

MEETING OF THE  
TENDRING DISTRICT COUNCIL

26 NOVEMBER 2013

Present:- Councillor N R Stock (Chairman of the Council), Councillor V E Guglielmi (Vice-Chairman of the Council), Councillor D J Aldis, 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 M A Cossens, Councillor P G De Vaux Balbirnie, Councillor T J Fawcett, Councillor A Goggin, Councillor C W Griffiths, Councillor G V Guglielmi, Councillor P Halliday, Councillor J Hawkins, Councillor R A Heaney, 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 E Platt, Councillor J A Powell, Councillor A R Pugh, Councillor P I Sambridge, Councillor G G I Scott, Councillor H A Shearing (except item 62), Councillor K Simons, Councillor D C Skeels, Councillor G D Steady, Councillor M J Talbot, Councillor I P Tracey, Councillor N W Turner, Councillor J F White, Councillor C P Winfield, Councillor A I Wood

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Corporate Director (Public Experience) (June Clare), Head of Planning (Catherine Bicknell), Legal Services Manager and Monitoring Officer (Lisa Hastings), Democratic Services Manager (Colin Sweeney), Development Plan Manager (Gary Guiver), Finance and Procurement Manager (Richard Barrett) and Senior Democratic Services Officer (Ian Ford)

(7.30 p.m. - 10.17 p.m.)  
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62.. SILENT TRIBUTE

All persons present stood in a silent tribute in memory of the late Steven Henderson, a former Member of the Council.

63. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors A J Mitchell, Patten and Watling.

64. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – ST JAMES WARD

The Returning Officer reported that, at the by-election in the St James Ward of the District held on 26 September 2013, Andrew Ian Wood had been duly elected as a Councillor and that he had since made a Statutory Declaration of Acceptance of Office.

Councillor Wood had also given notice that he wished to be treated as a member of the Conservative Group for the purposes of the Local Government and Housing Act 1989.

The Chairman congratulated Councillor Wood on his success and welcomed him to this his first meeting of the Council.

The Council noted the foregoing.

65. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the meeting of the Council, held on Tuesday 10 September 2013, be approved as a correct record and signed by the Chairman, subject to in:

(i) Minute 46 (Declarations of Interest), paragraphs (i) and (ii) - references to “a personal interest” being amended to read “a non-pecuniary interest”; and

(ii) Minute 57 (Maternity Services in Harwich and Clacton) - the introductory paragraph to Councillor Halliday’s further amendment to Clause 2 being amended to begin “Councillor Halliday moved and it was duly seconded,.....”.

66. DECLARATIONS OF INTERESTS

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

(i) Councillor Page declared a non-pecuniary interest in relation to Agenda Item No. 15 (The Tendring District Local Plan: Pre-Submission Focussed Changes), by virtue of the fact of legal advice that he had taken and that he was a personal friend of long-standing of a potential developer of the site at Horsley Cross. He further declared that he would take no part in the discussion of this item or the voting thereon;

(ii) Councillor Platt declared a non-pecuniary interest in relation to Agenda Item No. 15 (The Tendring District Local Plan: Pre-Submission Focussed Changes), by virtue of the fact of legal advice that he had taken and that he was a personal friend of a potential developer of the site at Horsley Cross. He further declared that he would take no part in the discussion of this item or the voting thereon;

(iii) Councillor R Callender declared a non-pecuniary interest in relation to Agenda Item No. 15 (The Tendring District Local Plan: Pre-Submission Focussed Changes), by virtue of the fact that he had previously worked for, and continued to do work for, an applicant for planning permission for development of the site at Horsley Cross.

67. ANNOUNCEMENTS BY THE CHAIRMAN

1. Chairman’s Chaplain

The Chairman was pleased to announce that Canon Peter Mann, Rector of the Harwich Peninsula Team Ministry, had agreed to be his Chaplain for his year in office.

2. The Late Steven Henderson

The Chairman paid a personal tribute to the late Steven Henderson and the work that he had undertaken as a Member of the Council, as a Member of the Cabinet and as a Group Leader. He highlighted, in particular, Steven’s interest in housing issues. Councillors Halliday, P J Oxley, Calver and G V Guglielmi also paid tributes to Steven Henderson on behalf of their respective Groups and/or themselves.

3. Recording And Broadcasting Of This Meeting

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

#### 4. Charity Quiz

The Chairman informed Council that his Charity Christmas Quiz would take place on Friday 6 December 2013. He reminded Members that this was a fun occasion in a good cause and encouraged Members to enter a team.

#### 5. St Helena Hospice 'Light Up A Life' Carol Service

The Chairman reported that the annual 'Light up a Life' Carol Service run by the St Helena Hospice had been renamed this year the 'Tree of Memories Service'. The main service would be held on Thursday 19 December 2013, at 6.30pm at Highwoods, Colchester. Anyone unable to attend the main service could attend any of the Special Remembrance services being held at:

All Saints Church, Walton – Wednesday 4 December 2013 at 6.30pm  
St James' Church, Brightlingsea – Friday 6 December 2013 at 7.00pm  
St Nicholas' Church, Harwich – Friday 13 December 2013 at 7.00pm  
Clacton Pier, Clacton – Sunday 15 December 2013 at 4.30pm

#### 6. Pride Of Tendring Awards Evening – Friday 7 February 2014

The Chairman was pleased to announce a further year's sponsorship had been received from DONG Energy in the amount of £1,700 and it was hoped that a total of 20 nominees would receive an award.

#### 7. Invitation to Members and Staff to the Chairman's Parlour for Christmas Drinks

The Chairman invited Members and staff to join him in his Parlour after the meeting for mulled wine and mince pies.

#### 68. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none.

#### 69. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none.

#### 70. STATEMENTS BY MEMBERS OF THE CABINET

There were none.

#### 71. REPORT OF THE LEADER OF THE COUNCIL

There were none.

#### 72. MINUTES OF COMMITTEES

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

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

- (a) Corporate Management Committee of Monday 5 August 2013;
- (b) Corporate Management Committee of Monday 16 September 2013;
- (c) Community Leadership and Partnerships Committee of Wednesday 18 September

2013;

- (d) Service Development and Delivery Committee of Monday 7 October 2013;
- (e) Human Resources Committee of Tuesday 15 October 2013;
- (f) Community Leadership and Partnerships Committee of Monday 21 October 2013;
- (g) Service Development and Delivery Committee of Thursday 24 October 2013;
- (h) Corporate Management Committee of Monday 28 October 2013;
- (i) Service Development and Delivery Committee of Monday 11 November 2013; and
- (j) Conduct Committee of Tuesday 19 November 2013

Councillor Scott asked a question in respect of the completeness of Minute 29 of the minutes of the meeting of the Community Leadership and Partnerships Committee held on 21 October 2013. The Chairman of that Committee (Councillor Miles) undertook to respond to Councillor Scott once she had clarified the matter with the Democratic Services Manager.

73. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15

The Council had received questions from Members in relation to:

1. Grants to Town and Parish Councils in 2014/15 to offset the impact of the Local Council Tax Support Scheme; and
2. Percentage of both Council Tax and Housing Rents received so far this financial year as compared to the same period in the last financial year.

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

Question 1

Councillor Howard put the following question to the Portfolio Holder for Finance and Asset Management (Councillor Halliday):

“Please can the Portfolio Holder for Finance confirm the following:

- That for 2013/14, £202,000 pounds was granted by the Government to offset the impact to Town and Parish Councils of the introduction of the LCTSS scheme;
- That the full £202,000 was passported to the Town and Parish Councils in 2013/14;
- That the Government has stated that within the Council's overall funding position, the element for the LCTSS for 2014/15 remains the same;
- That the Administration could passport the full amount of the 2014/15 LCTSS funding element to the Town and Parish Councils in the coming year;

and finally,

- That this Administration is instead looking to passport over only 85% of that money and to withhold the other 15% of that government funding from the Town and Parish Councils of Tendring?”

In response, Councillor Halliday thanked Councillor Howard for his question and said that the Council had received a grant of £1.644million within the overall funding settlement for 2013/2014 in respect of the Local Council Tax Support Scheme (LCTSS), which included an element for town and parish councils. He said that the Council had passported £202,000 to town and parish councils based on the principle of ensuring that no town or parish council was worse off due to the impact of the LCTSS and that not all Councils had chosen to do this.

Councillor Halliday said that the Government had suggested that, within the overall

financial settlement for 2014/2015, the element of support for town and parish councils was not changing and therefore the Council could maintain the level of LCTSS support for town and parish councils at £202,000. However, he said, the Cabinet, supported by the Corporate Management Committee, was proposing to reduce by 15% the level of LCTSS support for town and parish councils in 2014/2015. This was based on the need to balance a difficult funding position whilst being mindful of council taxpayers subsidising the finances of town and parish councils if no change was made. Councillor Halliday put the level of LCTSS support grant in context by stating that the amount each town and parish council received as a percentage of their total funding ranged from 2% to 18% and that the proposed reduction in 2014/2015 would range from just 0.5% to 2.7% of their total funding.

Councillor Halliday went on to say that he had responded to a recent Government consultation to inform them that their claim to be protecting the element of support for town and parish councils within a grant formula settlement that was not, in fact, ring-fenced was unhelpful and lacked credibility. He also pointed out that the Council Tax Base calculations that would shortly be undertaken to underpin the Council's detailed budget estimates for 2014/2015 were anticipated to provide a financial benefit to town and parish councils that would likely offset to some extent the proposed reduction in the passported grant.

Councillor Howard then asked the following supplementary question:

"Thank you for essentially confirming that the Administration could pass it on and that it is choosing not to. You mentioned about the calculations not having been done which is true at this point that we don't know what the tax base is. But I am sure that the net result is that there is a cut to the town and parish councils. The calculations show that it might in fact be offset but I've not seen any evidence to substantially suggest any offset. So, in essence, it looks like the Administration is taking £30,000 back from town and parish councils and coincidentally it is very similar to the 0.5% reduction in Council Tax that the Administration tends to give each year. So, in essence, what the Administration seems to be doing is taking £30,000 from town and parish councils and giving it across the District so the Administration can have a headline tax cut each year. Do you think it is fair that the town and parish councils' residents should be subsidising the Administration's tax cut if and when it makes it next year? It kind of appears on the face of it that the clue to what the Administration is doing is in the names of its leadership – it is robbing Peter to pay Paul!"

In response Councillor Halliday said that what he thought was unfair was that a large percentage of the town and parish councils set their precepts before they were in possession of all the facts and figures, including how much they would be receiving in terms of the Council Tax Base, which was set by the Council in December each year. In his view, to set a parish precept early and include an increase in that precept without such knowledge was unfair. Councillor Halliday said that it would be fairer if town and parish councils waited for all the information at which point they could well find that, based on the information that he currently had to hand, the difference in this year's Council Tax Base could offset up to £25,000 so that across all of the town and parish councils the shortfall from the £30,000 reduction could be reduced to only £5,000.

He went on to say that it was unfair that town and parish councils set their precepts early and then blamed the District Council for any increase when in fact they should be waiting for all of the information which would then enable them to set a fair and balanced precept. He also said that it was unfair that the Government claimed that the LCTSS support grant for town and parish councils was ring-fenced within the formula grant. This was untrue – there was no such ring-fencing in place and as part of the formula grant the LCTSS support grant was subject to the decisions of individual Councils and the same cuts as everything else.

Councillor Halliday accepted that the Administration could continue to passport the entire amount of £202,000 to the town and parish councils and also to make no changes to the

overall LCTSS. However, this would cost the Council £60,000 which would result in £60,000 of cuts having to be made elsewhere within the Council.

Councillor Halliday reiterated that when you looked at the value in percentage terms of the overall grant funding the passported money being talked about was only 0.4% for one parish council in terms of overall funding and only increased to 2.7% at the top end. Therefore, the issue was about a miniscule amount of money which town and parish councils should be able to cope with in setting their budgets. He concluded by saying that the Administration's approach was fair and that it had the support of the Corporate Management Committee.

#### Question 2

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

"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?"

In response, Councillor Honeywood thanked Councillor Talbot for his question and said that the rent figure for percentage of arrears to rent debt raised for October 2012 was 98.19%. The figure for October 2013 was 97.69%; the difference being 0.5%. Councillor Honeywood also informed Councillor Talbot that the percentage collected for Council Tax to the end of October 2013 was 66.43% which was down by 2.13% compared to last year's 68.56%. Some of the reduction was due to customers switching from ten to twelve monthly instalments. He went on to say that it was interesting to note that the actual cash collected for the Council Tax in 2013/2014 was up by 2.64% compared to the same period last year.

#### 74. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE IN RESPECT OF THE FOLLOWING:

(1) The Local Council Tax Support Scheme and Council Tax Exemptions/Discounts for 2014/15

The Housing, Benefits and Revenues and Sports Facilities Portfolio Holder (Councillor P B Honeywood) referred to the Cabinet minute of 8 November 2013, as set out in the Council agenda, and asked Council to approve The Local Council Tax Support Scheme (LCTS) and the Council Tax Exemptions and Discounts for 2014/15.

Councillor Honeywood and the Leader of the Council (Councillor Halliday) responded to Members' questions and following a debate and in order for the matters in question to proceed, it was moved by Councillor P B Honeywood and:

RESOLVED that

(a) the LCTS be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the new LCTS scheme from 1 April 2014;

(b) the Council Tax exemptions and discounts for 2014/15 be approved and that the Corporate Director (Life Opportunities), in consultation with the Housing, Revenues and Benefits and Sports Facilities Portfolio Holder, be delegated to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2014/15;

(c) the consultation process for the LCTS scheme 2015/16 be simplified, and broadened, to ensure that as wide a response base as possible is achieved; and

(d) in respect of the NNDR 'tax base', the approval of the NNDR data for 2014/15 be delegated to the Portfolio Holder for Finance and Asset Management.

(2) Annual Minimum Revenue Provision Policy Statement for 2014/15

The Leader of the Council and Finance and Asset Management Portfolio Holder (Councillor Halliday) referred to the Cabinet minute of 8 November 2013, as set out in the Council agenda, and asked Council to approve the Annual Minimum Revenue Provision Policy Statement for 2014/15.

It was moved by Councillor Halliday and:

RESOLVED that the Annual Minimum Revenue Provision Policy Statement for 2014/15, as submitted to Council as Appendix J to the report, be approved.

(3) Economic Development Strategy and Socio-Economic Baseline

The Inward Investment and Growth Portfolio Holder (Councillor Candy) referred to the Cabinet minute of 8 November 2013, as set out in the Council agenda, and asked Council to endorse the Socio-Economic Baseline and the Economic Development Strategy.

Councillor Candy responded to Members' questions and following a debate and in order for the matters in question to proceed, it was moved by Councillor Candy, seconded by Councillor I J Henderson and unanimously:

RESOLVED that the Socio-Economic Baseline and the Economic Development Strategy, be endorsed.

75. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 14

There were none.

76. MOTIONS TO COUNCIL

There were none.

77. THE TENDRING DISTRICT COUNCIL LOCAL PLAN: PRE-SUBMISSION FOCUSSED CHANGES

A.1 The Tendring District Council Local Plan: Pre-Submission Focussed Changes

The Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) referred to the reference report and appendices from Cabinet, as set out in the Council agenda, and asked Council to approve the revised Tendring District Local Plan: Pre-Submission Focussed Changes for public consultation prior to the submission of the amended Local Plan to the Secretary of State for examination by a Planning Inspector.

Councillor Guglielmi responded to Members' questions and following a debate and in order for the matter in question to proceed, it was moved by Councillor G V Guglielmi that:

(a) the 'Tendring District Local Plan: Pre-Submission Focussed Changes' comprising 'major changes to the written statement' (Appendix A1a), 'minor changes to the written statement' (Appendix A1b) and 'changes to the policies maps' (Appendix A1c) be approved to allow public consultation in accordance with Regulation 19 of the Town and Country

Planning (Local Planning) (England) Regulations 2012; and

(b) after the above public consultation has taken place and Officers have considered any comments received, the revised Local Plan (incorporating the pre-submission focussed changes) be referred to Council either to approve it and authorise its submission to the Secretary of State for examination by a Planning Inspector, and/or to consider and make such further changes as the Council considers appropriate to address any objections which may legitimately bring into question the soundness of the plan.

Councillor I J Henderson moved and Councillor P J Oxley seconded that Councillor Guglielmi's motion be amended to read as follows:

(a) that the 'Tendring District Local Plan: Pre-Submission Focussed Changes' comprising 'major changes to the written statement' (Appendix A1a), 'minor changes to the written statement' (Appendix A1b) and 'changes to the policies maps' (Appendix A1c) be approved, subject to the inclusion of Policy MLM6: Development at Horsley Cross together with all the supporting text, diagrams and consequential references thereto, to allow public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and

(b) that, unless any responses to the consultation exercise raise genuine concerns about the soundness of the plan that might require further changes, the revised Local Plan incorporating the pre-submission focussed changes be submitted to the Secretary of State for examination by a Planning Inspector.

Councillor Henderson's amendment, on being put to the vote, was declared CARRIED.

Councillor Candy requisitioned, in accordance with the provisions of Council Procedure Rule 23.4, a record of the vote on Councillor Henderson's amendment being put to the vote as a substantive motion, which vote resulted as follows:-

Councillors For

Aldis  
Amos  
Broderick  
Brown  
Bucke  
Caines  
C Callender  
Calver  
Casey  
Chapman  
Colbourne  
Cossens  
De-Vaux Balbirnie  
Hawkins  
I J Henderson  
J Henderson  
Howard  
Johnson  
King  
McLeod  
D Oxley  
P J Oxley  
Powell  
Scott



Shearing  
Steady  
Talbot  
Tracey  
White  
Winfield

Councillors Against

Candy  
Fawcett  
Goggin  
G V Guglielmi  
V E Guglielmi  
Halliday  
Heaney  
P B Honeywood  
S A Honeywood  
S S Mayzes  
McWilliams  
G L Mitchell  
Nicholls  
Sambridge  
Simons  
Skeels  
Stock  
Turner

Councillors Abstaining

R Callender  
Challinor  
Griffiths  
D R Mayzes  
Miles  
Page  
Platt  
Pugh  
Wood

Councillors Not Present

A J Mitchell  
Patten  
Watling

Councillor Henderson's motion, was thereupon declared CARRIED.

Councillors R Callender, Page and Platt each declared a non-pecuniary interest in relation to the above item, details of which are recorded under Minute No. 66 above.

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

There were none.

The remaining business was considered in the order recorded in these minutes.

79. PROPOSED NEW STANDARDS ARRANGEMENTS

## A.3 Proposed new Standards Arrangements

The Monitoring Officer referred to the addendum report and appendices, as circulated to Members, in respect of the proposed new standards arrangements. The report had been prepared following the meeting of the Conduct Committee held on 19 November 2013, at which, the Members had made a number of comments on the proposed new standards arrangements which the Monitoring Officer had agreed to take on board in submitting amended documents and recommendations to Council.

In order for the matter in question to proceed, it was moved by Councillor P J Oxley, seconded by Councillor Halliday and unanimously:

RESOLVED that

(a) the proposed new Standards Framework, as reported, be approved and that it replaces the Conduct arrangements which were agreed by the Council in May 2012;

(b) the outcomes of the review of the existing Conduct arrangements, as detailed in the Executive Summary in Appendix A to the Addendum Report of the Monitoring Officer and the Corporate Director (Corporate Services) be noted;

(c) the Members' Code of Conduct, as set out in Appendix B to the aforementioned report, be approved and that all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils;

(d) all Tendring District Council Members review their Declarations of Interests and provide any updates to the Monitoring Officer in accordance with the Code of Conduct;

(e) the Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils' Standards Sub-Committee, as set out in Appendix C to the above-mentioned report, be approved;

(f) the Chairman, Vice-Chairman and membership of the Standards Committee be four Conservative members, one Labour member, one Independent member and one Tendring First member as follows:

- Councillor N Stock (Chairman);
- Councillor R Heaney (Vice-Chairman);
- Councillor P Honeywood;
- Councillor F Nicholls;
- Councillor T Howard;
- Councillor I Johnson; and
- Councillor J Hawkins

That, when conducting a hearing regarding a specific complaint, the Chairmanship will pass to a member of the Committee who is not of the same political group as the Member complained about (or the complainant if that person is also a Member of the Council);

(g) the Membership of the Town and Parish Councils' Standards Sub-Committee be three (TDC) members of the Standards Committee, together with three co-opted, non-voting Town and Parish Council representatives nominated by the Tendring District Association of Local Councils;

- (h) the TDC membership of the Sub-Committee consists of Councillors P Honeywood, F Nicholls and T Howard and that the Sub-Committee appoints a Chairman from the TDC membership;
- (i) the Monitoring Officer Protocol, as set out in Appendix D to the aforesaid report, be approved;
- (j) the Independent Person's Protocol, as set out in Appendix E to the aforementioned report, be approved;
- (k) the number of Independent Persons appointed by the Council be reduced to three with effect from the commencement of the 2014/15 Municipal Year and that authority be delegated to the Monitoring Officer to bring about the revised arrangements with regard to the Independent Persons in the manner set out in the addendum report;
- (l) the current Independent Persons appointments end on 6th May 2014, unless resolved otherwise in the interim;
- (m) the Complaints Procedure, as set out in Appendix F to the above report, be approved;
- (n) the Standards Committee adopt hearing procedures setting out how complaints will be considered by the Standards Committee when conducting a hearing based on the principles set out in the addendum report;
- (o) the Council's Constitution be amended by the deletion of the current Members' Code of Conduct and the Terms of Reference for the Conduct Committee and that they be replaced by the Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils' Standards Sub-Committee, the revised Members' Code of Conduct, the Complaints Procedure, the Monitoring Officer Protocol and the Independent Person's Protocol;
- (p) authority be delegated to the Monitoring Officer to make any consequential amendments to the Constitution arising from the adoption of the proposals set out in the addendum report; and
- (q) after six months of operation, a review of the new standards arrangements be carried out by the Standards Committee for reporting to Council.

## 80. MEMBERSHIP OF COMMITTEES

### A.2 Membership of Committees

#### Corporate Management Scrutiny Committee

The Chief Executive formally reported that, with effect from 3 October 2013 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, Councillor Wood had been appointed to serve on the Corporate Management Committee in place of Councillor Watling.

#### Service Development and Delivery Scrutiny Committee

The Chief Executive further reported that, with effect from 23 October 2013 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, Councillor Wood had also been appointed to serve on the Service Development and Delivery Committee in place of Councillor D R Mayzes.

### Conduct Committee

In addition, he reported that, with effect from 12 November 2013 and in accordance with the wishes of the Leaders of the Labour and Tendring First Groups and the authority delegated to him, Councillors Hawkins and Johnson had been appointed to fill, respectively, the Labour and Tendring First Groups' vacant seats on the Conduct Committee.

The Council noted the foregoing.

### 81. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

The Chairman informed Council that he intended to take as an urgent item a question submitted by Councillor Talbot, pursuant to the provisions of Council Procedure Rule 15.4(b). The question was to be put to the Housing, Benefits and Revenues and Sports Facilities Portfolio Holder (Councillor P B Honeywood) and read as follows:

"Thank you for accepting this question on the Day of the Council meeting.

A change in the staffing of our assisted housing and, in particular, the Vyntoner House, St Osyth, means that their manager of the last eleven years has been told to move on the 27th December, as have the managers of other assisted housing properties in Tendring.

May I ask the Portfolio Holder to examine the reasons for this wholesale move of our care staff in charge of assisted homes, and to consider whether to delay the operation this move, whilst he conducts his enquiry?"

In response, Councillor Honeywood thanked Councillor Talbot for his question and said that the Council had 10 sheltered housing schemes. No care staff were being moved without their consent nor without prior consultation with the residents. He said that the move was part of a process of bringing wider experience to staff and making the service much more flexible and responsive to user needs. He went on to say that prior to April 2013, seven of the schemes had operated with their own Scheme Manager and one had been operated by the Sheltered Housing Manager who combined this role with the overall operational management of the sheltered team. The two remaining schemes had been managed via temporary arrangements pending a decision on the future management of the schemes. He said that part of the issue surrounding the schemes was the funding element, Supporting People, which was in the process of being withdrawn by Essex County Council.

Councillor Honeywood said that historically, Scheme Managers had been required to live on site for the better performance of their roles but changes in technology, flexible operating procedures (such as centralised call systems) and changes to employment law, particularly the working time directive, had removed this need or introduced constraints that made residential status unsustainable. He believed that residential scheme managers were a costly and inefficient way to provide the service and it was increasingly common both locally and nationally, for the service to be provided by mobile employees covering a number of schemes. Changes to benefit regulations had also made the service charge costs of providing on-site employees difficult to justify in cost terms. He said that there had also been an historic situation concerning scheme manager's residency or non-residency status and that this had been potentially problematic for a number of scheme managers in a personal context, and had been open to interpretation in respect of liability as a taxable benefit.

Councillor Honeywood commented that six of the seven scheme managers in post pre-April 2013, had requested changes to terms and conditions of employment in relation to their residency status and had indicated a willingness to work more flexibly covering more than one scheme. As a consequence and in order to bring the service into step with

modern developments in service provision the service had been restructured, following consultation with residents. He went on to say that the system of 7 Sheltered Support Officers running all schemes had been in operation since April 2013, with the current officer together with a partner officer looking after the Vyntoner site since that date.

He further commented that as officers were not tied to one site but covered all sites this enabled residents to get to know all of the staff so that there was always a friendly and familiar face available when they needed assistance.

Councillor Honeywood stated that Vyntoner House, Mead House and Spendells were the last three schemes still being partly managed by their old scheme managers and that the ongoing rota changes would shortly address this.

In conclusion, Councillor Honeywood stated that the emphasis over the last year had been for the team to 'lead' the changes and to work in co-operation with residents so that the new arrangements were implemented smoothly. However, as a result of Councillor Talbot raising his concerns, Councillor Honeywood said that he had asked that an introduction meeting be held within the next few days between all of the sheltered support team and the residents of Vyntoner House so as to address any issues and to allay any concerns that residents might have.

82. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion.

83. 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.

84. 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.

85. 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.

86. 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