term aspirations and focus on immediate priorities as well as retaining flexibility to deal with changing circumstances. Cabinet will note the change of the duration of the programme attached to the report also on this agenda in line with the suggestion of the Committee.*
- d) Members will note the addition of a Transport Plan into the infrastructure section of the Property Strategy. It is likely that the Council will look towards sector partners for delivery."*

Having considered the comments of the Corporate Management Committee and the responses thereto of the Resources and Corporate Services Portfolio Holder:

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

RESOLVED that Cabinet -

- a) recommends and refers the Asset Management Plan and proposed Constitution amendments to full Council for adoption;
- b) subject to Council's decision on the foregoing, adopts the Property Strategy;
- c) notes the draft Property Programme and procedure rules proposed for separate adoption by the Portfolio Holder and by Officers subject to the adoption of the Asset Management Plan and Constitution changes, as detailed above; and
- d) requests that Officers bring forward delivery plans for the aspirational projects in the Property Programme as resources permit.

RECOMMENDED TO COUNCIL that the Asset Management Plan and the proposed amendments to the Council's Constitution be approved.

180. MANAGEMENT TEAM ITEMS

There were none on this occasion.

181. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 15 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

182. REPORT OF LEADER OF THE COUNCIL – B.1 – TERMS FOR THE DISPOSAL OF THE RIVERVIEW PLAYING FIELDS AT LAWFORD TO LAWFORD PARISH COUNCIL

RESOLVED that Cabinet:

- (a) approves the terms for proposed for the sale of the playing fields, as set out in Appendix A to item B.1 of the Report of the Leader of the Council; and
- (b) authorises the Corporate Director (Corporate Services) to accept the offer from Lawford Parish Council on the terms set out and subject to such other terms that he considers necessary for the freehold of the playing fields.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was due to take place on Friday 26 May 2017 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 10.56 a.m.

Chairman