

MEETING OF THE
TENDRING DISTRICT COUNCIL

3 JUNE 2014

Present:- Councillor V E Guglielmi (Chairman of the Council), Councillor F H Nicholls (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 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, MBE, Councillor A Goggin, Councillor C W Griffiths, Councillor G V Guglielmi, 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 D Oxley, Councillor P J Oxley, Councillor M J Page, Councillor M R Patten, Councillor M E Platt, Councillor A R Pugh, Councillor S J Richardson, Councillor P I Sambridge, Councillor G G I Scott, Councillor K Simons, Councillor D C Skeels, Councillor M J D Skeels, Councillor G D Steady, Councillor N R Stock, Councillor M J Talbot, Councillor I P Tracey, 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 Hastings), Democratic Services Manager (Colin Sweeney), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

(7.30 p.m. - 9.06 p.m.)

14.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Fawcett, Powell, Shearing and Turner.

15. MINUTES

RESOLVED, that the minutes of the meeting of the Council, held on Tuesday 25 March 2014 and the Annual Meeting of the Council, held on 6 May 2014, be approved as correct records and signed by the Chairman.

16. DECLARATIONS OF INTERESTS

There were none made at this time.

17. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman was pleased to announce that Reverend Pat Prestney had agreed to be her Chaplain for her year in Office and the Chairman was also pleased to announce that she had chosen "TeenTalk" to be her nominated charity.

18. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive informed Members that Notice of the Election to fill the vacant seat in

the Manningtree, Mistley, Little Bentley and Tendring Ward had been given and, if contested, the election would be held on Thursday 3 July 2014. He further informed Members that the closing date for receipt of nominations was 4.00 p.m. on Friday 6 June.

19. STATEMENTS BY THE LEADER OF THE COUNCIL

Councillors Broderick and Hawkins each declared a Disclosable Pecuniary Interest in relation to the Leader of the Council's Statement below in respect of the Council's Coast Protection Scheme and both informed Council that they had been granted a dispensation in this regard.

The Leader of the Council (Councillor Page), on behalf of the Environment and Coast Protection Portfolio Holder (Councillor Turner), who had been unable to attend the meeting, with great pleasure and pride informed Council of the award of the Holland Haven to Clacton Pier Coastal Defence Scheme Contracts.

Councillor Page informed Members that Mott MacDonald would oversee and project manage this £36million coastal defence scheme and that VBA Joint Ventures Limited would undertake the works contract. He reported that work on site at Holland Haven would commence later in the month and that the whole project was due to be finished by early 2016.

Councillor Page stated that this was a remarkable and momentous achievement for the District in that this was the largest amount of public money ever brought into the District and the scheme would protect people's homes, jobs and be a springboard for the renaissance of the coastline, leaving a legacy for future generations to enjoy.

Councillor Page thanked the following Officers for their stupendous and invaluable work in bringing the scheme to fruition: Ian Davidson (Chief Executive), June Clare (Corporate Director – Public Experience), Lisa Hastings (Legal Services Manager), Richard Barrett (Finance and Procurement Manager), Mike Badger (Engineering Services Manager) and James Ennos (Engineer).

Councillor Page also thanked Essex County Council and the Environment Agency for their partnership and financial support.

Councillor Page then responded to a question put to him by Councillor P J Oxley.

Members gave a round of applause in appreciation of all the hard work that had been undertaken.

20. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

21. REPORT OF THE LEADER OF THE COUNCIL

There was no report on this occasion.

22. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 14

There were none on this occasion.

23. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

There were none on this occasion.

24. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE

Amendments to the Council's Constitution (Phase 2)

The Council had before it the Cabinet minute of 9 May 2014, as set out in the Council agenda, and considered whether to approve proposed changes to the Constitution, which had been suggested by Members and Officers as Phase 2 of the Constitution Review.

It was moved by Councillor G V Guglielmi and seconded by Councillor Page that:

- (i) The proposed changes to the Council Procedure Rules, Overview and Scrutiny Procedure Rules (including call-in) and the Access to Information Rules, as detailed at Appendices A, B and C respectively to the Report of the Planning and Corporate Services Portfolio Holder submitted to the meeting of the Cabinet held on 9 May 2014, be adopted;
- (ii) Article 6 of the Constitution be amended to include the terms of reference of Overview and Scrutiny Committees;
- (iii) The delegated powers relating to the management of property be amended, as set out in Appendix D to the aforementioned report;
- (iv) The Council's Constitution be amended accordingly to reflect the changes set out in the aforesaid report;
- (v) The length of speeches by Members (other than the statement by the Leader of the Council on the State of the District and the Leader of the Council's presentation on the Budget) shall not exceed three minutes;
- (vi) A highly-visible electronic timing mechanism be acquired to manage and control the length of speeches delivered; and
- (vii) The length of speeches by presenters of petitions shall not exceed five minutes.

It was then moved by Councillor P J Oxley and seconded by Councillor Howard that paragraph (iv) of the motion be amended to read: "The Council's Constitution be amended accordingly to reflect the changes set out in the aforesaid report, subject to the proposed change to the start time of Council meetings from 7.30 p.m. to 6.30 p.m. being deleted."

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

It was then moved by Councillor Talbot and seconded by Councillor Hawkins that paragraph (v) of the motion be deleted.

After listening to the debate the Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi), with the consent of the meeting and his seconder, given pursuant to Council Procedure Rule 20.7(b), altered his motion by deleting the aforementioned paragraph (v) and gave an undertaking to refer the issue of the length of Members' speeches back to the Constitution Working Party.

In the light of the above, Councillor Talbot, with the consent of the meeting and his seconder, given pursuant to Council Procedure 20.8, withdrew his amendment.

It was then moved by Councillor Howard and seconded by Councillor Talbot that paragraph (i) of the motion be amended to read: "The proposed changes to the Council Procedure Rules, Overview and Scrutiny Procedure Rules (including call-in) and the Access to Information Procedure Rules, as detailed at Appendices A, B and C respectively to the Report of the Planning and Corporate Services Portfolio Holder submitted to the meeting of

the Cabinet held on 9 May 2014, be adopted, subject to the proposed Council Procedure Rule 9.8 – written answers being amended to include a provision that the written answers to any questions not dealt with during the allotted question time be included in the minutes of the relevant Council meeting.”

The Legal Services Manager and Monitoring Officer (Lisa Hastings) advised Members that this would not be proper as minutes could only include the proceedings of, and business transacted at, the meeting. However, the written answers could be published with the minutes.

In the light of the above, Councillor Howard, with the consent of the meeting and his seconder, given pursuant to Council Procedure 20.8, withdrew his amendment.

The motion, as amended, on being put to the vote was declared CARRIED and it was therefore:

RESOLVED that:

(i) The proposed changes to the Council Procedure Rules, Overview and Scrutiny Procedure Rules (including call-in) and the Access to Information Rules, as detailed at Appendices A, B and C respectively to the Report of the Planning and Corporate Services Portfolio Holder, submitted to the meeting of the Cabinet, held on 9 May 2014, be adopted;

(ii) Article 6 of the Constitution be amended to include the terms of reference of Overview and Scrutiny Committees;

(iii) The delegated powers relating to the management of property be amended, as set out in Appendix D to the report;

(iv) The Council’s Constitution be amended accordingly to reflect the changes set out in the report, subject to the proposed change to the start time of Council meetings from 7.30 p.m. to 6.30 p.m. being deleted;

(v) A highly-visible electronic timing mechanism be acquired to manage and control the length of speeches delivered; and

(vi) The length of speeches by presenters of petitions shall not exceed five minutes.

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

RESOLVED that the following wording proposed by the Monitoring Officer in relation to property valuations be approved and that the Council’s Property Dealing Policy, as set out in the Constitution, be amended accordingly:

“That where an initial valuation indicates that the property to be disposed of is in excess of £50,000, two external valuations are sought as part of the disposal process and both valuations are contained within the Report;

In assessing the value of property for this purpose, consideration is given to the freehold market value or the annual leasehold market rental as applicable.

That where consideration is given to reallocating and changing the use of a property, valuations should be sought in the same way that would be applicable to a disposal and the details are contained within the Report. This may include the appropriation of land”.

25. MINUTES OF COMMITTEES

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

noted:

- (a) Corporate Management Committee of Wednesday 26 March 2014;
- (b) Community Leadership and Partnerships Committee of Monday 7 April 2014;
- (c) Service Development and Delivery Committee of Monday 14 April 2014;
- (d) Corporate Management Committee of Wednesday 7 May 2014;
- (e) Community Leadership and Partnerships Committee of Monday 12 May 2014; and
- (f) Service Development and Delivery Committee of Monday 19 May 2014.

26. MOTIONS TO COUNCIL

There were none on this occasion

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

There were none on this occasion

28. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion

29. MOTIONS TO COUNCIL

There were none.

30. REFERENCE FROM THE CABINET

A.2 Progressing the Local Plan and establishing a Local Plan Committee

The Council considered a comprehensive reference report from the Cabinet that:

(a) Reported to the Council that objections to the Council's emerging Local Plan had been received from Essex County Council and Colchester Borough Council which identified fundamental issues that would need to be addressed before the Plan could be submitted to the Secretary of State to be examined by a Planning Inspector; and

(b) Sought Council's agreement to set up a dedicated 'Local Plan Committee' through a change to the Council's Constitution, to oversee the remaining stages of preparing the Local Plan, address the fundamental issues raised by objectors and deal with other aspects of planning policy work.

It was moved by Councillor G V Guglielmi and seconded by Councillor Page that:

(a) The Council notes that the 'Local Plan: Pre-Submission Focussed Changes' have attracted fundamental objections from Essex County Council and Colchester Borough Council questioning the Plan's conformity with the legal 'duty to cooperate' and the requirements of national planning policy; and

(b) The Council agrees the establishment of a new Local Plan Committee, through changes to the Council's Constitution, with the terms of reference and composition as set out in the Reference from Cabinet report and that Councillor G V Guglielmi be elected Chairman of the Committee and that Councillor R Callender be elected Vice-Chairman of the Committee.

Councillor P J Oxley proposed that the size of the Committee be increased from 8 Members to 13 Members and that, in accordance with the rules of political proportionality,

the composition of the Committee be 7 Conservative Group members, 1 Holland-on-Sea Resident Group member, 1 Independent Group member, 2 Labour Group members, 1 Liberal Democrat Group member and 1 Tendring First Group member.

The mover and seconder of the motion agreed to incorporate that proposal into the motion.

Councillor Guglielmi's motion, as amended, on being put to the vote was declared CARRIED.

31. REPORT OF THE PLANNING AND CORPORATE SERVICES PORTFOLIO HOLDER

A.3 Amendments to the Council's Constitution – Phase 1: Review of the Council's Procurement Rules; Property Dealing Procedure; Executive Procedure Rules and Delegated Powers Authorising Emergency Planning Enforcement to Officers

The Council considered a comprehensive report of the Planning and Corporate Services Portfolio Holder that sought its approval for proposed amendments to the Constitution in relation to the Procurement Rules, the Executive Procedure Rules, the Property Dealing Procedure and delegated powers authorising emergency planning enforcement to Officers.

It was moved by Councillor G V Guglielmi and seconded by Councillor Page that

(a) The adoption of the proposed changes to the Council's Procurement Rules, Property Dealing Policy and Executive Procedure Rules, as detailed at Appendices A, B and C respectively to the report of the Planning and Corporate Services Portfolio Holder be approved;

(b) Service of any Stop Notice or Temporary Stop Notice or any application for an injunction under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and any associated matters be delegated to the Head of Planning, in consultation with the Legal Services Manager; and

(c) The Council's Constitution be amended accordingly to reflect the above changes.

Councillor Shearing moved and Councillor Howard seconded that Councillor Guglielmi's motion be amended by the addition of the following paragraph (d):

(d) The Council's Property Dealing Policy incorporate the following: "That for substantial disposals (over £50,000) at least two valuations be sought as part of the process and that consideration also be given to a similar report on re-allocations of use."

The amendment, on being put to the vote, was declared CARRIED.

The motion, as amended, on being put to the vote as a substantive motion was declared CARRIED.

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

There were none.

33. REPORT OF THE CHIEF EXECUTIVE

A.4 Membership of Committees

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following appointments had

been made:

Corporate Management Committee

Councillor R Callender had been appointed to serve in place of Councillor M Platt.

Human Resources Committee

Councillor S Richardson had been appointed to serve in place of the late Councillor A J Mitchell.

Licensing Committee

Councillor M Skeels had been appointed to serve in place of the late Councillor A J Mitchell.

Councillor A Wood had been appointed to serve in place of Councillor M Platt.

Regulatory Committee

Councillor S Richardson had been appointed to serve in place of the late Councillor G Downing.

Councillor M Skeels had been appointed to serve in place of Councillor M Platt.

Appeals Sub-Committee

Councillor M Skeels had been appointed to serve in place of Councillor M Platt.

Licensing (General Purposes) Sub-Committee

Councillor G Mitchell had been appointed to serve in place of Councillor M Platt.

The Council noted the foregoing.

A.5 Formation of a new Political Group of the Council

The Chief Executive reported that, on 11 March 2014, he had received a formal notice pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and signed by Councillors Joy Broderick, K T King and Colin Winfield stating that they wished to be treated as a political group for the purposes of the Local Government and Housing Act 1989. The notice had further stated that the name of the group was to be the Holland-on-Sea Residents' Group and that the Leader of the Group was to be Councillor Joy Broderick.

Pursuant to Regulation 17(b) of the aforementioned Regulations a review of the allocation of seats to political groups would be carried out and, in accordance with the wishes of the Leader of the Holland-on-Sea Residents' Group and the Leader of the Independent Group and the authority delegated to him the appropriate changes to Committee etc. memberships would be made.

The Council noted the foregoing.

34. PAY POLICY STATEMENT 2014/15

Further to minute 21 (A.2) of the meeting of the Human Resources Committee held on 25 February 2014 the Council gave consideration to a proposed Pay Policy Statement for

2014/15 which would meet the requirements of the Localism Act 2011 (Section 38).

The Chief Executive declared a disclosable pecuniary interest in this item.

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

RESOLVED that

(a) the Pay Policy Statement 2014/15, as set out in the Appendix to item A.6 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect; and

(b) costs be met from existing salary/vacancy provision within budgets.

35. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE

(3) Retail Relief Scheme for 2014/2015 and 2015/2016

Further to Minute 106 above, Councillors Cossens, De-Vaux Balbirnie, Goggin, G V Guglielmi, V E Guglielmi, Johnson, King, McLeod, Platt, Patten, Sambridge, D C Skeels, M J D Skeels, Stock and Winfield each declared a Disclosable Pecuniary Interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon. Councillor Hawkins declared a non-pecuniary interest in respect of this item and withdrew from the meeting during the consideration thereof and the voting thereon.

Also further to Minute 106 above Councillors Aldis, Scott, Shearing and Tracey each declared a non-pecuniary interest in respect of this item.

As the Chairman and the Vice-Chairman had both withdrawn, it was moved by Councillor Page, seconded by Councillor Watling and:

RESOLVED that Councillor Talbot chair the meeting for this item.

The Council had before it the Cabinet minute of 28 February 2014, as set out in the Council agenda, and considered whether to approve the introduction of a local Business Rates Retail Rate Relief Scheme for 2014/2015 and 2015/2016.

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

RESOLVED that

(a) The retail rate relief scheme be introduced in accordance with the guidance outlined in the Department for Communities and Local Government guidance document, issued in January 2014; and

(b) In respect of the Government's Flood Support Scheme, delegation be given to the Corporate Director (Life Opportunities) in consultation with the Portfolio Holder for Housing, Benefits and Revenues to develop and implement the scheme.

36. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

The Council had received questions from Members in relation to:

1. Control of Dogs;
2. Lighting of the High Street Car Park, Clacton-on-Sea;
3. Insurance for Members whilst on Council business;
4. Windblown sand on the Martello Bay Estate, Clacton-on-Sea;
5. The Council's input into the South East Local Enterprise Partnership's Growth Deal and

Strategic Economic Plan;

6. Prosecutions and fixed penalty notices relating to Dog Fouling; and

7. Public meeting request in respect of Part Night Lighting.

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

Chairman