

**MINUTES OF THE MEETING OF THE CABINET, HELD ON TUESDAY 13 JUNE 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 M J Talbot

Councillor N W Turner

PORTFOLIO:

Leader of the Council (Chairman) & Acting Portfolio Holder for Planning and Regeneration

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 Environment

Portfolio Holder for Commercialisation, Seafronts and Parking

Group Leaders Present by Invitation: Councillors J D Bray (Leader of the Independent Alliance Group) and J A Broderick (Leader of the Holland-on-Sea Residents' Group)

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) & Deputy Monitoring Officer (Martyn Knappett), Corporate Director (Operational Services) (Paul Price), Head of Planning Services (Cath Bicknell), Planning and Regulation Manager (Simon Meecham), Committee Services Manager (Ian Ford) and Communications and Public Relations Manager (Nigel Brown)

21. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors I J Henderson (Leader of the Labour Group), L A McWilliams (Portfolio Holder for Leisure and Partnerships), M E Stephenson (Leader of the UKIP Group) and G F Watling MP (Cabinet Member without Portfolio).

22. MINUTES OF THE LAST MEETING HELD ON FRIDAY 26 MAY 2017

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 26 May 2017, be approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

The Corporate Director (Corporate Services) & Deputy Monitoring Officer read out the following advice to Members:

"I believe it would be useful to provide Members with guidance on declarations of interest in consideration of the Publication Draft Local Plan document, which was considered by the Local Plan Committee last night, is being considered by, Cabinet today and will be presented to full Council on 15th June.

The decision being sought at these meetings includes recommending, endorsing and approval of a Publication Draft Local Plan and Sustainability Appraisals for public consultation and submission to the Government for Examination in Public.

The majority of Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such

District wide decisions, however, for the avoidance of doubt and Members' protection, acting as the Council's Monitoring Officer it is entirely reasonable that the criteria set out in Section 33 (a) to (e) of the Localism Act 2011 applies and for land ownership simply within the red line settlement boundaries, a dispensation is granted to all Members to debate and vote on the item.

However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas to be allocated, shown in various colours on the plans within the document, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item, although it is unlikely that I would grant a grant a dispensation in the circumstances. If you are unclear or require further advice please contact me or Martyn Knappett, Deputy Monitoring Officer. Failure to declare a DPI and take part in a decision is a criminal offence.

Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition of Non-Pecuniary Interests, if you were appointed or nominated to an outside body or organisation by the Council or are a member of an outside body which owns or controls land. A number of these organisations could meet the "likely to affect" test. The impact of having a Non-Pecuniary Interest on participation at meetings is set out in the Code of Conduct. The test is whether the Councillor could reasonably be regarded as having an interest so significant that it was likely to prejudice their judgement. As the decision is to approve a Publication Draft Local Plan, my advice to Councillors is that it is reasonable to conclude that this test would be met and therefore, Councillors would not be able to remain and take part in the debate and vote (after declaring the interest) without a dispensation. By making the declaration of a Non-Pecuniary Interest, for land ownership, it will be assumed that the interest does prejudice your judgement and therefore, you should not take part in the decision.

Members may have declared interests at earlier meetings in the local plan process including previous Council meetings and at the Local Plan Committee, it is important to be seen to be consistent in the approach, if Members have ceased to hold an interest they may wish to explain this. A declaration made previously cannot be assumed to be carried forward and Members must make all relevant declarations at the meetings they attend.

For openness and transparency this advice will be included within the minutes."

Councillor Stock declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Later in the meeting, as set out under Minute 28 below, Councillor Honeywood declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as he represented the Council on the John Gilders & Maskell Almshouses Trust.

24. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock) referred to the recent General Election and congratulated Councillor Watling on his election as the Member of Parliament for the Clacton Constituency. He also congratulated the Chief Executive and his Elections Team for their smooth running of the Count and commended the way in which the Candidates for the Election had conducted themselves.

25. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

26. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

27. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

28. LEADER OF THE COUNCIL'S ITEMS – A.1 – TENDRING DISTRICT COUNCIL PUBLICATION DRAFT LOCAL PLAN

Councillor Stock had earlier in the meeting declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi had earlier in the meeting declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Councillor Honeywood declared a non-pecuniary interest in respect of item A.1 of the Report of the Leader of the Council insofar as he was a Trustee of the John Gilders & Maskell Almshouses Trust.

There was submitted a comprehensive report of the Leader of the Council which invited Cabinet to consider and endorse the content of the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals for consultation and submission to Government. The Publication Draft Local Plan was attached as Appendix A; and the Sustainability Appraisals as Appendix B to that report. Those Appendices had also been considered by the Local Plan Committee at its meeting held on 12 June 2017. The Local Plan Committee Report, excluding its appendices was attached as Appendix C to the Leader of the Council's report.

Members were aware that the consultation documents, subject to agreement by the Local Plan Committee, would be recommended to Full Council for approval at its meeting to be held on 15 June 2017. Subject to those approvals, the documents would then go out to public consultation for a period of six weeks and Officers would then submit those consultation responses and relevant documents to the Government for the next stage of the plan making process.

Cabinet was aware that the Council was preparing a new Local Plan to guide future development in the Tendring District between now and 2033 and recognised that

having an up-to-date plan was critical for creating job opportunities, attracting investment for improved infrastructure, protecting the environment and ensuring that the new homes required to meet the needs of a growing population were built in the right locations and achieved good standards of quality and design. Without an up-to-date plan it would be more difficult for the Council to secure investment and protect the District from unplanned developments.

The Committee had before it an update sheet which informed it of alterations and/or additions in respect of the following:

- (i) Local Maps;
- (ii) Living Places;
- (iii) Sustainable Places;
- (iv) Protected Places; and
- (v) Healthy Places

Cabinet was informed that the Local Plan Committee, at its meeting held on 12 June 2017, had decided –

“that the Committee -

1. *(a) endorses the content of Section 1 of the Council’s Publication Draft Local Plan;*

(b) endorses the remaining chapters of Section 2 of the Council’s Publication Draft Local Plan, as set out in Appendix A and as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting and including a full set of the Local Maps;

(c) endorses the amendments to those Chapters of Section 2 of the Council’s Publication Draft Local Plan already endorsed by Members at their meeting held on 20 April 2017 and as set out in the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting;
2. *endorses the Sustainability Appraisals prepared by Place Services, as attached (and summarised) in Appendix C;*
3. *refers Section 1 and the remaining chapters of the Tendring District Council Publication Draft Local Plan, together with its decision on 20 April 2017, as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting, to Cabinet as a complete document for consultation;*
4. *delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor administrative corrections and changes to the Publication Draft Local Plan; and*

Recommends to Council that:

5. *the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals be approved;*
6. *a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;*

7. *following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and*
8. *Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound."*

Having considered the information submitted and the advice of Officers contained within the report:

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

RESOLVED that Cabinet endorses the content of the Tendring District Council Publication Draft Local Plan (as amended by the content of the Update Sheet provided to Members of the Local Plan Committee and to Cabinet) and its Sustainability Appraisals, as attached at Appendices A and B to the Report of the Leader of the Council.

29. CABINET MEMBERS' ITEMS

There were none on this occasion.

30. MANAGEMENT TEAM ITEMS

There were none on this occasion.

31. 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 Item 12 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.

32. EXEMPT MINUTE OF THE LAST MEETING HELD ON FRIDAY 26 MAY 2017

It was **RESOLVED** that the exempt minute of the last meeting of the Cabinet, held on Friday 26 May 2017, be approved as a correct record and signed by the Chairman.

DATE AND TIME OF NEXT SCHEDULED MEETING

The next scheduled meeting of the Cabinet was due to take place on Friday 16 June 2017 at 10.30 a.m. in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 10.49 a.m.

Chairman