

MEETING OF THE
TENDRING DISTRICT COUNCIL

8 JANUARY 2013

Present:- Councillors D R Mayzes (Chairman), S A Honeywood (Vice-Chairman), Aldis, Amos, Broderick, Brown, Bucke, C Callender, R Callender, Calver, Candy, Casey, Challinor, Chapman, Colbourne, Cossens, De-Vaux Balbirnie, Fawcett, Goggin, G V Guglielmi, V E Guglielmi, Halliday, Heaney, I J Henderson, J Henderson, P B Honeywood, Howard, Johnson, King, S S Mayzes, McLeod, McWilliams, Miles, A J Mitchell, G L Mitchell, Nicholls, D Oxley, P J Oxley, Page, Platt, Sambridge, Scott, Shearing, Simons, Skeels, Steady, Stock, Talbot, Turner, Watling, White and Winfield

In Attendance:- Strategic Director (David Appleby), Corporate Director (Martyn Knappett), Chief Executive Support Manager (Karen Neath), Democratic Services Manager (Colin Sweeney), Legal Services Manager (Michael Gibson-Davies), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Elizabeth Ridout)

(7.30 p.m. - 9.01 p.m.)

69.. MICROPHONES AT THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY

Councillor P J Oxley referred to the recent failure of the microphone system during the recent Planning Committee meeting and asked for an assurance that this would not reoccur. The Leader of the Council (Councillor Halliday) informed Members that this had been down to human error in not recharging the microphones. An electronic timer switch on the charger had now been installed to rectify the problem and he reported that the microphones had operated at the previous night's Community Leadership and Partnerships Committee meeting.

70. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Caines, Griffiths, Powell and Tracey.

71. THE LATE COUNCILLOR L J DOUBLE

The Chairman reported with sincere sadness the death of Councillor Les Double who had served continuously on the Council since 1995 as a Member for the Harwich West Ward. He paid tribute to Les' significant contribution to the Council which had included terms of office as the Chairman of the Economic Development (later renamed the Regeneration) Committee from 1995 – 1999 and as the Portfolio Holder for Regeneration (later renamed Community, Partnerships and Renewal) from 2007 to 2009.

All persons present stood in a silent tribute to the memory of Les Double.

The Leader of the Council and of the Conservative Group (Councillor Halliday), the Leader of the Labour Group (Councillor I J Henderson), the Leader of the Tendring First Group (Councillor P J Oxley), the Leader of the Liberal Democrat Group (Councillor Shearing), the Leader of the Independent Group (Councillor Talbot) and Councillor Stock each paid tribute to Les Double.

72. CHAIRMAN'S ANNOUNCEMENTS

(1) Recording and Broadcasting of this meeting

The Chairman reminded Members that, in accordance with the decision taken at the meeting of the Council held on 1 December 2009, this meeting was being recorded for subsequent broadcast via the Council's website.

(2) Pride of Tendring Awards Evening

The Chairman reminded Members that the Pride of Tendring Awards Night would be held on Friday 8 February 2013 and he asked Members to confirm their attendance with his Secretary, Mrs Sarah Creelman.

(3) Chairman's Update

The Chairman informed Members that he had been pleased and privileged to represent the Council and give support at the following recent events and occasions:-

- (i) Light up a Life Carol Service on Clacton Pier;
- (ii) Chairman's Charity Quiz;
- (iii) Rotary Club of Clacton-on-Sea Christmas Carol Service;
- (iv) Rotary Club of Clacton-on-Sea Christmas Lunch Meeting;
- (v) Christmas Day lunch for the elderly at Clacton County High School;
- (vi) Student of the Year awards;
- (vii) Opening of the Christmas Crib Festival at St Paul's Church Hall, Clacton-on-Sea; and
- (viii) Brightlingsea Christmas Tree Festival.

73. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

(1) Hydrological Study commissioned under the Small Schemes Initiative

Councillor I J Henderson asked the Finance and Asset Management Portfolio Holder (Councillor Halliday):-

"Will the Portfolio Holder for Finance and Asset Management please confirm that he believed the hydrological survey commissioned under the small schemes initiative by the Member for Ardleigh had wide enough benefit to the community as a whole to meet the necessary criteria for it to be sanctioned? Will he further explain why, if the survey was of such community benefit to local residents, he allowed the report resulting from the survey commissioned in March 2011 to remain unpublished until Labour Councillors forced its publication in September 2012?"

The Finance and Asset Management Portfolio Holder replied as follows:-

"Thank you Chairman and thank you Councillor for your question. Just a pedantic point in your question you talk about the Member for Ardleigh, who in fact is the Member for Ardleigh and Little Bromley which is relevant in terms of the request made within the Small Schemes request and the quite simple answer is yes, I did believe there was sufficient community benefit to the request but that wasn't necessarily my belief and those requests, as all the requests whether for a hydrological study of this nature or a hanging basket, were all put through the criteria by the Finance Officer who also happens to be the 151 Officer and only presented to me when up for approval or up for refusal on those grounds so yes I was happy with the community benefit. As regards me stopping the report going public I don't actually have that power as you well know, the report was in draft form going through

a process that all of our commissioned documents would go through if printed and formulated by others. What was in that initial report didn't satisfy what was asked for in the original remit. Questions were being asked on that, there was also some issues over data protection of individuals and individual properties that were mentioned within that report that clearly the Council needed to be absolutely clear and sound upon when they went out in the public domain. That work wasn't completed, as soon as that work was completed, clearly the document would have been made public with the relevant redactions made if required. Clearly with the actions of the Labour Group under FOI those redactions haven't had a chance to be made and that is still an issue that still needs to be addressed. Thank you Chairman."

Councillor I J Henderson then asked the following supplementary question of the Finance and Asset Management Portfolio Holder:-

"Thank you Chair. This is the form that was signed off by you Councillor Halliday. My supplementary is that TDC's records indicate that the only residential property in the area to suffer internal flooding as a result of surface water drainage in the last 25 years is Wisteria Cottage. Will you please confirm whether you were personally aware that Wisteria Cottage had experienced internal flooding when you authorised Councillor Stock's Small Scheme application?"

The Finance and Asset Management Portfolio Holder replied as follows:-

"Chairman I must once again express my concern that individual Councillors feel it fit and proper to mention private property at a Council meeting regarding such issues and I feel that we need to take advice on that situation first to whether we ask the Councillor to remove that and indeed remove it from the tape recording because I feel it puts the Council in a difficult position regardless of who owns the property, it is a private property. My understanding of the situation at the time as is of today, there is more than one property within the ward of Ardleigh and Little Bromley which the study was asked for which have suffered from internal flooding and the properties that have been on the verge of internal flooding and certainly in the recent weeks and months. There is not one property solely affected as I understand it from verbal discussions with Officers that work relating to that study have actually been carried out to relieve problems elsewhere within the parameters of that study. You will no doubt be aware that I attended a property the day after Boxing Day in Ardleigh itself that had suffered internal flooding. I have also got another Councillor that has got two, possibly three properties in the Bromley and Thorrington areas to show that flooding is not just in our rural areas because I have got a letter today, yesterday from another lady in Kirby that is suffering from flooding caused from similar problems that people across the District are experiencing. So my view and my belief at that time of signing that to be frank are irrelevant, the view of the Officers that the Scheme was a valid Scheme and a valid application where my professional guidance came from and I had nothing to disbelieve the advice at that time and I still don't as of today. Thank you Chairman."

Councillor I J Henderson then intervened under the provisions of Council Procedure Rules 20.12 and 20.13 as follows:

"The point I am raising was on the issue of mentioning the property, the only reason I mentioned the property was because the report is in the public domain."

Councillor Halliday replied as follows:-

"The fact that the report is in the public domain without the concerns that were raised regarding other properties and that property in the report that is now in the public domain, I think it is fair to say it is in the public domain through the Freedom of Information not through following due process Councillor."

(2) Waste Contract

Councillor P J Oxley asked the Environment and Coast Protection Portfolio Holder (Councillor Turner):-

“What does the Portfolio Holder think of the following comments?

1. Fly tipping on the increase in the area
2. Lids not ordered from the start for new recycling bins which is causing increase in rubbish being blown around the area
3. Collection of food waste decreasing
4. State of the cleanliness of the area getting worse
5. New waste contract is not working and service getting worse for the public”

The Environment and Coast Protection Portfolio Holder replied as follows:-

“Thank you Chairman, thank you Councillor Pierre Oxley. I agree, I agree, I agree, I disagree, I disagree. Thank you Chairman.”

Councillor P J Oxley then asked the following supplementary question of the Environment and Coast Protection Portfolio Holder:-

“I am glad you do agree because those comments are actually comments made by a Senior Officer of the Waste Contractor involved in this District so that's Veolia so that's good to see that they are on the same wavelength. When are you finally going to admit that the shambles of the new Waste Contract is causing major issues across the District and especially with fly tipping? It is a serious issue, fly tipping as you even admitted yourself just a minute ago is on the increase and especially in the rural areas across the District after the disastrous decision by Essex County Council to close one of the waste sites. When are you actually going to admit that the Contract isn't working and finally invest some more money in making sure that we have a clean District for everyone?”

The Environment and Coast Protection Portfolio Holder replied as follows:-

“Thank you Chairman, thank you Councillor Oxley. I think I got the question there. No I not going to admit, I am only going to admit to one thing, that it is a success! We have achieved our targets, we have achieved our targets set by the Inter-Authority Agreement which is to recycle more and send less to landfill on top of that we are saving £450,000 of this Council's money every year, year on year. That is 20 jobs minimum we have saved. Think about it, we would have to find that £450,000 from somewhere, we found it here and that is saving 20 jobs minimum. I would also like, Councillor Oxley, to draw to your attention that the reason, if you turn to page 1 of our Agenda please, you will that the Service Development and Delivery Committee of 3 September 2012, if you notice in the minutes and bearing in mind that it was at your behest and this Council's agreement that we brought that forward to that date and I notice when I look into the minutes that not one Member from Tendring First, or Labour was in attendance, nor were apologies proffered, thus I take this as a great compliment and thank both parties for the trust they put in the Conservatives to run this Council for the benefit of all. Thank you Chairman.”

(3) Breach of Condition Notices served on certain properties at Point Clear Bay

Councillor Talbot asked the Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi):-

“My question is in relation to the 32 properties in Point Clear Bay where you have served Breach of Condition notices because of the occupiers' non-compliance with a 1958/59

planning condition limiting occupation of their properties.

They are instructed leave their homes by the 1st November 2013, presumably until they may next occupy their homes as their planning permission allows.

You have said in media interviews that TDC will not re-house these unfortunate people, but that it will use its best endeavours to help them find alternative accommodation and I thank you for this!

The Chief Executive reported to a member briefing on 20th September, informing those present that Tendring has been chosen as one of four National Pilots in England, examining how the delivery of public sector services are managed and the extent of co-operation between them.

Following this, I wish to ask you what contact you have had in advance of probable enforcement action on 1st November 2013, with other relevant public bodies apart from our own Housing Department, such as the local education department, the primary care trust and the local social services departments and others, to prepare them for a potential increase in the cases with which they will need to deal.

I must assume that for such contact to be worthwhile you will have given these bodies information of how many of the properties are owner occupied and how many are tenanted, what is the total number of people you expect to leave their homes on or before the date above and what is the number of school children who may need to leave their present school to attend a school where alternative accommodation has been found for their parents, located hopefully somewhere in the District, what is the number of people to be dispossessed of their homes who have a chronic disability receiving medical attention at home and the number, if any, of those receiving special needs care. May I ask that you give this information to Council tonight?"

The Planning and Corporate Services Portfolio Holder replied as follows:-

"Thank you Mr Chairman. I thank Councillor Talbot for his question where it seeks clarification of what public bodies were contacted in relation to the breach of planning control at Point Clear Bay. I am sure that he will appreciate that there is no legal requirement for the Council to identify other public bodies or external agencies of any intention to enforce breaches of planning control, however the impact of notices on local residents was given a great deal of thought before entering any formal action. The situation was considered by the Council Corporate Enforcement Group which includes members of staff from across the Council, not just from Housing. No external bodies were involved in the decision to initiate enforcement action. I fully understand the sensitivity of this issue because at the end of the day we are talking about peoples' homes. However I am sure that he will agree with me that it would not be right for those young people and those with chronic disabilities that he refers to in his question to remain in an area which is extremely vulnerable to flooding, particularly at the height of winter months. It would be totally irresponsible for the Council to turn a blind eye and do nothing. I would also like to remind Councillor Talbot, and no doubt that he is aware of, that the east coast of England is vulnerable to a phenomenon called the North Sea Tidal Surge, this tidal event is most likely to occur between September and April. It requires specific conditions such as strong north-easterly winds combined with high tides and strong tidal waters especially where two rivers merge and in this case, the Stour and the Colne. We do have all of these conditions in Tendring and just might be one of the reasons why limited occupancy conditions were placed on some properties by Planning Inspectors several years ago following the dreadful floods in Jaywick and Harwich. I would finally also remind Councillor Talbot that following this sequence of events all areas that are at high risk in Great Yarmouth were completely evacuated at the end of 2007 and luckily weather conditions improved suddenly for the better and thankfully no lives were lost. Thank you."

Councillor Talbot then asked the following supplementary question of the Planning and Corporate Services Portfolio Holder:-

“Thanks for that lesson in meteorology. I did actually appreciate how we get surge tides with the right winds blowing down between Europe and England because it is a funnel effect. I am well aware, my Parish was one of those involved. My dear colleague sitting next to me was one of those out in a rowing boat in 1953 picking up survivors from the floods in St Osyth, so we all thank you for that John, I am sure most Members knew it anyway but nothing to do with the answer. The incongruity with that part of the answer, and I am coming to a question in a minute Chairman, the incongruity with that part of the answer is that you can have this property subject to flood risk in accordance with your criteria; this property subject to flood risk and the identical property in the centre with the full permission to remain there with no restrictions on occupation so I think that makes the question about your concern being a concern for the health and safety and wellbeing of the residents a little bit artificial. That’s just my view because it would be the whole area that would suffer if you like including my own property just around the corner to these. But it does beg your answer one or two further questions, and I must ask if you would agree with me, that insufficient general research has been conducted into the owners or residents of these properties. For example, in my hand I have a letter from Tendring District Council informing one owner, and let me read from the letter: “From the information you have provided and from other information in my possession I conclude you have lived there for a continuous period of time in excess of ten years. I therefore consider that it may not be expedient for me to consider any formal action to seek a cessation of your occupation, as you are immune from any such action.” Now all I would say to the Portfolio Holder if we write to a person telling them they are immune from action as TDC’s letter says that now you have served a Breach of Condition Notice on them with the threat that action will follow if the owner remains in residence after the 31st October, well how come? My I ask what you understand from the words ‘immune from action’?”

The Planning and Corporate Services Portfolio Holder replied as follows:-

“Thank you Mr Chairman. No I do not agree with you Councillor Talbot I refer to my previous answer which I gave you at the last full Council meeting that you and Councillor White were consulted before any action was taken and I was looking forward to a positive response, especially from yourself, so we could have sat down and discussed some of the aspects of the problems, they declined. You also referred to in your supplementary question last time that a certain Officer of the Council in charge of Planning, namely Peter Le Grys as you named him on your supplementary question, agreed with you to turn a blind eye. These conditions were put in by the Planning Inspectorate for specific reasons. Now there are ways around things and attacking the administration at full Council is not going to solve the problems. I still invite you to come and talk to us, discuss the problems and see what solution can be found. Those enforcement notices have been served, they were given notice extended from last November to November of this year so they have been given ample opportunity to look for other alternative accommodation if need be. I would also like to inform you that I have discussed this with the Chief Executive about involving various other agencies from outside, not that the Council has got any duty to carry out such things, but we are in conversation with organising something to put in place to alleviate the problems and I would also like to point your attention that the Bel Air Chalets where there was 30 families told to move on by the owners who were there illegally for several, several years, so these conditions are not placed on a flood risk area schedule for nothing, they are there to be enforced Councillor Talbot and I do urge you to come and discuss the problems with us as opposed to carry on making some politics out of the safety of your residents’ lives.”

(4) Use of his Small Schemes Budget by Councillor Stock

Councillor I J Henderson asked the former Leader of the Council (Councillor Stock):-

“Councillors will recall the statement made by Councillor Stock at the last meeting of the Council concerning the use he made of £5800 of his small schemes budget. Since the meeting I have circulated to all Councillors the e-mail from Councillor Stock to an officer dated 16 August 2012, the reply from the officer dated 5 September 2012 and the response from Councillor Stock dated 26 September 2012. I have also circulated to all Councillors the officer file note that formed the background to the officer’s reply to Councillor Stock dated 5 September 2012. I understand that when the District Auditor looked at this matter he had not seen these e-mails or the file note.

It is clear from these e-mails and the file note that there are significant and important differences of fact between Councillor Stock and the officers relating to his small scheme, both generally and in particular with regard to:

- (1) The brief for the study;
- (2) The awareness or otherwise of Councillor Stock that the cost of undertaking a study of the breadth and detail that would be required to understand the water flow across the district would cost far more than was available within his small scheme budget;
- (3) Councillor Stock’s involvement in commissioning the study;
- (4) The commissioning of Colchester Borough Council to carry out the study;
- (5) The focus on Wisteria Cottage;
- (6) The briefing of Councillor Stock during the carrying out of the study; and
- (7) The extent of the internal flooding of properties in Little Bromley.

£5800 of public funds has been spent on this small scheme instigated by Councillor Stock, and Councillor Stock said at the last meeting of the Council that he was disappointed with the report and, in his e-mail to the officer, he refers to “...a criminal waste of taxpayers’ money...” and he says that the report “...says almost nothing of useful value.”

In the light of the above, would the Leader of the Council agree with me that an independent inquiry should be established to examine and report on this matter, including interviewing all councillors and officers who have been involved, in order to establish why public money has been spent in commissioning and producing a report which, amongst other things, makes recommendations about the work required to deal with the internal flooding of Wisteria Cottage, when all other Councillor Small Schemes have benefited community projects / activities in their wards?”

The former Leader of the Council replied as follows:-

“Well Chairman I think it is quite interesting that I am answering this question as the former Leader of the Council and it does highlight rather the fact of the inappropriateness of this question because I made a statement, as has been referred to, I was asked by Councillor Henderson to make a statement about my Small Schemes budget, I did and in making the statement I said it was actually an abuse of power by me to make that statement because I have the right under the Constitution and on our Agenda, to make a statement as Leader of the Council when I was Leader of the Council, but honestly to make that statement about something I have done as a Ward Member it is completely inappropriate, I did it anyway for the sake of transparency and openness something I think of which my track record is second to none. I have always answered any question which is why I don’t have to answer this question now as I am not Leader of the Council but I chose to answer I’ve specifically requested that it shouldn’t be handed over to the new Leader I should answer it. I think it is quite interesting, I think Councillor Henderson constantly seems to be looking for a smoking gun. Ever since he came onto the Council he’s been looking for smoking guns, he has been assuming that there has been wrong-doing, that there is corruption and that there is foul play. I don’t know if that is a reflection of his standards

but it certainly does not reflect standards on this side of the Chamber or anyone that I have come across.”

Councillor I J Henderson then intervened under the provisions of Council Procedure Rules 20.12 and 20.13 as follows:-

“The former Leader has just made a comment that it maybe that I was involved in possible past corruption, I want that withdrawn now, off the record.”

Councillor Stock then continued his response as follows:-

“Thank you Chairman, I didn’t make an allegation, listen to what I said Councillor Henderson. Don’t interrupt me Councillor, it was like this last night at the Call-in Chairman, I listened patiently and silently whilst Councillor Henderson made a very lengthy speech on his Call-in and then when I went to speak I was interrupted and heckled by Labour Members, other Callers-in didn’t do that, it was specifically a Labour thing. I sat here and listened to Councillor Henderson make his lengthy question. He’s accusing me of corruption, he’s accusing me of using Taxpayers money to benefit myself I think I am allowed to defend myself and frankly I think I am allowed to defend myself robustly and if you don’t like it Councillor Henderson, if you don’t like the answer I have given, don’t ask the question! I think frankly I have barely touched the surface. What I said was that you are constantly looking for a smoking gun when there isn’t one. You are wasting your time, you are not finding one. You clearly don’t believe that there is an issue with flooding in the rural areas, let me put you straight on that, the rural areas of Tendring represent a vast proportion of the residents of this District. Yes Clacton is our biggest town, Harwich is the town with all of the heritage and history and hopefully the economic hope for the future but loads of people in the Tendring area live in rural areas. Many of those people live without basic drainage, without basic sewerage facilities and without mains drinking water. Boxing Day, not even two weeks ago, on Boxing Day I was visiting a resident, Councillor Halliday has already alluded to it, who had just been re-housed back into their property after six months, six months in temporary accommodation because their home was flooded. All of their immediate neighbours were in a similar situation, they had been re-housed, hundreds of thousands of pounds were spent by the insurance company doing up their house and re-housing them and then they flooded again. The issue of flooding may not be a problem in your ward and I am hope it is not, but it is in my ward and I will continue to do what I can to represent my residents in that regard. If Councillor Henderson you want to set yourself up as a moral guardian of the public purse you do need to realise that if you are going to live in that glass house you don’t want to be throwing stones because when it comes to, you know, you think it is appropriate to ask me a question about something I did as a backbencher under the Small Schemes budget and I just want to make a final point on that before I move on Chairman, that at that time when the report was commissioned and indeed up only until April of last year, Tendring District Council was the Land Drainage Authority. Under the terms of the Land Drainage Act 1991 Tendring, and Tendring alone, had the powers of the Land Drainage Authority so it is quite right and appropriate that Tendring District Council be asked to look at a drainage problem where a drainage problem existed and I think it was quite right that I was disappointed with the report but that the idea that more money should be spent chasing where money has already gone is throwing good money after bad and if the Labour Party want to fund an independent investigation then good luck to them because it is clearly a political thing, it’s a political witch hunt they are after, but you shouldn’t be using Taxpayers money to fund that, do it in your own time. Will Councillor Henderson, since he is asking me questions in my role as a backbencher will he answer questions about his time as an MP and his expenses? Will he answer questions about why he didn’t employ local accountants to file his tax return at Taxpayers expense, why he used a London firm of accountants, why just days before he was no longer the Member of Parliament after eight years he felt it necessary to claim for a table and chairs at great expense to the Taxpayer?”

Councillor I J Henderson then asked the following supplementary question of the former Leader of the Council:-

“I should imagine really this is to the new Leader because it is a decision for a Leader really, the supplementary is: This is a very serious matter which has implications for the good name of the Tendring District Council and as such can not be ignored as you are declining to investigate by an independent inquiry and what action do you intend to take and establish which version of events is accurate as the accounts provided by the Officer and by Councillor Stock are wholly incompatible with one another?”

The former Leader of the Council replied as follows:-

“Thank you Chairman. Well we had a similar conversation last night at the Call-in Chairman, I am not going to be drawn into criticism of our Officers, it is against the Constitution, it’s contrary in the Constitution it is contrary to the Law. No I am absolutely not going to be drawn into criticising our Officers, let’s be clear about this because if I am guilty as of the worst case scenario Councillor Henderson is trying to suggest that I have gone and used Taxpayers money to personally advantage myself then Officers must have allowed that to happen. If I had put in a Small Schemes claim saying that I fancy a new car I am pretty confident that Officers would have knocked it back and if they hadn’t, yes obviously I shouldn’t have claimed for it, but boy oh boy would they be in for it. Our financial Officers in particular in this Council for the whole time that I have been a Councillor, for the whole time I have been a Councillor, most of which I have been in opposition, but that whole time our finance department has been second to none in essence in the whole of the County for its integrity and its reputation with the Audit Commission and it has been absolutely superb so I won’t have those criticisms of our Officers which are already, whether you like it or not Councillor Henderson, implicitly going ahead Officers. If you want a report, fine bring it on.”

(5) Dovercourt Swimming Pool

Councillor J Henderson asked the former Portfolio Holder for Tourism and Community Life (Councillor S S Mayzes):-

“Will the Portfolio Holder for Leisure please confirm whether or not he is aware of the protest that took place at Dovercourt Swimming Pool on Saturday (which was back in November because obviously the questions were delayed) and whether he has any explanation to offer the people of Harwich and Dovercourt as to why, under his management, this facility has been allowed to deteriorate to such an extent that local residents feel it necessary to publicly protest?”

The former Portfolio Holder for Tourism and Community Life replied as follows:-

“Thank you Chairman, thank you Councillor Henderson for your question. I do understand there was some type of gathering I understand the aim of what you call protest was to put a group of people and their hands joining around the centre, I gather from the picture on Twitter you couldn’t quite get their hands together around the front of the centre, let alone around the whole centre so you miserably failed there I see as part of the protest. However I will leave the explanation to the Labour Group as to why the years of neglect have been allowed to happen at the centre, as you said earlier you were in administration, or part of the administration from 2001 to 2009 the Labour Group was. Over that time you saw £3 million thrown into Clacton Leisure Centre without a risk exit strategy and you had all the opportunity to divert that money to Dovercourt, you failed to do that. On a positive note the Conservatives whilst in administration and whilst I took over a very poorly managed Portfolio have managed to invest £150,000 on air handling units. The previous administration left Dovercourt Swimming Pool with 30% of the recommended air for people to breathe properly and adequately in that pool. We had to find £150,000 to make sure

we rectified the situation otherwise the centre would have closed, we didn't allow it to close, we put £150,000 to make that investment which should have been done a very long time ago. I believe Mr Chairman that the true answer is that the previous administration have not got the guts to admit their mistakes and the years of neglect they left our Leisure Centres across Tendring."

Councillor J Henderson then asked the following supplementary question of the former Portfolio Holder for Tourism and Community Life:-

"Well it is just a basic supplementary if you could tell me if you've finally agreed to spend something on our Pool, what refurbishments will be taking place in Dovercourt and to what cost and also if you can tell us when they will be commencing?"

The former Portfolio Holder for Tourism and Community Life replied as follows:-

"There will be an announcement by the new Portfolio Holder within the commencing weeks, Councillor Henderson, thank you."

(6) Overnight Parking on Car Parks, Holland-on-Sea

Councillor Winfield asked the former Leader of the Council (Councillor Stock):-

"Following the decision you made as Council Leader at the Scrutiny Committee meeting held on the 25th September to withdraw the overnight proposals for parking of Camper Vans on the Hazelmere Road Car Park, later confirmed by the full Cabinet, can I be assured that before any decision is made on the recommendations from the Committee to which the Cabinet have referred the matter, that the Cabinet will include in their final proposals, a full consultation with residents living in the near neighbourhood of any car park to which overnight parking is to be allowed, even if only for a trial period? Can we also be assured that should it be decided to have a trial period in any of Holland on Sea's car parks that this Council complies, as much as possible allowing for these pitches not being permanent pitches, with the final paragraph on page 57 of the new local plan submission draft that there is a minimum provision of electricity pick up points for each caravan pitch, facilities for drinking water, toilets, showers, washing facilities' and waste water disposal?"

The former Leader of the Council replied as follows:-

"Thank you Chairman, if you will agree I will defer to the current Leader if he wants to come back and actually answer any specific points raised by Councillor Winfield as to regarding the way forward but I would thank Councillor Winfield for asking me this question and for acknowledging the fact that yes I did agree at the Call-in that the right thing to do was to rescind that decision and given the circumstances at the time I thank the Callers-in for making the Call-in, I think it was a good Call-in, it was well put and I think it was the right thing to do to accept that given all the circumstances at that time we should actually just scrap that decision and start again and Councillor Winfield is obviously referring to that. Regarding that Councillor Winfield himself clearly has come a long way, because at the time he was completely opposed to, I got the impression Councillor Winfield, I am sorry if I am putting words in your mouth, you were completely opposed to the motor homes in car parks in Holland-in-Sea in particular. But now talking about the minimum provision of all these facilities I don't know if that is necessarily a wise thing to do because I think that could have unforeseen knock-on implications. I think it is something for the new Leader and his Cabinet to look at and I understand that the Portfolio Holder has been requested following that Call-in meeting to draw up a detailed Policy in this regard and I would have to at that point Chairman to throw up my hands and defer to Councillor Halliday. Thank you."

The Leader of the Council (Councillor Halliday) also replied as follows:-

“Thank you Chairman I would just reiterate the point that the overview and scrutiny Committee has recalled myself and Councillor Goggin, the new Cabinet Member for Tourism, I believe about two weeks ago and I think late in January the date escapes me, I think it is January 28 from memory, I am looking at Councillor Goggin to prompt me on that we will be going back to that Committee to present some thoughts on the Tourism Strategy, the items you raised within your question will clearly be dealt within that process within that Policy. As Councillor Stock already points out there are some things you suggest in your question that may be look to be included in this type of provision which have concerns of their own but I’m sure that through the due process that we are going to follow regarding the new emphasis on tourism those issues will be addressed and the opportunity to add to that debate and add to the decision-making process. Thank you Chairman.”

Councillor Winfield then asked the following supplementary question of the former Leader of the Council:-

“Are we assured that the residents will know when this decision is made, only there are a few residents who have come up to me and they are putting their places up for sale and as you are aware, you have got to tell a purchaser who is buying the place whether there is any bad neighbours or indeed a caravan site right next to your house?”

The Leader of the Council replied as follows:-

“Thank you Chairman, thank you Councillor for that extra question. Clearly residents will be informed, everything we do is in the public domain as you well know and that goes through a Call-in process, it is all available to the public, all the Cabinet papers are available to the public. You I am sure as a Ward Member will keep your public informed, I was going to say your political party, but the Ratepayers Association are well versed in talking to their residents so you will be able to keep them up to speed on what we are suggesting and what we are doing. As you know you can along to Cabinet meetings where those things are up for discussion, you can always come along to scrutiny meetings and indeed get yourself substituted onto those Committees to have an input into that. If there is a need for public consultation on any of the documents we undertake to deliver then clearly that public consultation will take place and we expect you as Ward Members to keep your public up to speed with what we are suggesting and we’ll take your comments on board as they come back to us through the processes that we embark upon. Thank you Chairman.”

74. TO RECEIVE THE MINUTES OF THE UNDER-MENTIONED COMMITTEES

RESOLVED that the minutes of the under-mentioned Committees, as circulated, be received and noted:-

Service Development and Delivery - 3/9/12

Corporate Management - 17/9/12

Human Resources - 19/9/12

Community Leadership and Partnerships - 24/9/12

Service Development and Delivery - 25/9/12

Corporate Management - 22/10/12

Community Leadership and Partnerships - 29/10/12

The Chairman of the Community Leadership and Partnerships Committee (Councillor Miles) and the Vice-Chairman of the Service Development and Delivery Committee

(Councillor V E Guglielmi) responded to Members' questions on the minutes.

75. TO CONSIDER REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE (IF ANY)

There were none on this occasion.

76. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion.

The meeting was declared closed at 9.01 p.m.

77. CAPITAL STRATEGY AND ASSET MANAGEMENT PLAN

Further to minute 54 of the meeting of the Cabinet held on 28 September 2011 the Council's approval was sought to delete both the Capital Strategy and the Asset Strategy from the Council's Policy Framework.

It was moved by Councillor Halliday that both the Capital Strategy and the Asset Strategy be deleted from the Council's Policy Framework.

It was then moved by Councillor Bucke and seconded by Councillor Double that consideration of this matter be deferred until the next meeting of the Council in order for further information to be obtained.

Councillor Double supported by ten other Members who signified their support by rising in their places, requested, in accordance with Council Procedure Rule 23.4, a record of the vote on Councillor Bucke's amendment, which vote resulted as follows:-

Councillors For

Aldis
Bragg
Broderick
Brown
Bucke
Caines
Calver
Casey
Challinor
Cossens
De-Vaux Balbirnie
Double
I J Henderson
J Henderson
Howard
Johnson
King
McCleod
Miles
D Oxley
P J Oxley
Scott
Shearing

Steady
Talbot
Tracey
White

Councillors Against

Amos
C Callender
R Callender
Candy
Colbourne
Downing
Goggin
Griffiths
G V Guglielmi
V E Guglielmi
Halliday
Heaney
P B Honeywood
S A Honeywood
D R Mayzes
S S Mayzes
McWilliams
A J Mitchell
G L Mitchell
Nicholls
Page
Patten
Platt
Pugh
Sambridge
Simons
Skeels
Stock
Turner
Watling

Councillor Bucke's amendment was thereupon declared LOST.

Councillor Halliday's motion on being put to the vote was thereupon declared CARRIED.

78. MINUTES OF COMMITTEES

RESOLVED – That the minutes of the under-mentioned Committees, as circulated, be received and noted:-

Service Development and Delivery - 1/9/11
Corporate Management - 5/9/11
Community Leadership and Partnerships - 6/9/11
Community Leadership and Partnerships - 12/9/11
Community Leadership and Partnerships - 4/10/11

79. ABSENCE FROM MEETINGS OF THE PLANNING COMMITTEE

In accordance with the requirements of Council Procedure Rule 27.6, the Chief Executive formally notified the Council that Councillor Fawcett had been absent from four consecutive

ordinary meetings of the Planning Committee.

Members were aware that Councillor Fawcett was recuperating from a major operation.

The Council noted the foregoing.

The Leader of the Council (Councillor Stock) then drew to the Council's attention the fact that if a Councillor did not attend any meeting of the Council (or any of its Committees or Sub-Committees of which he or she was a member) for a consecutive period of six months then Section 85 of Part V of the Local Government Act 1972 would disqualify them from Office unless the Council had approved the reason for their non-attendance before the end of that period. The Leader further informed the Council that the last meeting which Councillor Fawcett had attended was that of the Licensing (General Purposes) Sub-Committee held on 13 June 2011 and that since then Councillor Fawcett had undergone major surgery and had been unable to attend meetings due to that serious illness. Therefore, the Leader suggested that the Council should approve the reason for Councillor Fawcett's non-attendance at meetings of the Council if he did not attend before 13 December 2011 in order to avoid Councillor Fawcett becoming disqualified under Section 85 of the Local Government Act 1972.

The Council expressed its best wishes to Councillor Fawcett for a complete and speedy recovery to full health.

It was moved by Councillor Stock, seconded by Councillor P J Oxley and:-

RESOLVED – That the Council approves Councillor Fawcett's reason (namely serious illness) for non-attendance at meetings of the Council in the event of his not attending a meeting before 13 December 2011.

80. PUBLIC EXHIBITIONS - LOCAL DEVELOPMENT FRAMEWORK

With the permission of the Chairman, Councillor Johnson made a request to the Planning Portfolio Holder that a public exhibition be held in the Frinton and Walton area of the District in order to enable local residents in that area to be informed of the housing proposals and to make their comments on such proposals to the Planning Department. The Planning Portfolio Holder (Councillor G V Guglielmi) gave a response to Councillor Johnson's request.

81. 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 public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act:-

Special minute of the special meeting of the Service Development and Delivery Committee held on 1 September 2011.

82. SPECIAL MINUTE OF THE SPECIAL MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

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

RESOLVED – That the special minute of the special meeting of the Service Development

and Delivery Committee held on 1 September 2011, as circulated, be received and noted.

83. REMAINING ITEMS ON THE AGENDA

Due to the lateness of the hour and the significant number of items on the Agenda still to be transacted, the Chairman informed the Council that, in accordance with Council Procedure Rule 10.2, the meeting now stood adjourned and that all the remaining business be considered at a time and date of his choosing.

The meeting was declared closed at 10.59 p.m.

84. DESIGNATION AS SECTION 151 OFFICER (CHIEF FINANCIAL OFFICER)

The Council had before it a report of the Chief Executive which sought its approval to appoint Richard Barrett as the Council's Section 151 Officer (Chief Financial Officer) with responsibility for the administration of the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972 with effect from, and including, 27 March 2013.

The Council was aware that Karen Neath, Chief Executive Support Manager, was currently the Council's Chief Financial Officer with responsibility under Section 151 of the Local Government Act 1972 (the Act) for the administration of the Council's financial affairs. Karen Neath had also been the Council's Head of Resource Management until the Council's new senior management structure had come into effect in January 2013. That role had included overall operational responsibility for the Financial Services section and functions of the Council. Karen Neath had held over as the Council's Section 151 Officer (Chief Financial Officer) since January 2013 in order to see through the Budget, though day-to-day operational responsibility for the Financial Services section and functions had rested with Richard Barrett, Finance and Procurement Manager. In view of Karen Neath's new responsibilities within the Council the time was now right to make the change.

The Council was legally required by Section 151 of the Act to "...make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs." Section 113 of the Local Government Finance Act 1988 provided that the holder of the post must be a member of specified accountancy bodies. Richard Barrett was a member of one of those specified accountancy bodies and was suitably qualified.

The Council was also informed that though there was no legislative or constitutional requirement for Council to approve the appointment of a deputy Section 151 Officer, it was proposed to appoint Richard Bull, the Council's Corporate Finance Manager to this role.

It was moved by Councillor Halliday, seconded by Councillor I J Henderson and:

RESOLVED that

(a) pursuant to Section 151 of the Local Government Act 1972, and with effect from, and including, 27 March 2013, Richard Barrett be confirmed as the Council's Section 151 Officer with responsibility for the administration of the Council's financial affairs; and

(b) Richard Bull be authorised to perform Richard Barrett's said duties and responsibilities as Section 151 Officer where Richard Barrett is unable to act owing to absence or illness.

85. ABSENCE FROM MEETINGS OF THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

In accordance with the requirements of Council Procedure Rule 27.6, the Chief Executive formally notified the Council that Councillor Cossens had been absent from four consecutive ordinary meetings of the Service Development and Delivery Committee.

The Council noted the foregoing.

86. PAY POLICY STATEMENT 2013/14

The Chief Executive (Ian Davidson) and the Corporate Director (Corporate Services) (Martyn Knappett) each declared a pecuniary interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon. The Corporate Director (Life Opportunities) (Paul Price) and the Corporate Director (Public Experience) (June Clare), who were present in the public gallery, also left the meeting.

Further to minute 25 of the meeting of the Human Resources Committee held on 28 February 2013 the Council gave consideration to a proposed Pay Policy Statement 2013/14 which would meet the requirements of the Localism Act 2011 (Section 38).

It was moved by Councillor A J Mitchell, seconded by Councillor Halliday and:-

RESOLVED that the Pay Policy Statement 2013/14, as set out in the Appendix to item A.3 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect.

87. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

- (1) High Speed Broadband in Little Oakley;
- (2) High Speed Broadband in Thorrington, Frating, Elmstead and Great Bromley

(1) Councillor Howard asked the Leader of the Council (Councillor Halliday):-

"In the Harwich & Manningtree Standard on 22nd February, regarding the proposed high speed fibre upgrade to Harwich, you were quoted as saying 'Services such as superfast broadband are absolutely vital for us to secure new investment in our towns and the district as a whole to ensure that our residents and businesses don't get left behind in the digital revolution'.

Currently almost 400 homes in Little Oakley receive an average broadband speed of below 1.5 Mb/s with a sizeable number of them receiving no more than the old dial up speed of 54 kb/s.

The government has stated its aim to ensure that everyone has 2 Mb/s by the 2015 General Election and to this end has made £530m of BDUK funding available nationally and £6.46m of that funding has gone to Essex County Council. This money is intended to enable the delivery of broadband to areas that would otherwise never be upgraded, as like Little Oakley it is uneconomic for a service provider to deliver an upgrade due to it being a market failure area.

As Tendring is working with Essex County Council on the BDUK project, can you assure me that Tendring District Council is fully committed to ensuring that everyone in the District can receive at least 2 Mb/s in their homes by May 2015, and that you will be doing what you can to ensure that areas within the district, such as Little Oakley, are not left on the sidelines with sub 2 Mb/s while BDUK money is used to produce ever faster super broadband speeds for the towns?"

(2) Councillor Nicholls then asked the Leader of the Council (Councillor Halliday):-

“Can the leader Cllr Halliday please confirm that every effort is being made by TDC to ensure that an acceptable level of High Speed Broadband will be made available to all residents of my ward within the next 2 years? I understand that you are working with ECC on the BDUK project and would welcome an update on the progress being made.”

The Leader of the Council replied to Councillor Howard’s and Councillor Nicholls’ questions as follows:

“Thank you Chairman and thank you Councillors for your questions. I can confirm that TDC is fully committed to working with partners to ensure that all residents and businesses achieve a minimum broadband speed of 2mbps by 2015.

We have lobbied strongly for BT to extend its rollout outside of the main towns and have achieved success in this regard with the inclusion of the cabinets in Great Holland, Kirby Cross and Kirby-le-Soken in BT’s programme. Residents in these rural villages can now achieve speeds of up to 80mbps compared with an average of under 2mbps just a few months ago.

TDC have two officers on the Essex Broadband Board (this is more than any other Council excluding ECC) whose sole objective is to ensure that those areas most in need of additional investment i.e. the rural parts of the District including villages like Great Bromley and Little Oakley are the focus of the Broadband Delivery UK money.

It is our aspiration that the BDUK money is used to ensure that more villages like these see this level of service improvement by 2015 or earlier if possible.

On 18th March, ECC published a map of the draft intervention area for BDUK funding which shows that Great Bromley and Little Oakley are identified as priority areas for BDUK intervention.

This intervention area is now out for public consultation to ensure that the right areas are included. This consultation will finish on 18th April when the final intervention area will be published.

Assuming that this will still include these villages, this will mean that the BDUK money will be used to upgrade services in these areas. TDC will continue to work with Essex County Council to ensure that this upgrade is delivered as early in the process as possible.”

(3) Potential Homelessness Issue in Point Clear Bay

Councillor Talbot asked the Housing, Benefits and Revenues and Sports Facilities Portfolio Holder (Councillor P B Honeywood):-

“As you will be aware the owners and or residents of 32 properties in Point Clear Bay were served with ‘Breach of Condition’ notices, referring to the breach of a fifty two year old planning condition which, notwithstanding some subsequent amendments, instructs those occupying these properties to leave their homes before Friday the 1st November 2013.

Since these homes are the sole UK residence of most of the occupiers who have nowhere else to go, it is unlikely that these residents will be able to comply with the notice. It is then that Tendring will seek to enforce their instruction for residents to vacate their homes, through the Magistrates Court.

When these circumstances occur and the Magistrates likely decision is that the ‘Breach of

Condition' notice should prevail, what preparation has the housing department made to assist these homeless residents with shelter until they can again return home on 1st March the following year?

It is of note that some residents can return to occupy their homes every Friday after noon, until noon on the following Monday, and also for ten continuous days to include both Christmas and New Years Day. “

The Housing, Benefits and Revenues and Sports Facilities Portfolio Holder replied as follows:

“I would like to thank Councillor Talbot for his question but clearly until such time as enforcement notices are served I can only answer for the housing service on the basis of a hypothetical scenario rather than on a real situation.

The housing service having dealt with a similar situation a couple of years ago is in a more prepared position to respond to residents' needs. It is impossible to generalise about what response could be provided as each individual case would have to be assessed. However, any individual approaching the Council would be provided with advice as to their housing options and where it is determined that the Council has a statutory duty under homelessness legislation to provide accommodation we would look to place them into accommodation within the private rented sector where this is practical. Based on previous experiences it is not likely that the Council would have a statutory duty to house these individuals as the majority of residents assessed in the aforementioned situation had voluntarily given up secure accommodation and moved to accommodation where it was quite clear that they could not occupy the accommodation all year, despite what many of them believed to be the case. In this situation the Council's responsibility would be limited to providing advice but would not expand to providing accommodation.

I would like to mention though that in the previous situation the Council did make arrangements to re-house an individual resident who had ended up, through no apparent fault of their own, in a very difficult predicament, but I would not be able to make any guarantees in different circumstances as individual assessments will inevitably lead to individual outcomes.”

(4) New Homes Bonus

Councillor J Henderson, on behalf of Councillor Calver, asked the Leader of the Council (Councillor Halliday):-

“In responding to Labour's Budget amendment at the meeting of the Council held on February 12th, the Leader of the Council stated:

‘Cllr Calver suggests that we are talking about money we don't have. The money from the New Homes Bonus is in the bank, it's in the Budget book.’

Will the Leader of the Council please confirm how much of the £1,051,048 New Homes Bonus referred to has been received from the government and is in a TDC bank account at the time of tonight's meeting?”

The Leader of the Council replied as follows:

“The New Homes Bonus Scheme will be in its third year in 2013/14 and as of today's date, £953,796 of New Homes Bonus Grant funding has been received and is in the bank.

Based on previous instalment arrangements, the 2013/14 New Homes Bonus funding of £1,051,048 will be paid to the Council in 12 monthly instalments starting in April.

The Council operates its overall budget on the fundamental basis of being able to spend from the 1st April any funding that is guaranteed such as government grants, rather than from when the money is actually received.

Officers then manage the complex timing of expenditure and income across the diverse range of services provided by the Council to ensure that the Council's actual cash flow requirements are met.

Based on this approach, the New Homes Bonus funding for 2013/14 is a final and firm allocation that has been confirmed in writing by the Department for Communities and Local Government and therefore the full amount of £1,051,048 relating to 2013/14 is available for spending from 1 April 2013, in addition to the £953,796 already received and therefore money in the bank. By the time the Economic Development Strategy is complete we will have in excess of £1.2 million in the New Homes pot. This money as stated in my budget speech is ring-fenced for inward investment and growth and when the Economic Development Strategy is tabled for delivery we will have five times more money for inward investment and growth than the Labour budget amendment proposed on February 12th 2013.

Councillor Calver then asked the following supplementary question of the Leader of the Council:

"Thank you Chairman. So in effect that was a long-winded way of saying not a penny of that money is in the bank on the day of tonight's meeting in spite of the fact that you assured all Members at the last meeting that the money was already in the bank. On that basis are you prepared to apologise to this Council for having misled the Members?"

The Leader of the Council replied as follows:

"Chairman, the simple response to that is no I am absolutely not. Are you prepared to apologise for submitting a budget amendment that put a miserly £250,000 in inward investment and growth. A miserly amount of money in return for what we were talking about. We spoke about a budget that this Council agreed but you abstained from so in abstaining from it you had no strong views one way or the other which is an interesting position but we voted on a budget where not one single penny piece of Council Tax has been collected, not one single penny piece of any Government grant has been accepted, not one penny piece in real terms is in the bank. New Homes Bonus as I just said is £953,796 in the bank. Just under £1million in the bank. By the time our investment in the Economic Development Strategy comes about we will have £1.2million in the bank. That is still whatever way you look at it £950,000 more than you wanted to put in it so I suggest that you apologise to this Council for suggesting that we put such a miserly amount of money into something you claim is your top priority."

(5) Litter on the sea wall footpath between Clacton and Jaywick

Councillor Griffiths asked the Environment and Coast Protection Portfolio Holder (Councillor Turner):-

"A number of Martello Bay residents have raised concerns regarding the amount of litter and food waste on the promenade area in front of the estate and on the pathway behind the sea wall and the perimeter of Clacton Golf Club. The pathway is one of the main pedestrian routes between Clacton and Jaywick and its general appearance, situated behind one of Clacton's main beaches, not only gives a bad impression to any one visiting the area, but also attracts vermin encouraged into the location by the dropped food.

Can the Portfolio holder tell us what action he intends to take to address residents

concerns, and will he confirm that he will look into the possibility of introducing regular inspections and a cleaning programme throughout the year on this section of the sea front?"

The Environment and Coast Protection Portfolio Holder replied as follows:

"Thank you Councillor Griffiths for your question. This part of our seafront is cleared weekly during the Winter, daily from Good Friday to the end of the first week in September. A permanent 240 litre wheelie bin will be in place at the location you suggested, in front of the Martello Tower that stands on Clacton Golf Course. These bins can be used for dog waste as well as litter. In addition, extra seasonal dog bins will be deployed along our seafront areas.

After receiving your question an inspection was carried out and although no evidence of food waste was found, general litter was seen and we instructed Veolia our contractors to clear the area. Thank you Chairman."

(6) Recycling of Glass Bottles

Councillor Caines asked the Environment and Coast Protection Portfolio Holder (Councillor Turner):-

"Can the portfolio holder for the environment Councillor Nick Turner please tell me why containers for glass bottles are not provided for households as many residents cannot use a bottle bank facility and will have to put them in plastic bags ending up in landfill sites?"

The Environment and Coast Protection Portfolio Holder replied as follows:

"Thank you as always Councillor Caines for your question. The simple answer is expense. It would cost this Authority too much money to collect. At present we pay to have our glass collected and recycled from the 80 bring sites scattered around the District. In return we receive recycling credits that are larger than the cost i.e. profit. This helps us to reduce the cost of collection to our ratepayers.

One of my first requests to my Officers was to ask for an estimate of cost of collecting bottles from the kerbside. If you add together the weight of glass that we collect from the bring sites to what is placed in the black bags – yes we do know – multiply by the profit and the cost to the Authority is approximately 4 to 1. This means for every £1 we receive in recycling credits we pay out £4. To put that in perspective, this financial year, rapidly drawing to a close, the cost of the new waste and recycling service is 15.5 % cheaper than the previous year at £27.92 per household per year.

I am pleased to report that the construction of the MBT plant at Courtholds Road, Basildon started last month. It is due to come on stream in the summer of 2015. That should allow us to recycle a goodly proportion of our residual black bag waste.

Once more Councillor Caines I thank you for your question, as it allows me to tell the Council, yet again, that this Administration and my Portfolio has not cut frontline services. It has responded magnificently to all demands placed upon it and reduced the cost to the taxpayer. Thus allowing us to increase services to our residents.

As I say "more for less", as our Leader says "affordable excellence". Thank you Chairman."

Councillor Caines then asked the following supplementary question of the Environment and Coast Protection Portfolio Holder:

"Thank you as ever Councillor Turner for your very concise answer. The reason that I ask

this question was because obviously I don't know the finances involved but I do know that the leader of the Council tonight did mention that landfill sites were down so my question was because of all the plastic pots and other things that might have to go in the landfill with bottles as well I just thought that it would cut down landfill that was all. Thank you for your answer Councillor Turner."

The Environment and Coast Protection Portfolio Holder replied as follows:

"Thank you Chairman, thank you again Councillor Caines. Yes I understood but as our Leader said in his speech on the State of Tendring is that we have reduced the amount of stuff going to landfill, we have increased recycling and we have to look at everything, it is driven by expense and therefore the cost of collecting bottles at the kerbside is too much. I would not agree to incur the extra cost, we would have to charge our ratepayers more and we would not be able to save the £450,000 we save every year thus allowing all sorts of goodies from this side to the ratepayers of Tendring. Thank you."

(7) Membership of the Big Society Working Party

Councillor Calver asked the Leader of the Council (Councillor Halliday):-

"Having declined to allow Councillor Casey to sit as an additional member on the Big Society Working Party in order to provide the geographic representation considered appropriate by the Leader, will the Leader of the Council please explain why he is also not prepared to allow the Labour Group's chosen representative, Councillor Jo Henderson, to sit on the working party?"

The Leader of the Council replied as follows:

"Thank you Chairman, thank you Councillor Calver for your question. Let me be clear on this matter in front of the whole Council and let them decide in their own minds who has declined to allow Councillor Casey to sit on the Big Society Working Party. At a meeting of the Group Leaders in February the Leader of the labour Group asked me how I was going to formulate the working party for the Big Society applications to which my reply was that as the Cabinet decision to set up the working party was still subject to call-in I would not be acting on it until the call-in period was complete but suffice to say I would be approaching Group Leaders with my approach to the make-up of the board and my reasoning for the member I would like them to approach on my behalf to sit on the panel. The decision stated that the portfolio holder would appoint and as this was not called-in one would assume the decision was agreeable to at least 58 Councillors. Councillor Ivan Henderson's response to this was to suggest that whoever I suggested and with no regard to my reasoning the Labour Group would be nominating someone to sit and it would always be someone other than whom I had suggested regardless of my reasoning.

At the next meeting of the Group Leaders on I think the 8th of March I told Group Leaders of my wish to appoint a political and geographically inclusive panel and my desire to have a Jaywick Member at the table as I do believe the Big Society fund could and should address some of the deprivation indices that make parts of Jaywick the most deprived neighbourhood in the country. Ivan then informed me that his Group had nominated Councillor Jo Henderson to sit and I said I was aware of this as he had sent me an email setting out his Group's wishes. I also made comment that this unsolicited nomination had made my position and decision very difficult. But because of my determination to be politically and geographically inclusive and be fair to all groups and have Jaywick at the table my request that Ivan approach Councillor Casey on my behalf was tabled. Ivan refused to do this and by emails following the meeting continued to refuse so I approached Councillor Casey myself. Following several conversations with Councillor Casey the contents of which will remain private Councillor Casey declined the seat with regret stating that he had to follow the party line. I asked Councillor Brown to sit as a Labour Member for

the same reasons and for the same reasons he declined. Having made it clear the Labour seat was available to Councillor Casey or Councillor Brown, Councillor McLeod then asked me to consider appointing both Jo Henderson and Councillor Casey to which I replied that the problem is of your Group's making and the seat is for Dan or Nick.

I received notice of the question from Councillor Calver on the 15th of March and on the 14th of March I had emailed Councillor Casey telling him the date of the first meeting and that I hoped he would be able to attend. My reasoning for declining Councillor Jo Henderson is clear, it was an unsolicited nomination, geographically I had asked Harwich to be covered by a very able individual in Councillor Claire Callender and in terms of additional members this would be wholly unfair to other Groups and to make inclusive meetings almost impossible to schedule as a first date by agreement had been very hard to pin down.

In conclusion, the problem you have is self-inflicted and easily solved. The seat is available; all you need to do is let Dan Casey take it. Thank you Chairman."

Councillor Calver then asked the following supplementary question of the Leader of the Council:

"Firstly for the record Chairman I should advise the Council that Councillor Henderson contests Councillor Halliday's version of events. Obviously I will stick to what is actually in writing and ask the Leader – will you confirm that when the email correspondence began between yourself and Councillor Ivan Henderson there was no mention of any geographical spread until after you realised the Labour Group was not prepared to allow you to dictate as a Conservative who would represent Labour on the working party and that the only thing you mentioned was political balance?"

The Leader of the Council replied as follows:

"The discussion we had as Group Leaders was before any exchange of emails, before any exchange of emails. The emails that were exchanged were exchanged after we had a discussion at a Group Leader's meeting. It is also worth pointing out that Ivan had also suggested that he nominated a member from the Labour party to sit at a regeneration working party that was actually open to all Members and apparently I was wrong on that as well. But there we are it appears that I can't do right for doing wrong. I've had an open discussion with individuals the fact remains that you asked for political inclusion in the decisions on the Big Society fund and I fundamentally agree and applaud that. The decision was that I would appoint, I have reasons for appointing and Jaywick in the form of your Labour Councillors needs to be represented at the table. That's the view I've taken from the outset and that's the view I continue to take and for the record the Conservative from Harwich is not representing the Labour party the Conservative from Harwich is representing Harwich and she happens to be a Conservative. That's my line it's never been any different and that's how it will stay and I implore you to allow Dan Casey or Nick Brown to sit on the Big Society panel and have an input for the most deprived neighbourhood in the country. Thank you."

88. OUTSTANDING MOTIONS TO COUNCIL

Further to minute 77 of the meeting of the Cabinet held on 23 January 2013, the Council considered the Cabinet's recommendations made in respect of eleven motions that had been submitted to Council since May 2002 and which remained "outstanding" in that the Council was yet to take a final decision on those motions. The Council had before it the text of those eleven motions.

It was moved by Councillor Halliday and:

RESOLVED that

(a) the Council progresses only those motions which were received by the current political administration (i.e. since May 2011) and that the Council determines that those motions outstanding since before that time be not considered;

(b) in respect of motion (1), Councillor I J Henderson's motion regarding the size of the executive, Council be informed that, in the opinion of the Cabinet, the motion should not be supported on the grounds that the executive has recently been reduced in size from ten members to eight; and

(c) in respect of motion (2), Councillor P J Oxley's motion regarding the future delivery of leisure provision, Council be informed that, in the opinion of the Cabinet, the motion should not be supported on the grounds that the Cabinet has requested the Chief Executive to consider the long-term viability of the sports provision provided in the District and to develop a robust business plan to ensure that sports provision is delivered in a cost effective and aspirational way so as to secure its long-term future.

89. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion.

90. CAPITAL STRATEGY AND ASSET MANAGEMENT PLAN 2011/12

The Cabinet considered the Capital Strategy and Asset Management Plan for 2011/12 for submission to Council.

To enable the Plan to be considered by the Council:-

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

RECOMMENDED – That the Capital Strategy and Asset Management Plan 2011/12, attached as Appendix 'A' to item A.4 of the Joint Report of the Head of Financial Services and Acting Head of Corporate Performance, be approved.

91. PROPOSED RENEWAL OF LEASE: GOLF GREEN HALL, GOLF GREEN ROAD, JAYWICK

The Cabinet considered the renewal of the existing lease to the Trustees of Golf Green Hall, Golf Green Road, Jaywick for a new 21 year term for continued use as a public hall.

The Leisure Portfolio Holder (Councillor S S Mayzes) informed the meeting that Part 2.1 of the report should have read "The Corporate Plan identifies the need to work in partnership with local organisations."

Having considered the information submitted:-

It was moved by Councillor S S Mayzes, seconded by Councillor Stock and:-

RESOLVED – That, subject to consideration of terms later in the meeting, the lease of Golf Green Hall be renewed for a period of 21 years.

92. PROPOSALS FOR REVISED ARRANGEMENTS FOR THE PROVISION OF ON AND OFF STREET CAR PARKING (REPORT TO FOLLOW)

The Cabinet considered a report to determine revised arrangements for the provision of both on and off street car parking administration following the termination of the existing Agency arrangement with Essex County Council on 31 March 2011 in respect of on street parking.

To enable revised arrangements to proceed:-

It was moved by Councillor N W Turner, seconded by Councillor Stock and:-

RESOLVED – ((a) That the Technical Services Portfolio Holder and an appropriate Officer attend the shadow board meeting for the Parking Partnership and seek acceptable terms for joining the Partnership.

(b) That subject to acceptable terms being agreed authority be delegated to the Head of Technical and Procurement Services, Head of Financial Services and Head of Legal Services in consultation with the Executive Leader to agree the terms and conditions of the final agreement.

93. POTENTIAL LEASE OF LAND AT GAS HOUSE QUAY, HARWICH (REPORT TO FOLLOW)

The Cabinet considered the principle of leasing Council owned land at Gas House Quay, Harwich either as a whole or in two parts.

Members had submitted to them as Appendix 'B' to item A.7 of the Report of the Acting Head of Corporate Performance a letter which had been received from the High Steward of Harwich. The Cabinet were also aware of a petition which had been received calling on the Council to create a car park at Gas House Quay. The full petition was available at the meeting.

The Executive Leader expressed his disappointment that the confidential report on this matter, to be considered later in the meeting, had been leaked to the press.

It was moved by Councillor Halliday, seconded by Councillor Henderson and:-

RESOLVED – That, having considered both correspondence received from the High Steward of Harwich and the petition, the land be let for commercial use, subject to consideration of terms later in the meeting.

Chairman