

MEETING OF THE
TENDRING DISTRICT COUNCIL

10 SEPTEMBER 2013

Present:- Councillor N R Stock (Chairman of the Council), Councillor V E Guglielmi (Vice-Chairman of the Council), Councillor C D Amos, Councillor J Broderick, Councillor N Brown, Councillor R J Bucke, Councillor G J Caines, Councillor C Callender, Councillor R Callender, Councillor G W J Calver, Councillor S Candy, Councillor D J Casey, Councillor S H Challinor, Councillor J B Chapman, Councillor A F W Colbourne, Councillor P G De Vaux Balbirnie MBE, Councillor T J Fawcett, Councillor A Goggin, Councillor C W Griffiths, Councillor G V Guglielmi, Councillor P Halliday, Councillor J Hawkins, Councillor I J Henderson, Councillor J Henderson, Councillor P B Honeywood, Councillor S A Honeywood, Councillor T A Howard, Councillor I Johnson, Councillor K T King, Councillor D R Mayzes, Councillor S S Mayzes, Councillor D P McLeod, Councillor L A McWilliams, Councillor M D Miles, Councillor G L Mitchell, Councillor F H Nicholls, Councillor D Oxley, Councillor P J Oxley, Councillor M J Page, Councillor M R Patten, Councillor M E Platt, Councillor J A Powell, Councillor A R Pugh, Councillor P I Sambridge, Councillor G G I Scott, Councillor H A Shearing, Councillor K Simons, Councillor D C Skeels, Councillor G D Steady, Councillor M J Talbot, Councillor I P Tracey, Councillor N W Turner, Councillor G F Watling, Councillor J F White, Councillor C P Winfield.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Public Experience) (June Clare), Legal Services Manager and Monitoring Officer (Lisa Harding) and Democratic Services Officers (Janey Nice and Michael Pingram).

(7.30 p.m. - 11.53 p.m.)

43.. SILENT TRIBUTE - COUNCILLOR GILL DOWNING

The Chairman reported with sincere sadness the death of Councillor Gill Downing who had served continuously on the Council since 2003 as a Member for the St James Ward, Clacton-on-Sea. He said that Councillor Downing had been a formidable lady who, even when seriously ill, had supported him at Annual Council to give her support for his election as Chairman of the Council.

All persons present stood in a silent tribute to the memory of Councillor Downing.

The Leader of the Council (Councillor Halliday) also paid a sincere tribute to the memory of Councillor Downing.

The Chairman further announced that there would be a by-election for the vacant seat in the St James Ward on Thursday 26 September 2013.

44. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Aldis, Cossens, Heaney and Johnson.

45. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the meeting of the Council, held on Tuesday 2 July 2013, be approved as a correct record and signed by the Chairman.

46. DECLARATIONS OF INTERESTS

The following declarations of interest were received from Members at this time:

(i) Councillor Hawkins declared a personal interest in relation to Agenda Item No.12 (b) (Minutes of the Conduct Committee – Monday 15 July 2013), by virtue of the fact that having read the report he could not be certain that his property would not be affected by any Coastal Defence Works in the distant future and would withdraw from the meeting during the discussion of the item thereon.

(ii) Councillor McWilliams declared a personal interest in relation to Agenda Item No.14 (Maternity Services in Clacton and Harwich), by virtue of the fact she was a Governor of the Colchester Hospital University Foundation Trust (CHUFT).

47. ANNOUNCEMENTS BY THE CHAIRMAN

(a) Cross-Party Cricket Team

The Chairman informed Council that a cross-party cricket team had been formed at the request of Councillor P J Oxley and had proved to be great fun. He was happy to announce that not every match had been lost and in fact the first game had been won with Councillor Halliday proving to be a good fast bowler and Councillor D Oxley being awarded Man of the Match. He added that if more events like this could take place it could only be a good thing.

(b) Clacton Air Show

The Chairman gave his congratulations and sincere thanks to all of the people who had been involved in putting on what had been a terrific event and for all of their hard work. He commented on the presence of the Vulcan and the immense noise created by its engines. He added that the event had been running for 22 years and was now the only Air Show on the East Coast.

48. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none.

49. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none.

50. STATEMENTS BY MEMBERS OF THE CABINET

Anglia in Bloom

The Portfolio Holder for Environment and Coast Protection (Councillor Turner) was proud to announce that Frinton-on-Sea had won gold in the Small Town category of Anglia in Bloom awards and that he would like to congratulate Public Experience and all other services of the Council who had helped Frinton-on-Sea and Tendring to shine. Councillor Turner added that this was the fourth time in five years that Frinton-on-Sea had won gold.

Coastal Sea Defence Project

Councillor Turner was delighted that the Council had been awarded funding from the

Environment Agency of £27 million for the Coast Sea Defence Project. This was in addition to the £3 million from this Council, which had been match-funded by a further £3 million from Essex County Council. He added that a further £1 million had been set aside from this Council which added up to £34 million in total. In addition, the Council had been given £512,000 to start the process from the Government's Growth Fund money. Councillor Turner informed Council that the monies had only been granted after a change in the funding criteria which had made the bidding process possible. Councillor Turner thanked the Chief Executive (Ian Davidson), Corporate Director (Public Experience) (June Clare) and Chief Engineer (Mike Badger), who had worked tirelessly, the Council's Consultants Mott McDonald and the valuable support and advice received from Babergh District Council who had worked on a similar project in Felixstowe. Councillor Turner also thanked the Council for its full support, the Press and most importantly, Tendring's residents.

Councillor Broderick declared a personal interest in respect of this item before she asked her question of Councillor Turner, however, on advice received from the Council's Monitoring Officer, Councillor Broderick was advised she did not need to declare a personal interest at this time.

The Portfolio Holder for Environment and Coast Protection responded to Members' questions on the Coastal Sea Defence Project.

Clacton Air Show

The Portfolio Holder for Tourism (Councillor Goggin) announced that the Clacton Air Show, held on 22 – 23 August 2013, had been the 22nd Anniversary of the event which had started back in 1991. He said that the inclement weather had not deterred hardy visitors who watched the air displays from under umbrellas, with estimates for the first day being around 40,000 to 50,000 spectators. On the second day, the excellent weather conditions attracted over 100,000 visitors which was believed to be the biggest event in East Anglia in 2013. Councillor Goggin said there were very many people to thank but, in particular, he named the Council's Officers Paul Price, Sarah Daniels, Jo Needham and Mike Carran for all of their hard work in organising the event and also Ian Shealing for his excellent commentary throughout the Air Show. He added that while not all of the costs for the Air Show were available, the event had come in under budget with a cost to each Tendring resident of only a quarter of the price of a second class stamp. The bucket collection and programme sales had been excellent with some traders, who had already paid for their stands, making extra donations to the event. He had received a number of congratulatory emails, and Southend Council had contacted him asking how the Council had achieved it. He was very proud of the event and expressed his congratulations to all involved.

Councillor Goggin was thanked by Members of the Council for all of the hard work he had put into the success of the Air Show and staying long after the event for the clearing up and he responded that he had not worked alone but he had been ably supported by officers and gave his thanks to their enthusiasm and energy.

Council's IT Infrastructure

The Council's Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) announced that, at the meeting of the Cabinet held on 6 September 2013, it had approved a £1.5 million investment in the Council's failing and out-of-date IT system. He added that the investment would bring about a much improved service to all residents and customers and thanked all of the IT team for its work in keeping the out of date systems working. Councillor Guglielmi informed Council that he would be writing to all Group Leaders asking them to nominate Members to participate in a Working Party to oversee the whole project.

51. REPORT OF THE LEADER OF THE COUNCIL

There were none.

52. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE

The Leader of the Council referred to the Cabinet minute of 12 July 2013 as set out in the Council agenda and asked it to consider a request that the Local Government Boundary Commission for England (LGBCE) conduct an electoral review of the Council.

Councillor Halliday responded to Members' questions and in order for the matter to proceed, it was moved by Councillor Halliday, seconded by Councillor P J Oxley and:

RESOLVED that

- (a) an electoral review for the Council was necessary, and;
- (b) The LGBCE be approached with the intention of submitting a formal request for an electoral review to be carried out.

53. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 14

There were none.

54. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

The Council had received questions from Members in relation to:

1. Introduction of Local Council Tax Support Scheme (LCTSS) and New Arrangements for the Benefits received by those Renting Property
2. New Parking Arrangements covering caravans, camper vans and mobile homes
3. Antisocial behaviour in the public gardens in Hastings Avenue
4. CCTV cameras in Jaywick

Notice of the questions had been given in accordance with Council Procedure Rule 15.4(a).

Question 1

Councillor Talbot put the following question to the Portfolio Holder for Housing, Benefits and Revenues and Sports Facilities (Councillor P B Honeywood):

"Arising from changes imposed upon us by the Government, resulting in the introduction of our own Local Council Tax Support Scheme (LCTSS) and new arrangements for the benefits received by those renting property, that are intended to reduce the public financial support that certain categories of residents have heretofore received, I wish to ask the portfolio holder the following question.

Will the portfolio holder please inform this Council as to the percentage of both Council Tax and Housing Rents received so far in this financial year, as compared with the same period in the last financial year, using a base date for your reply that is a convenient date on which your officers can report?

I am asking this question in order to be factually aware of the overall effect of these benefit changes on this Councils revenues, which most members will expect to show a reduction in collection rates this year as compared with the same period in the last financial year."

In response, Councillor Honeywood thanked Councillor Talbot for his question and said that at the end of August 2013, the Council Tax collection was 48.01% as compared to 49.68% last year (down 1.67%) but the effect of customers changing from 10 to 12 instalments had contributed up to 1.35% of the reduction. Councillor Honeywood added that the current collection figure for rents was 98.63% as compared to 98.12% for the same time last year, which had been helped by the increased number of direct debit collection dates from one to three plus additional information being given to tenants about welfare benefits.

Question 2

Councillor Griffiths put the following question to the Portfolio Holder for Environment and Coast Protection (Councillor Turner):

“Residents have raised concerns that the new parking restrictions covering caravans, camper vans and mobile homes on Marine Parade West have simply moved the camping problem to Wash Lane, Nelson, Trafalgar, St Vincent and Colingwood roads. I have had reports of at least one incident in Nelson Road, where a caravan was pitched on the side of the road all day for four days, and tables chairs and boxes were put on the pavement in effect blocking the footway. Can the Portfolio Holder tell me what action he intends to take to stop this menace blighting my residents’ peace and quiet?”

In response Councillor Turner thanked Councillor Griffiths for his question and said that the parking restriction along Marine Parade West, which included the restriction covering camper vans, caravans and mobile homes, had been the result of many years active campaigning by local residents which had been supported by Councillor Griffiths.

Councillor Turner said that he sympathised genuinely to any resident in the District who had had to endure such behaviour and hoped that the incursion was a result of such visitors finding their usual destination suddenly and surprisingly denied them as a consequence of the new parking restrictions along Marine Parade West and was not to be a permanent, annual occurrence.

He said that the parking issues in that area were, and remained less than straightforward as the area along Marine Parade West needed to accommodate long stay, free parking by day visitors in cars and light vans which was an important part of the Council’s parking policy of being “car friendly” while at the same time trying to restrict parking by large vehicles and unwanted travellers/day campers. He said the fact that this area was not too far from Clacton town centre with all the demands for parking associated with that, long stay parking by workers at Clacton hospital further up the road and a desire by residents in Wash Lane, Nelson, Collingwood, St Vincent and Trafalgar Roads not to have the same daytime limited waiting parking restrictions introduced to their roads as was present in adjacent roads slightly closer to the town centre and a picture then emerged of how difficult it was to ultimately decide on the most appropriate parking restriction required for Marine Parade West and the extent of that restriction.

Councillor Turner said that when planning the new parking restrictions along the seafront it had been anticipated that movement or transfer across the road would be possible but this had been foreseeable and appropriate additional parking restrictions were introduced along the whole of Marine Parade West to prevent this. However what had not been anticipated was the move to the side roads and it remained a matter of some conjecture as to whether the practice would continue on the same scale or at all in the future years or was only the result of a sudden need for displaced vehicles to find somewhere else to park quickly.

He said it was always difficult to anticipate how far parking restrictions needed to extend before vehicles considered it was too far for their needs and it was possible that next year those visitors may, knowing they could no longer camp along the seafront choose another

destination altogether. He added that this could be wishful thinking and it would be prudent for the Council to consider further restrictions on those types of vehicles and the ability of their occupants to camp along the highway.

Councillor Turner said it was clearly a public order issue as well as a parking matter and all efforts would be made to co-ordinate actions with the Police and other services both inside and outside of the Council and consideration would also be given to extend if possible the injunction as used for the Air Show in order to protect the residents of those roads from this type of incursion. He added that as a longer term measure it may also be desirable and possible to extend the parking restriction along Marine Parade West to the side roads highlighted by Councillor Griffiths.

Councillor Turner went on to say that if it was considered that the problem could not be resolved by other means the Council would put forward a request for the seafront parking restriction to be extended to the side roads and should this be decided a judgement would also be needed to be made both by residents and the Council as to how far such restrictions needed to extend before the problem ceased.

Finally, in conclusion, the Portfolio Holder once again expressed his sympathy to the residents and offered an assurance that the matter would be investigated thoroughly prior to the next summer season and said that a determined opponent was always a challenge but that he was confident the Council would meet this with a similar, equal determination of its own.

Councillor Griffiths then asked the following supplementary question:

"Thank you Mr Chairman, I have to say thank you to Councillor Turner for his long and detailed response to our problem. I have to say from talking to many of our residents that they will be quite reassured by Councillor Turner's answer and we look forward to him exploring other avenues including the extension of the seafront restrictions if this problem carries on next year. I have to say that the long gardens on some of the nursing homes does allow caravans to park behind each other over the width of the road and this problem has caused many of my residents sleepless nights. I look forward in the event of another incursion Councillor Turner taking this up with the relevant authorities so that we have all of the area covered by parking restrictions which should allow my residents peace and quiet. Thank you."

In response Councillor Turner said: "Yes."

Question 3

Councillor Griffiths asked the Portfolio Holder for Environment and Coast Protection, Councillor Turner:

"Over the Summer months, I have received a number of complaints from residents who live near to the public garden in Hastings Avenue on the Martello Estate regarding the actions of a small number of beach users, who have been using the public gardens, and sometimes the gardens of nearby homes as public toilets. There has also been reports of antisocial behaviour in the gardens, which has caused embarrassment and distress to local residents.

Could the Portfolio Holder tell me what action he intends to take to address residents' concerns?"

In response, Councillor Turner thanked Councillor Griffiths for his question and said he was sorry to hear of any distress caused to local residents either from a small number of beach users using the local gardens as a public toilet or as a result of antisocial behaviour in the

public gardens. He said that with the issue of beach users not using the correct facilities there were public toilets located further along the promenade and toilets available in nearby cafés.

Councillor Turner commented that should beach users multi-task and co-ordinate their requirement for refreshment with a comfort break the cafés were particularly close to the beaches near to the Martello Bay estate and they would always allow customers to use their toilets. However, he added, beach users were able to use the Greensward public toilets which were close by.

Councillor Turner said that Councillor Griffiths had not specified the nature of the antisocial behaviour causing embarrassment and distress to local residents in addition to them witnessing visitors using the public gardens or their own garden as a toilet, but any antisocial behaviour was frowned upon by the Council and every effort was made to deal with it robustly. He commented that antisocial behaviour was primarily a law and order issue and the Police had a responsibility to play in that regard and should be the first contact when the public witnessed such behaviour.

He went on to say that the Council employed Seafront Wardens and Civil Enforcement Officers with a role as parking and seafront rangers, many of whom were trained and qualified to deal with issues of antisocial behaviour such as dog fouling, cycling on footpaths, graffiti and public nuisance and those staff, if contacted, or were on patrol and noted such behaviour, would always act, either by reporting it to Police colleagues with whom they liaised regularly and under whose Police Community Accreditation Scheme they held some powers or, they would deal with the offenders by seeking names and addresses with the option of seeking further action via the Courts.

Councillor Turner said he was not aware of fixed penalty options being available to Council staff for public decency issues but he was certain that if the Officer was accredited under the Police Community Accreditation Scheme then they had the authority to obtain names and addresses in order to assist with prosecutions and the accredited power did afford such Officers an expectation that the Police would support them when seeking names and addresses. He said that the Council had made great efforts to improve the seafront areas of Clacton and dealing with antisocial behaviour was a very important part of the process of improvement.

He added that the Council had agreed to joint patrols with Parking and Seafront staff and the Police, which had bought an increased Police presence to the Council's seafronts and that the Council had also recently launched a joint Police and Council campaign against street drinking and antisocial behaviour.

In conclusion, Councillor Turner said that he hoped his response offered some assurance to Councillor Griffiths and his constituents that the Council did take issues of antisocial behaviour seriously.

Question 4

Councillor Brown asked the Portfolio Holder for Health and Community Safety, Councillor McWilliams:

"With reference to the CCTV cameras in Jaywick, after our recent after dark visit, please note we were invited to the TDC Control Centre on 3 July 2013. It came to light that apparently ongoing issues with the cameras in the Brooklands and Grasslands area have not been addressed.

Appreciating the Jaywick Sands Freeholders Association Trust (JSFAT) after disbanding, in 2009, decided to use the accumulated funding as collected from the local Jaywick

residents and the liquidation of assets, originally collected for the unadopted road improvements over the many years would now be handed back for community use in Brooklands. Resulting in negotiating and financing in 2011 to the sum of £130k, to commission TDC to organise the additional purchase of six extra CCTV cameras with installation. This included the stipulated maintenance contract, to ensure the continued long-term operational effectiveness of this system for the Police and services to assist in providing local community confidence.

I appreciate the recent commission of Chroma Vision to survey the general TDC system and look forward to reading the report recommendation as a Jaywick Ward Councillor.

I would like to ask,

What steps can you put in hand to use the funds provided by the JSFAT to improve the efficiency of the CCTV system in Jaywick – especially in ‘hot spots’ where there are low levels of street lighting?

Thank you for any help here.”

As the question raised by Councillor Brown came under the Housing, Benefits and Revenues and Sports Facilities Portfolio Holder, Councillor Honeywood answered Councillor Brown’s question as follows:

Councillor Honeywood thanked Councillor Brown for his question and the opportunity it afforded him to outline the actions he had put in place to continue the work already started by the Administration to improve the lives of Jaywick residents and anyone who had visited the area could not fail to see the massive improvements that the energy efficiency works had made to the area already.

He said he was pleased to report that, following a very competitive tender process, a new maintenance contract for the whole CCTV network had commenced on 15 July with a company called Chroma Vision and the contract would initially run for three years. Prior to this, he said, cameras were repaired as defects were identified and they were cleaned and maintained using funds provided by JSFAT.

Councillor Honeywood said that the funds received from the JSFAT had provided for the installation of six new cameras in 2012 and the sum of £6,000 per year had been set aside for the maintenance of all Jaywick cameras for a period of ten years. He said that during the first round of maintenance, which was currently taking place, Chroma Vision would be surveying the CCTV network and would update the Council’s asset register so that there was an accurate picture of the condition and operation of all cameras. He said they had also undertaken to provide a report which could be used to provide a refurbishment timeline which would allow the Council to take into account best value for money in managing its assets via a managed, planned maintenance programme.

He added that it was currently believed that the use of infra-red bulbs in the cameras situated where there was poor lighting would enhance the Council’s ability to detect crime. He continued by saying he understood that it was possible to install white lights to specific cameras that could be activated by the Council’s Control Centre and used to flood an entire area with light and that other Councils had used this successfully to stop criminal activities in progress.

In conclusion, Councillor Honeywood said the Council would, of course, continue to work closely with the Essex Police to identify the most effective methods of both deterring and detecting crime and he was also more than happy to continue working with the local Ward Councillors to ensure that there was a joined-up and effective approach including holding another meeting with the Ward Councillors if that would be useful.

55. MINUTES OF COMMITTEES

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

RESOLVED that the minutes of the following Committees, as circulated, be received and noted:

- (a) Community Leadership and Partnerships Committee of Monday 8 July 2013;
- (b) Conduct Committee of Monday 15 July 2013; and
- (c) Human Resources Committee of Tuesday 23 July 2013.

The Chairman of the Council responded to questions from Councillor Talbot and Councillor Brown on the membership of the Conduct Committee.

Councillor Hawkins declared a personal interest in relation to the above item, details of which are recorded under Minute No.46 above, left the meeting and took no part in the discussion thereon.

56. MOTION TO COUNCIL - RECORDING OF PROCEEDINGS OF MEETINGS

The Council had before it for its consideration the following motion, notice of which had been given by Councillor Howard in accordance with Council Procedure Rule 16:

"Tendring District Council believes in the freedom and right for residents and the press to attend our public Council and Committee meetings.

We believe that residents and the press should have the right to record the proceedings of any such meeting except where the law requires the public to be excluded from that meeting, and that they should be entitled to use whichever form of media they wish as long as such media does not disturb the meeting itself. This would include the use of audio and visual recording with flash turned off and devices switched to silent. Proceedings, is limited to those participating in the public meeting, such as councillors and officers and does not extend to the public audience.

This Council therefore resolves to amend any existing restrictions at the earliest practical opportunity and that the rights of residents and the press to record such public council meetings should be enshrined in our constitution at the earliest opportunity thereafter.

No broadcasting and relaying of proceedings will take place when members agree to exclude the press and public under Part 1 of Schedule 12A of the Local Government Act 1972."

Councillor Howard formally moved the motion which was duly seconded by Councillor Broderick. Councillor Howard then explained the motion.

The following amendment was moved by Councillor Halliday, duly seconded, and was debated by Members but was not voted upon:

"This Council supports the right of residents and press to film and record the public proceedings of formal meetings of the Council except where the law requires the public to be excluded from that meeting and that they shall be entitled to use whichever form of media they wish as long as the use of such media does not disturb the meeting itself. It also supports the responsible recording and broadcasting of proceedings of the Council by social media.

However the filming or recordings of planning or licensing meetings may only be undertaken with the express permission of the Chairman.

The filming and recording of meetings should be subject to the following ground rules which should be incorporated into a guidance note for the Chairman, Members and members of the public to be prepared by the Corporate Director of Corporate Services:

- As a matter of courtesy anyone wishing to film or record a meeting should notify the Chairman so those present can be advised.
- Filming or recording should be carried out from the public area of the meeting and should be limited to those participating in the meeting, there should be no filming or recording of those in the public gallery.
- Filming or recording must not be undertaken in a way which disrupts the meeting and the Chairman's right to deal with disruptive behaviour remain unchanged.

This Council therefore resolves to implement the above approach with immediate effect and to incorporate appropriate amendments to the Constitution as part of the review of the Constitution which is currently underway."

After deliberation and discussion by Members, it was then moved by Councillor Halliday and seconded by Councillor P B Honeywood that the following amended motion be put to the vote:

"This Council supports the right of residents and press to film and record the public proceedings of formal meetings of the Council except where the law requires the public to be excluded from that meeting and that they shall be entitled to use whichever form of media they wish as long as the use of such media does not disturb the meeting itself. It also supports the responsible recording and broadcasting of proceedings of the Council by social media and is not responsible for that usage.

However the filming or recording of planning, licensing and scrutiny meetings may only be undertaken with the express permission of the Chairman and any member of the public or visitors who may be included in the filming and they are then asked for permission.

The filming and recording of meetings should be subject to the following ground rules which should be incorporated into a guidance note for the Chairman, Members and members of the public to be prepared by the Corporate Director of Corporate Services:

- As a matter of courtesy anyone wishing to film or record a meeting should notify the Chairman so those present can be advised.
- Filming or recording should be carried out from a designated public area of the meeting and should be limited to those participating in the meeting, there should be no filming or recording of those in the public gallery.
- Filming or recording must not be undertaken in a way which disrupts the meeting and the Chairman's right to deal with disruptive behaviour remain unchanged.

This Council therefore resolves to implement the above approach with immediate effect and to incorporate appropriate amendments to the Constitution as part of the review of the Constitution which is currently underway and a specific point of attention at the next Constitution annual review.

This issue as a whole be brought back to Council within 12 months for a review or to identify a scrutiny committee to review it."

This became the substantive motion and on being put to the vote was declared CARRIED.

57. MOTION TO COUNCIL OF 2 JULY 2013 - MATERNITY SERVICES IN CLACTON AND HARWICH

The Council had before it, the following motion which had been submitted to the Council at its meeting held on 2 July 2013 by Councillor I J Henderson and seconded by Councillor P J Oxley, and which had stood deferred to Cabinet for consideration at its meeting held on 12 July 2013:

““This Council expresses grave concern that the intention to reduce Maternity Services at either Clacton or Harwich will reduce a woman’s choice, reduce post natal care and impose a 40 mile round trip for family and friends in areas of low car ownership and poor public transport.

It further calls upon the Executive to lobby at all levels to prevent any reduction in Maternity services at either Clacton or Harwich.”

Councillor Halliday referred Members to the Cabinet’s resolution and subsequent recommendation to Council, as detailed on page 40 of the agenda, which stated:

“RECOMMENDED TO COUNCIL that:

1. This Council expresses grave concern that patient safety and patient choice could be negatively affected by the possible changes to the maternity services provided in Tendring;
2. The Council therefore commits to lobby at all levels and to use its response to the forthcoming consultation on maternity services to secure an improved service that delivers the best patient choice and patient safety for Tendring families; and

RESOLVED that

3. When the consultation was announced, the Clinical Commissioning Group be invited to attend a meeting of the Community Leadership and Partnerships Committee to help formulate the Council’s response to it.”

Councillor Halliday formally moved the amendment which was duly seconded and explained the Cabinet’s recommendation to Council and resolution.

By way of a further amendment Councillor I J Henderson, seconded by Councillor P J Oxley moved that clause two be amended to read:

“2. The Council therefore, commits to lobby at all levels and to use its response to the forthcoming consultation on maternity services to secure a commitment to retain all existing maternity services at Clacton and Harwich Maternity Units and further deliver the best patient choice and patient safety for Tendring families.”

This amendment was discussed but not voted upon.

At this time the Chairman of the Council adjourned the meeting during the period 10.58 p.m. to 11.09 p.m. in order to allow Members to obtain refreshments.

Councillor Halliday moved and duly seconded, that Clause two be further amended to read:

“2. The Council therefore commits to lobby at all levels and to use its response to the forthcoming consultation about Clacton and Harwich Maternity Units to retain and improve the local existing maternity services that deliver the best patient choice and patient safety for Tendring families; and”

The mover and seconder of the original motion accepted the amendment and the recommendation now became the substantive motion.

Accordingly, it was RESOLVED that the recommendation by Cabinet to Council, as amended, be approved as follows:

1. This Council expresses grave concern that patient safety and patient choice could be negatively affected by the possible changes to the maternity services provided in Tendring;
2. The Council therefore commits to lobby at all levels and to use its response to the forthcoming consultation about Clacton and Harwich Maternity Units to retain and improve the local existing maternity services that deliver the best patient choice and patient safety for Tendring families; and
3. When the consultation is announced, the Clinical Commissioning Group be invited to attend a meeting of the Community Leadership and Partnerships Committee to help formulate the Council's response to it.

Councillor McWilliams declared a personal interest in relation to the above item, details of which are recorded under Minute No.46 above.

58. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were none.

59. SCRAP METAL LICENSING

The Council considered a report, which informed it of impending changes to the regulatory regime for scrap metal dealers and collectors to be implemented through the provisions of the Scrap Metal Dealers Act 2013 and the increased responsibilities and enforcement powers which this gave to the Council.

The report also sought Council's approval to the proposed fees to be applied in administering the licensing of scrap metal dealers.

It was moved by Councillor Turner, duly seconded and RESOLVED that:

(a) The Council's functions, powers and duties under the Scrap Metal Dealers Act 2013, and any associated legislation, be placed within the terms of reference of its Licensing Committee and its Sub-Committees and/or the Corporate Director (Public Experience) and that the power to determine appeals relating to this function be delegated to Licensing (General Purposes) Sub-Committee and/or the Premises/Personal Licence Sub-Committees in accordance with the changes set out in Appendix A to the report of the Corporate Director (Public Experience) and as authorised under (b) below;

(b) The Legal Services Manager be authorised to make such changes to the Constitution as she saw fit in order to give full and proper effect to (a) above and to remove the delegated powers of the Regulatory Committee relating to the Scrap Dealers Act 1964; and

(c) The proposed local Tendring District Council fees, as set out in Appendix B to the aforementioned report, be approved and that a review of the fees be undertaken as soon as reasonably practicable before the end of the financial year on 31 March 2014.

60. ABSENCE FROM MEETINGS OF THE CORPORATE MANAGEMENT COMMITTEE

A.2 Absence from Meetings of the Corporate Management Committee

In accordance with the requirements of Council Procedure Rule 27.6, the Chief Executive formally notified the Council that Councillor Watling had been absent from four consecutive ordinary meetings of the Corporate Management Committee.

The Council noted the foregoing.

61. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

The Chairman informed Council that he intended to take as an urgent item a motion submitted by Councillor P J Oxley and seconded by Councillor Shearing, which read as follows:

“This Council disagrees with the decision of Essex County Council to turn the street lights off in Tendring and urges Essex County Council to withdraw this decision as a matter of urgency.”

Councillor Halliday moved, seconded by Councillor P B Honeywood that the motion as amended below be adopted as the substantive motion:

“This Council has grave concerns with the decision of Essex County Council (ECC) to turn off up to 70% of street lights between midnight and 5.00 a.m. However, if the Council (ECC) are minded to proceed, we (TDC) ask that ECC ensures where this Council and/or the Police have demonstrated the exception criteria has been met, ECC will guarantee that street lights are left illuminated. This Council will ask ECC to extend the consultation period to October 27th 2013 to ensure meaningful and thorough investigations can be carried out to ascertain those areas of which the criteria can be applied.”

The substantive motion on being put to the vote was declared CARRIED.

The meeting was declared closed at 11.53 p.m.

62. 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.

63. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion.

64. 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.

65. 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.

66. 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.

67. 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