



Minutes of the Cabinet Meeting held at Riverside, 4 Canning Road,
Lowestoft on **Wednesday, 16 January 2019 at 6.30pm**

Cabinet Members present:

Councillors M Bee (Chairman), G Catchpole, M Ladd, B Provan, C Punt, D Ritchie, C Rivett and M Rudd.

Assistant Cabinet Members present:

Councillors P Ashdown, N Brooks and J Ceresa.

Also in attendance:

Councillors P Byatt, M Cherry, Y Cherry, M Vigo Di Gallidoro, N Webb and S Woods.

Officers present:

S Baker (Chief Executive), K Blair (Head of Operations), S Blease (Coastal Community Engagement Manager / Project Manager), J Brown (Housing Maintenance Manager), T Howarth (Principal Environmental Health Officer - Housing), A Jarvis (Strategic Director), N Khan (Strategic Director), B Law (Housing Programme Manager) and N Wotton (Democratic Services Manager).

1 APOLOGIES FOR ABSENCE

There were no apologies received from Members of the Cabinet.

Apologies for absence were received from Councillor A Cackett, Chairman of the Overview & Scrutiny Committee. Councillor N Webb was in attendance as the Vice Chairman of the Overview & Scrutiny Committee.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members on this occasion.

It was noted that all officers who held the position of Head of Service or above, would leave the meeting for the consideration of Item 10 – Proposed Amendment to the Incremental Scales for Heads of Service and Above. The Chief Executive would remain to answer any queries regarding this report, however he would leave the meeting should there be any discussion regarding the role of the Chief Executive.

3 MINUTES

RESOLVED

That the Minutes of the Cabinet Meeting held on 20 November 2018 be approved as a correct record and signed by the Chairman.

4 ISSUES ARISING FROM THE OVERVIEW & SCRUTINY COMMITTEE OR THE AUDIT & GOVERNANCE COMMITTEE

(a) The Overview & Scrutiny Committee

There were no matters to report on this occasion.

(b) The Audit & Governance Committee

There were no matters to report on this occasion.

5 DELEGATION OF POWERS UNDER THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015

The Cabinet Member for Housing presented the report, which sought approval to delegate authority to officers for the issue of Penalty Notices and Compliance Notices in accordance with the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. It was noted that the Government had introduced the Regulations to penalise landlords who rent out properties that are the worst performing in terms of energy efficiency.

The Regulations had established a minimum standard of energy efficiency for domestic properties to be suitable for letting and were designed to address the least energy-efficient properties – those rated F or G on their Energy Performance Certificate (EPC). The Regulations would apply to new tenancies from 1 April 2018 and all existing tenancies from 1 April 2020. Members were advised that there were approximately 500 properties in the district which would be affected by these Regulations.

Members were advised that landlords who could not practically achieve an EPC rating of F or G could register an exemption on a web-based register. An example of a reason for an exemption could be that the property was a Listed Building and the required improvements would not be granted planning consent. It was noted that there were 11 such exemptions registered in Waveney to date.

In respect of the exemptions a Member queried the timings involved and it was reported that this matter was still out for consultation, however further guidance was anticipated in 12 – 24 months.

The Cabinet Member for Housing reminded Members that should they have any concerns about the standard of any properties in their Wards, they should report them to him or to the Environmental Health Team, who would conduct an inspection and take action as appropriate. A Member commented that the new East Suffolk Councillors should also be informed of this fact and it was confirmed that work was underway to review their Induction and this matter would also be considered for inclusion.

RESOLVED

1. That the Authority to issue Penalty Notices in accordance with the Regulations be Delegated to the Principal Environmental Health Officer (Housing).
2. That the Authority to issue Compliance Notices in accordance with the Regulations be Delegated to Private Sector Environmental Health Officers and Technical Officers.

6 NORTH CORTON AND CORTON COASTAL EROSION PROJECT OUTLINE BUSINESS CASE

The Cabinet Member for Planning & Coastal Management presented the report which sought approval to progress the Outline Business Case for Corton through the Scape Procurement Framework and to establish a Project Board once work was sufficiently advanced and the new Council was formed.

The Cabinet Member for Planning & Coastal Management reported that the Shoreline Management Plan explained the current issues for this part of the coastline, whilst the Gorleston to Lowestoft Strategy gave information in manageable amounts on how to implement the Shoreline Management Plan. It was noted that there were several holiday businesses in Corton who were willing to contribute towards the costs of the proposed works. Any businesses who were able to contribute to coastal works were now eligible for tax relief, which was an initiative suggested by Waveney District Council and had been adopted for the whole country.

The proposed works would also include the removal of the existing groynes, which were a health and safety hazard for those people using the beach.

A Member commended the work undertaken so far, which would significantly improve that part of the coast. They queried whether any other coastal landowners had been approached about contributing towards the costs in other areas. It was confirmed that other companies had been approached, such as Ting Dene and Bourne Leisure, however no response had been received to date. Broadland Sands had been contacted and were keen to be involved and contribute, which would ultimately improve their tourist offer.

A Member commented on the recent high tides, which caused part of the cliff to fall down in Pakefield and queried whether any assistance could be provided to that part of the coastline. It was reported that the landowners were responsible for the cliff in that area, however the Council had been working closely with landowners to provide support and advice as required. It was confirmed that the Shoreline Management Plan for that area had been created in 2010 and recommended no active intervention to reduce the erosion of the cliffs in that area, however that could be reviewed in due course. The local landowners were taking a practical and pragmatic approach to the cliff erosion and were working to move the caravans further back and remove any debris which had fallen onto the beach.

A Member queried what the timescales would be for the progression of the business case. It was confirmed that a Project Meeting would take place before the end of January and that work had already commenced as a draft scope and existing modelling could be used to facilitate the process. It was anticipated that the project would take 12 to 18 months to complete and was dependent upon the receipt of funding from local businesses.

A Member drew comparisons between this project and the project at Kessingland and Benacre, which had taken a long time to commence. It was confirmed that the Corton project was in a more advanced position than the Kessingland and Benacre project.

A Member raised concerns about how to raise public awareness about the dangers of climbing on the cliffs at this time. It was also noted that some concrete pillboxes close to the rifle range had also fallen over the cliffs, which could attract people to that part of the

beach. Another Member mentioned that the erosion was getting near to one of the old pits, which it was felt could contain pollution, which would damage the wildlife and cause problems should it get into the sea. The Coastal Community Engagement Manager / Project Manager advised that she would be happy to discuss this further outside of the meeting.

Further clarification was sought about the Council being responsible for the groynes. It was confirmed that the Council was responsible for them and had to ensure that they were safe. The Cabinet Member for Planning & Coastal Management advised that the plan was to remove the groynes along that stretch of beach and for some sections to be enhanced and made into a hard point. This would create a number of small bays between each hard point and was a type of managed realignment, which would ensure that the public still had nice beaches to enjoy.

RESOLVED

1. That agreement be given to progress the Outline Business Case for Corton through the Scape Procurement Framework.
2. That agreement be given to establishing a Project Board once work was sufficiently advanced and the new Council had been formed.

7 PROPOSED NEW EAST SUFFOLK OFF-STREET PARKING PLACES ORDER

The Cabinet Member for Operational Partnerships presented the report which sought approval for the draft Traffic Regulation Order. It was noted that in anticipation of the adoption of civil parking enforcement (CPE) and the creation of a new East Suffolk Council, it was desirable to produce a single new off-street parking places Order and associated single tariff structure.

It was noted that the proposed new tariff structure had been approved by the Cabinet in November 2018. Approval was also sought to formally advertise and carry out the Statutory Consultation process required by the provisions of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

A Member requested that Section 7. C (i) be amended to include the Coastguard vehicles within the Exemptions to the General Prohibitions. The Head of Operations confirmed that this could be changed to 'Emergency Services Vehicles' so that all such vehicles were successfully covered within this clause.

The Member also queried Section 10 (b) regarding the removal or alteration of vehicles in a parking place. They queried whether this was a new or existing power for the Council. It was confirmed that this was standard wording and the Council had always had this particular power.

RESOLVED

1. That the draft Order attached as Appendix A to the report, be approved.
2. That the Statement of Reasons be approved.

3. That the Head of Legal and Democratic Services be authorised and instructed to carry out the necessary legal and administrative processes in advertising and making the Traffic Order to implement Cabinet’s recommendations.

8 PROPOSED NEW PARKING PETITIONS PROCEDURE

The Cabinet Member for Operational Partnerships presented the report which sought approval for the adoption of a new Parking Petitions Procedure. Members were advised that the Department for Communities and Local Government (DCLG) had produced statutory guidance to local authorities under section 18 of the Traffic Management Act 2004, which required them to set policies for petitions challenging parking policies.

The statutory guidance recognised that local authorities should have policies for petitioning about Council run services however they required specific and additional policies and procedures to be published with respect to parking policies.

Members noted that the Council’s minimum number of signatories for an active petition was set at 50 and in most cases this would be an acceptable threshold to generally apply for parking policy petitions. However the DCLG recommended that authorities should also take account of geographical and population factors, particularly in rural or low population density areas and use their discretion rather than imposing a minimum threshold as an immovable hurdle. Therefore it was recommended that the appropriate threshold would be 10 – 20% of the relevant frontagers (residents in a street).

It was confirmed that the timeframe for a review and reporting to Cabinet was recommended to be set at 12 months, from the date of acknowledgement of the petition.

RESOLVED

1. That the Council’s minimum number of signatories for a valid petition (50) be generally applicable to parking petitions except that the signature threshold be reduced to 10%-20% of frontagers in areas of low population or where the issue was localised.
2. That the Council’s existing information criteria for petitions applied to parking petitions.
3. That the management of parking petitions follow the process set out in paragraph 1.6 of this report.
4. That the timeframe for a review be set at twelve months.
5. That the criterion for inappropriate petitions set out in paragraph 1.8 and 1.9 be adopted.
6. That the Council’s criterion for vexatious petitions also apply to parking petitions.
7. That the Head of Legal Services be instructed to immediately implement these recommendations in the current Council petition procedures and incorporate them in the petitions protocols for East Suffolk.

9 EXEMPT/CONFIDENTIAL ITEMS

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

10 PROPOSED AMENDMENT TO THE INCREMENTAL SCALES FOR HEADS OF SERVICE AND ABOVE

N.B. Any officers affected by the report under consideration left the room for this item of business.

The Leader of the Council presented the report, which sought approval for the amendments to the incremental scales for Heads of Service and Above.

RESOLVED

That the proposed amendments to the incremental scales for senior management posts and above be approved.

11 EVENT MANAGEMENT PROCESSES ON COUNCIL OWNED LAND

The Cabinet Member for Resources presented the report, which sought approval for the principles of event management on Council land, which would be used for the new East Suffolk Council.

RESOLVED

That the principles of the event management process going forward, detailed within this paper, be approved.

12 REDEVELOPMENT OF CHALETS 1 – 58 AT JUBILEE PARADE SOUTH, LOWESTOFT

The Cabinet Member for Resources presented the report, where it was noted that the Cabinet had previously granted approval to demolish the existing Jubilee Parade concrete beach chalets and undertake structural work to the retaining sea wall. Approval was sought to wait until a full appraisal of the alternative options had been undertaken and to receive a further report in due course.

RESOLVED

1. That the original project be rejected on viability grounds.
2. That the Cabinet awaits a full appraisal of the alternative options, as detailed in this report.

13 PROCUREMENT OF ASBESTOS MANAGEMENT SURVEYS TO THE RETAINED HOUSING STOCK

The Cabinet Member for Housing presented a report, which sought authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new asbestos management contractor, in accordance with contract procedure rules and European Union (EU) procurement legislation.

RESOLVED

That the procurement of the contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remains vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the provision of asbestos management surveys, for the sum as discussed at the meeting, to be procured in line with the Council's Contract Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.

14 ASBESTOS REMOVALS CONTRACT

The Cabinet Member for Housing presented the report, which sought authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new asbestos removal contractor in accordance with contract procedure rules and European Union (EU) procurement legislation.

RESOLVED

That the procurement of the asbestos removal contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remains vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the provision of asbestos removals, for the sum as discussed at the meeting, to be procured in line with the Council's Contract Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.

15 ELECTRICAL SUPPLIES CONTRACT

The Cabinet Member for Housing presented the report, which sought authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new electrical component supplier in accordance with contract procedure rules and European Union (EU) procurement legislation.

RESOLVED

That the procurement of the contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remained vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the supply of electrical goods, for the sum as discussed at the meeting, to be procured in line with the Council's Contract

Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.

16 CLEVELAND ROAD SUPPORTED HOUSING SCHEME LEASE AGREEMENT

The Cabinet Member for Housing presented the report, which sought approval to enter into a direct lease agreement with a third party for the provision of Housing and Support Services at Cleveland Road.

RESOLVED

1. That the decision to enter into a direct lease agreement with a Third Party for the provision of Housing and Support Services at Cleveland Road be approved.
2. That Delegated Authority be granted to the Strategic Director, in consultation with the Cabinet Member for Housing, the Head of Legal and Democratic Services and the Chief Finance Officer, to enter into all necessary contracts / agreements on terms that best protects the Council's interest.

17 CONFIDENTIAL MINUTES

RESOLVED

That the Exempt Minutes of the Cabinet Meeting held on 20 November 2018 be approved as a correct record and signed by the Chairman.

The meeting concluded at 8.00 pm.

Chairman