

**MINUTES OF THE MEETING OF THE CABINET, HELD ON FRIDAY 26 MAY 2017 AT
10.33 A.M. IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA**

PRESENT:

Councillor N R Stock OBE
Councillor T M Ferguson
Councillor P B Honeywood
Councillor L A McWilliams
Councillor M J Talbot
Councillor G F Watling

PORTFOLIO:

Leader of the Council (Chairman) and Acting Portfolio Holder for Planning and Regeneration
Portfolio Holder for Tourism and Leisure
Portfolio Holder for Housing
Portfolio Holder for Leisure and Partnerships
Portfolio Holder for Environment
Cabinet Member without Portfolio (except items 1 – 9 (part))

Group Leaders Present by Invitation: Councillors J D Bray (Leader of the Independent Alliance Group), J A Broderick (Leader of the Holland-on-Sea Residents' Group), R J Bucke (Deputy Leader of the Tendring First Liberal Democrats Group), and E F Whitmore (Deputy Leader of the UKIP Group).

In Attendance: Chief Executive (Ian Davidson) (except items 1 – 5 (part)), Corporate Director (Operational Services) (Paul Price), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Finance, Revenues & Benefits (Richard Barrett), Head of Housing Services (Tim Clarke), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Communications and Public Relations Manager (Nigel Brown)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G V Guglielmi (Deputy Leader of the Council & Portfolio Holder for Resources and Corporate Services), I J Henderson (Leader of the Labour Group), G G I Scott (Leader of the Tendring First Liberal Democrats Group), M E Stephenson (Leader of the UKIP Group) and N W Turner (Portfolio Holder for Commercialisation, Seafronts & Parking).

2. MINUTES OF THE LAST MEETING HELD ON FRIDAY 21 APRIL 2017

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 21 April 2017, be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Superfast Broadband

The Leader of the Council referred to a meeting with Essex County Council that he had attended along with the Deputy Leader of the Council and the Chief Executive in respect of the roll-out of Superfast Broadband and those areas in the Tendring District where this was currently lacking. He confirmed that both Councils were working hard to deliver universal coverage.

5. ANNOUNCEMENTS BY CABINET MEMBERS**Fly Tipping**

The Environment Portfolio Holder (Councillor Talbot) referred to the meeting of the Service Development and Delivery Committee held on 3 April 2017 when that Committee had discussed, inter alia, the subject of fly tipping. Councillor Talbot informed Cabinet that the recommendations made by the Committee would be reported to Cabinet in June.

Councillor Talbot also informed Cabinet of the criminal penalties (both monetary and custodial) that could apply to fly tipping by a business and the possible use of surveillance of 'at risk' sites to help provide the level of evidence necessary in order to secure a criminal conviction in the Courts.

Security Update

At the request of the Leader of the Council, the Chief Executive gave an update on the security situation following the terrorist attack in Manchester on Monday 22 May and confirmed that there was no specific intelligence relating to a potential terrorist attack in the District.

6. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

7. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

8. LEADER OF THE COUNCIL'S ITEMS

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

Cabinet Members' Items – Report of the Portfolio Holder for Resources and Corporate Services**9. FREEHOLD PURCHASE OF 23 ALEXANDRA STREET, HARWICH (Report A.1)**

There was submitted a report by the Portfolio Holder for Resources and Corporate Services (Report A.1), which sought Cabinet's approval for the freehold purchase of 23 Alexandra Street, Harwich.

Having considered the report, it was moved by Councillor Stock, seconded by Councillor Honeywood and:

RESOLVED that Cabinet authorises, in principle, the freehold purchase of 23 Alexandra Street, Harwich, subject to its decision on terms and to authorising the Corporate Director (Corporate Services) to enter into a contract and transfer deed to complete the purchase of the property all of which will be considered later in the meeting following the exclusion of the press and public.

Cabinet Members' Items – Joint Report of the Portfolio Holder for Resources and Corporate Services Portfolio Holder and the Portfolio Holder for Housing

10. ACQUISITION OF SITES IN THE CLACTON-ON-SEA AREA (Report A.2)

There was submitted a joint report by the Portfolio Holder for Resources and Corporate Services and the Portfolio Holder for Housing (Report A.2), which sought Cabinet's approval to acquire two sites in a regeneration area in Clacton-on-Sea with a view to facilitating development or directly developing the sites for housing/regeneration stimulation.

Cabinet was reminded that, following changes to the financing of Council housing within the Housing Revenue Account, it was now financially viable for local authorities to add to their existing stock through acquisition or new build. Therefore, in accordance with its initiation procedures, Tendring District Council ("the Council") had been in exploratory discussions with several landholders and landlords in the west Clacton area for a number of months/years and had now purchased some sites and reached provisional agreements, subject to the necessary approvals and contracts on other sites.

It was reported that two sites which had not been included in previous reports to Cabinet had now become available and negotiations had been completed.

The Council had recognised that, due to the difficult market conditions in the area high quality private sector housing development was potentially not viable and therefore unlikely to take place. The Council, in its community leadership and housing provider roles, was seeking to kick-start regeneration of the area by direct housing development in order to improve housing conditions for local residents and stimulate a change in market conditions. It was also in discussions with Essex County Council with a view to it also facilitating investment in that area.

It was felt that, whilst viability of market housing was a concern, the Council could take a longer strategic view in respect of its investment in the area but given the competing offers which were emerging it required flexibility in undertaking negotiations with developers and so at this stage, specific details pertaining to those site were only identified in item B.2 of the Joint Report of the Portfolio Holder for Resources and Corporate Services and the Portfolio Holder for Housing as disclosure prior to other negotiations being completed could compromise the Council's position on those sites as well as others which might emerge.

Having considered the report and the advice of Officers, it was moved by Councillor Stock, seconded by Councillor Honeywood and:

RESOLVED that Cabinet –

- (a) approves, in principle, the acquisition of the sites identified in item B.2 of the Joint Report of the Portfolio Holder for Resources and Corporate Services and the Portfolio Holder for Housing for the purposes of development and providing housing, subject to the Cabinet's further decision on terms to be taken later in the meeting following the exclusion of the press and public; and
- (b) authorises the Corporate Director (Corporate Services and the Corporate Director (Operational Services), in consultation with the Leader of the Council, the Council's Section 151 Officer and the Council's Monitoring Officer, to complete the acquisition of the sites on the terms set out in item B.2 of the Joint Report of the Portfolio Holder for Resources and Corporate Services and on such other terms and conditions that they consider appropriate.

Cabinet Members' Items – Joint Report of the Portfolio Holder for Resources and Corporate Services and the Portfolio Holder for Leisure and Partnerships

11. CLACTON LEISURE CENTRE VENTILATION SYSTEM (Report A.3)

There was submitted a joint report by the Portfolio Holder for Resources and Corporate Services and the Portfolio Holder for Leisure and Partnerships (Report A.3), which requested an additional budgetary provision in order to ensure sufficient funding for the replacement of the Pool Hall ventilation system at Clacton Leisure (CLC).

Cabinet was aware that the sum of £50,000 had originally been included in the capital programme in order to replace the Pool Hall Ventilation System at CLC, which was now beyond its economic lifecycle. After further exploratory works by the mechanical consultant appointed to oversee the project on behalf of the Council, an additional £120,000 had been allocated, as the original budget was deemed to be substantially insufficient.

It was reported that a tender exercise had been carried out in February 2017 with five contractors submitting quotations. An exercise in value engineering had subsequently been undertaken by the consultant, with the cheapest quote being reduced to £199,539, from an original submission of £264,112. The reason for the variance from the original budget was due to an underestimation of the physical mechanical costs from the consultant's projections and the added cost of keeping the facility open throughout the works.

Cabinet was informed that, after taking into account the remaining professional fees payable to the mechanical consultant of £9,518, there was currently a project shortfall of £56,636. This balance was therefore required to allow a works order to be placed and to commence this essential installation.

Cabinet was advised that, as the current system had deteriorated significantly, a temporary unit had been installed in order to ensure satisfactory environmental conditions were maintained in the Pool Hall until a new unit was installed. This temporary solution was not ideal and had been the subject of some complaints during cold weather.

Having considered the report and the advice of Officers, it was moved by Councillor Stock, seconded by Councillor McWilliams and:

RESOLVED that an additional £56,640 be allocated to the capital programme budget for the replacement of the Pool Hall Ventilation System at CLC and that the Head of Finance, Revenues and Benefits be authorised to make the necessary reallocation of funding within the existing capital programme.

12. MANAGEMENT TEAM ITEMS

There were none on this occasion.

13. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor Honeywood 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 14 to 17 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

14. EXEMPT MINUTE OF THE LAST MEETING HELD ON FRIDAY 21 APRIL 2017

It was **RESOLVED** that the exempt minute of the last meeting of the Cabinet, held on Friday 21 April 2017, be approved as a correct record and signed by the Chairman.

15. REPORT OF THE RESOURCES AND CORPORATE SERVICES PORTFOLIO HOLDER – B.1 – TERMS FOR THE FREEHOLD PURCHASE OF 23 ALEXANDRA STREET, HARWICH

RESOLVED that Cabinet:

- (a) approves the proposed terms for the freehold purchase of 23 Alexandra Street, Harwich ; and
- (b) authorises the Corporate Director (Corporate Services) to enter into a contract and transfer deed to complete the purchase of the property on the terms set out and subject to such other terms that he considers necessary.

16. JOINT REPORT OF THE RESOURCES AND CORPORATE SERVICES PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER – B.2 – ACQUISITION OF TWO SITES IN THE CLACTON-ON-SEA AREA

RESOLVED that Cabinet:

- (a) approves the acquisition of the two sites in the Clacton-on-Sea area ; and
- (b) authorises the Corporate Director (Corporate Services) and the Corporate Director (Operational Services), in consultation with the Leader of the Council, the Council's Section 151 Officer and the Council's Monitoring Officer to complete the acquisition of the sites on the terms set out and subject to such other terms that they consider necessary.

17. JOINT REPORT OF THE RESOURCES AND CORPORATE SERVICES PORTFOLIO HOLDER AND THE LEISURE AND PARTNERSHIPS PORTFOLIO HOLDER – B.3 – CLACTON LEISURE CENTRE VENTILATION SYSTEM

RESOLVED that Cabinet agrees that the contract to install a new ventilation system in the Pool Hall at Clacton Leisure Centre be awarded to a named contractor.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was due to take place on Tuesday 13 June 2017 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 11.15 a.m.

Chairman