

MEETING OF THE
TENDRING DISTRICT COUNCIL

8 JANUARY 2015

Present:- Councillors V E Guglielmi (Chairman), Nicholls (Vice-Chairman), Aldis, Amos, Broderick, Brown, Bucke, Caines, C Callender, R Callender, Calver, Casey, Challinor, Chapman, Colbourne, Coley, De-Vaux Balbirnie MBE, Goggin, Griffiths, G V Guglielmi, Hawkins, Heaney, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, Howard, Johnson, King, D R Mayzes, S S Mayzes, McLeod, McWilliams, Mitchell, D Oxley, P J Oxley, Page, Patten, Platt, Pugh, Richardson, Sambridge, Simons, D C Skeels, M J D Skeels, Steady, Talbot, Tracey, Turner, Watling, White, Winfield and Wood

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager and Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Revenues and Benefits Manager (Harry Bates), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

(7.30 p.m. - 7.40 p.m.)

90.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Miles, Powell, Scott, Shearing and Stock.

91. DECLARATIONS OF INTERESTS

There were none on this occasion.

92. OUTCOME OF CONSULTATION ON THE LOCAL COUNCIL TAX SUPPORT SCHEME (LCTSS)

With reference to Minute No. 84(2) to the meeting of the Council, held on 25 November 2014, Council considered the outcome of the consultation on the inclusion, or not, of Child Maintenance in the assessment of income under the LCTS Scheme and decided whether to approve the final Local Council Tax Support Scheme 2015/2016.

The results of the consultation, together with a copy of a letter of representation received from Gingerbread, a national charity working for and with single parent families, were before Members as Appendices 'A' and 'B' to the Addendum Report of the Report of Assistant Deputy Leader of the Council and Housing, Benefits and Revenues Portfolio Holder.

The Leader of the Council (Councillor Page) made the following statement to Council:

"Having considered the responses to the consultation on whether the 2015/2016 Local Council Tax Support Scheme should disregard child maintenance income when making the assessment of Local Council Tax Support entitlement, I would like to propose that child maintenance is disregarded from the calculation.

I have reached this conclusion as the results from the consultation are not conclusive either

way and given the relatively low impact on the Council's finances but potentially high impact for some of the families involved, I believe that this is the right thing to do for the residents of Tendring.

I also hope that this demonstrates that the promise I made and the Conservative Group made when I took over as Leader of this Council to consider all of the arguments and to work for the best interest of all residents is being borne out through actions and not just words."

It was moved by Councillor Page, seconded by Councillor Turner and RESOLVED that Council, having considered the outcome of the consultation on whether the 2015/2016 LCTS Scheme should disregard child maintenance income when making the assessment of LCTS entitlement, approves the Local Council Tax Support Scheme 2015/2016 as agreed by Council on 25 November 2014 including provision that income from child maintenance payments should be disregarded for the purposes of income assessment.

93. DECLARATIONS OF INTERESTS

Councillor L McWilliams declared a non-pecuniary interest in relation to Agenda Item No.13 (Urgent Matters for Debate), by virtue of the fact she was a stakeholder governor with the Colchester Hospital University Foundation Trust.

94. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman's and Vice-Chairman's engagements for the period 10 September to 24 November 2014 were tabled at the meeting.

The Chairman made the following announcements:

"Movember"

The Chairman invited Members to contribute to a collection after the meeting in aid of "Movember" to which, a number of Officers and Members had taken part in.

Chairman's Christmas Quiz

The Chairman was delighted to announce that her Christmas Quiz was to be held in the Princes Theatre on Friday 5 December 2014, the proceeds of which would be donated to her Charity, Team-Talk.

95. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements by the Chief Executive.

96. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no statements by the Leader of the Council.

97. STATEMENTS BY MEMBERS OF THE CABINET

Environment and Coast Protection Portfolio

Councillor N Turner, Deputy Leader of the Council and Portfolio Holder for Environment and Coast Protection, made statements in respect of the following areas of service delivery within the remit of his portfolio:

Engineering and Coast Protection

Councillor Turner advised Council that the Clacton to Holland-on-Sea coastal defence transformation works had begun on 22 July 2014, followed by the Sospan Dau beginning its “rainbowing and pancaking” and delivery of rocks from Norway for the building of eight groynes. He said that the Council now had the beach recharges starting and that everything was now on track to finish by about this time next year. The Project, he said, would be stood down in January only to start again in late March 2015. Councillor Turner said the works were a wonderful sight to behold and that Members could view progress via the Council’s website where time lapse photography and photographs of the day-to-day activities were available.

Open Spaces and Bereavement

Councillor Turner was delighted to announce that the Council had opened a further two gardens this year. The first, the Poppy Garden in Dovercourt, led by Harwich Town Council, and the second, in Clacton, to commemorate the first bombing of the Second World War. The Council had, he said, won another Green Flag and retained the other two it already had received in respect of Weeley Crematorium, which he was delighted to announce had won a gold medal from Anglia in Bloom for the new category of “Crematorium Grounds”. He added that the Council had also helped Frinton-on-Sea to attain the award of Best Small Town in six counties plus it had been awarded its sixth straight Royal Horticultural Society’s Gold Medal.

Early next year, he said, and subject to a Bat Licence, the Council would be starting in earnest on the replacement of its two cremators and sundry improvements, the contract for which, he said, would take over a year and come within the Council’s budget for this work of £1.4m.

Street Scene

Councillor Turner was pleased to announce that the new Waste Transfer Station on the A120 had come into use at the end of October and, additionally, that the Council’s Stray Dogs Services had won a gold medal from the Royal Society for the Prevention of Cruelty to Animals’ (RSPCA) prestigious Community Animal Welfare Footprints (CAWF).

Councillor Turner advised Council that the Council’s Green Waste offer had proved to be a success with 2,207 households within the District having already signed-up and paid for the service. He said he had had the pleasure of speaking of this success in September at the Resource and Waste Management Exhibition held at the NEC, Birmingham.

Seafronts and Parking Service

Councillor Turner acknowledged that Essex County Council had been very helpful, having funded two changing places. He was delighted to announce that, at The Loo of the Year Awards, the Council had received a Platinum award for the facility at Walton-on-the-Naze and a gold medal for the facility at Clacton-on-Sea. In addition, he said, the Council was in line to receive a major, national architectural award for the design of these. The Alan King Award, hosted by the Chartered Institute of Architectural Technologists had placed the design within the top three in the United Kingdom and would either be commended, highly commended or overall 2014 winner when the final decisions were announced at a ceremony to be held in Nottingham on 29 November 2014.

Environment

Councillor Turner was delighted to announce that the Environment Service which, he said, worked quietly in the background, had won the only gold medal to be awarded by the RSPCA in recognition of the Council’s Animal Welfare Policy.

In conclusion, Councillor Turner applauded the work of the Council's Officers and all Members in maintaining and enhancing the Tendring District over the past year.

Planning and Corporate Services

Councillor G V Guglielmi, Portfolio Holder for Planning and Corporate Services advised Members that Officers across the Council had been working hard over the Summer on developing the Council's new intranet (called PING!), which went live on Monday 10 November 2014, and he paid particular thanks to Katie Wilkins, Matt Cattermole and the rest of their team for its inception and success so far.

Councillor Guglielmi was delighted to say how it looked and felt very much better than the previous intranet and, like the Council's website, it would record usage so the Council could regularly restructure the front page to give prominence to the things people used it for most.

Because of the sizeable IT Infrastructure Investment that this Council agreed in October last year, PING, Councillor Guglielmi said, would save ongoing costs, play an important part, along with the wider investment in IT and better use of office buildings, in the transformation of the way staff worked across the Council. He said that it (PING) linked-up information from all parts of the Council, made it more accessible to staff and Members alike and it would give scope for many more improvements on how Members and Officers communicated with each other.

Councillor Guglielmi reported that feedback from users had been extremely positive and the site usage figures showed a huge increase in visits with, as of 20 November 2014, (nine days post launch), the site had received 12,545 hits.

Councillor Guglielmi thanked to those Members who came along to one of the taster sessions, which had been run earlier this month. He said that there were plans in place to show more of PING for Members at the all Member Briefing due to be held at 6pm on 17th December and asked as many Members to come along.

In conclusion, Councillor Guglielmi said he would be interested to know of any Members who would like to work with him as part of a Portfolio Holder's Working Party to look at the issue of how the Council could best improve the IT facilities it had for Members. He believed the opportunity existed to work much more efficiently than the Council did now and, with a new Council being elected from next May, now was the time to start thinking about it and he looked forward to hearing from interested Members.

Culture, Tourism, Leisure and Events Portfolio

Councillor Platt, Portfolio Holder for Culture, Tourism, Leisure and Events, made a statement in respect of the following area of service delivery within the remit of his portfolio:

Dovercourt and Frinton and Walton Swimming Pools

Councillor Platt said he wished to issue an apology to the residents of Frinton and Walton and Harwich and Dovercourt who had, until now, second rate changing facilities for far too long. He realised that he had not been a member of the Council for too long and was very new to the role of portfolio holder and, therefore, he said, he had little knowledge as to how these facilities were allowed to deteriorate over time. However, he said, that was not important now but what was important that, back in April, in his first speech as Leader of the Council, Councillor Page made a promise to resolve these shortcomings and Councillor Platt thanked and congratulated him on another pledge fulfilled.

Councillor Platt said that part of that pledge was to promise residents a first class facility for both sites and, having visited Dovercourt Lifestyles earlier today, he was very pleased to report that what he had seen would fulfil that. The outdated and poor quality changing rooms had, he said, been replaced with a modern, family-friendly 21st Century provision. He added that a state-of-the-art fitness suite was the subject of some final checking before its grand opening, which would see a significant addition to the Council's leisure offer and helping the health and well-being of the District's residents.

Councillor Platt said he believed that Members were aware that this offer extended to the Frinton and Walton site and with planning permission recently granted, he looked forward to updating Members further. He said he would like to take this opportunity to thank and recognise the ward members for continuing to press for this work to be carried out and, importantly, for their input and support throughout the refurbishment. Councillor Platt also praised the staff of all the Council's leisure facilities, especially those at Manningtree, where a significant improvement in the activity programme had led to attendance levels of over 47,000. Councillor Platt went on to say that he firmly believed that Members had a responsibility, as community leaders, to provide high-quality leisure facilities for each and every resident of the Tendring District. But, much more than that, there was, he said, powerful evidence available to say why Councils should invest in its sports' facilities, for example, a recent study by the British Heart Foundation estimated that the cost of physical inactivity to the Tendring economy was over £3m per year. Furthermore, he said, Sport England's Active People Survey showed that only 30% of adults in Tendring participated regularly in any sport but, interestingly, over 50% of adults would like to do more sport. Councillor Platt said he was not suggesting that the Council alone could change this but, in a district where the top three sports were swimming, gym and fitness, there was strong evidence to suggest that the Council was making a very good start. In conclusion, Councillor Platt said the Council should not look backwards or apportion blame on others for what could or should have been but, instead, look to the future, a positive, bright future here in Tendring with leisure facilities fit for 2015.

Well-being and Partnerships

Councillor McWilliams, Portfolio Holder for Well-being and Partnerships, made a statement in respect of the following area of service delivery within the remit of her portfolio:

Councillor McWilliams said that the Care Quality Commission (CQC) had made an unannounced visit on Wednesday 12 November 2014 to the Accident and Emergency (AE) Department and the Emergency Assessment Unit (EAU) at Colchester Hospital and that the Hospital's Trust had received verbal feedback from the CQC that evening pending the report and outcomes of the inspection, which would be known in due course. One of the main concerns the CQC had, she said, were the numbers being admitted to, and cared for in AE and EAU.

Councillor McWilliams said that the number of people who had attended AE had risen that week and, due to the pressures on the hospital, a "major incident" had been declared on the morning of Thursday 13 November 2014. She added that this course of action had been supported by the North East Essex Care Commissioning Group, which had given out a press release asking potential patients to only attend AE for serious, or life-threatening, conditions such as loss of consciousness, heavy blood loss, suspected broken bones, persistent chest pains, difficulty with breathing, overdoses and ingestion or poisoning. The hospital, she said, had asked that those potential patients with minor injuries, such as cuts, sprains and minor burns, attend walk-in medical centres or minor injury units.

Councillor McWilliams advised Council that, by 17 November 2014, the number of attendees to AE were down to 115, compared with the normally expected 160 to 170 attendees. She added that the major incident status continued and that information would be updated regularly and available on the Hospital's website. In addition, Councillor

McWilliams said that, by Friday 21 November 2014, 38 elective surgery cases (non-emergency and non-cancer) were, reluctantly, postponed and that new dates for this surgery would be identified within 28 days. She stressed that day case procedures had not been affected.

Councillor McWilliams said that much had already been done to address some of the issues and concerns the CQC had raised and that partners were working with the Trust to ensure there were better flows through the hospital to then go out into the community. She added that multi-agency meetings had taken place.

In conclusion, Councillor McWilliams said that, as portfolio holder with responsibility for health community leadership for Tendring District Council, she had arranged for the Chief Executive Officer of Colchester Hospital University Foundation Trust, Dr Lucy Moore, to attend the local health and well-being board meeting and, as Chairman, Councillor McWilliams extended an invitation to all Members to attend that meeting, which was scheduled to be held at 10.00am on Wednesday 3 December 2014. She said that, in order to ensure that the Council got full answers to its questions, and to avoid duplication, she asked if Members could provide their questions to be put to Dr Moore, by the close of business on Friday 28 November 2014 to the Council's Environmental Services Manager.

98. PETITIONS TO COUNCIL

Report of the Corporate Director (Life Opportunities): A.1 – Petition: Parkeston House

With reference to Minute No.56 to the meeting of the Council, held on 9 September 2014, Council considered a petition received, which contained 278 valid signatures and which related to the safety and security of Parkeston House in Parkeston.

The lead petitioner, Ms Joanna Underhill, was not in attendance to present the report, nor had she appointed anyone to do so.

The Council had before it a report of the Corporate Director (Life Opportunities), which set out the background to the petition and how it related to Parkeston House.

Councillor G V Guglielmi, Portfolio Holder for Planning and Corporate Services advised Members that the Council had actively worked with the developer of Parkeston House in an attempt to ensure that the site was safe and secure but, regrettably, the developer had failed to follow advice provided by the Council's Officers or take appropriate remedial action, which had resulted in the Health and Safety Executive's intervention.

He added that the developer's private building control arrangements had been withdrawn by the companies involved, on at least two occasions, which had resulted in the Council taking on aspects of the role in default. Action, he said, had been taken under the Council's powers for dealing with dangerous structures but related legal events had run in parallel, which had resulted in the developer receiving a custodial sentence.

Councillor Guglielmi said that, following the Council obtaining a warrant to enter the premises, a full survey by independent surveyors had been commissioned and the Council's options determined based upon the results of that inspection. He added that £20,000 had been made available to supply and erect steel covers for the ground floor windows and plywood for the top floor.

Councillor Guglielmi said that the Council had already expended significant levels of resources and officer-time in dealing with the developer and making the site safe and secure and that these actions would ensure the building was properly secured, that unauthorised attendance was prevented and to make sure that the building was not a danger to the public. He stressed that the Council would do all it could to recover these

costs in due course.

Councillor Guglielmi advised Council that he had submitted a progress report and a Council Officer had attended the last three meetings of the Ramsey and Parkeston Parish Council to ensure that the Parish Council, and residents were kept informed of progress in respect of the Council's actions. He said that the Council had a legal duty to ensure that the property did not present a danger to the public however, it did not have a duty to undertake any other works to the building and, given the developer's current situation, it was apparent that he was currently unable to undertake any further work until his position changed. He went on to say that when the developer was released from custody, the Council would attempt to establish his future intentions and determine any potential further action based on these intentions.

Given the ongoing situation with the developer, Councillor Guglielmi said that the Council had been left with no alternative other than to undertake the works in default as it was clear that the developer would not be undertaking the works. The Council, he said, had attempted to advise local residents of the ongoing situation but, given the confidential nature of the issues, it had not always been possible to be as frank and open as it would have wished. However, he said, it was hoped that with the action which had now been put in place, the signatories to the petition and the Parish Council, would have seen that the Council was prepared to take legal action and would take action which was appropriate and within its scope.

In conclusion, Councillor Guglielmi said that, in accordance with the agreed procedure, Officers had investigated the request made in the petition and that the Council may now consider the petition and whether to make any recommendation to Cabinet. He said that the petition had requested that the Council make the building safe and secure and, given the proposal to affix security screens to the ground floor and board the upper floors, it was apparent that the Council would comply with this request.

Having considered the petition and the Officer's report it was moved by Councillor Stock, seconded by Councillor Hawkins and RESOLVED, that the petitioners be thanked for submitting it, the contents of the petition be noted and supported and that the actions being taken by the Council be recognised.

99. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

There were none on this occasion.

100. REPORT OF THE LEADER OF THE COUNCIL

In accordance with the requirements of Procedure Rule 17.4 of the Access to Information Procedure Rules and Rule 16(i) of the Overview and Scrutiny Procedure Rules, Council had before it, a report, which notified Members of Executive Decisions taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, as follows:

(a) Extension of Careline Service

Decision by the Housing, Benefits and Revenues Portfolio Holder that the Council enters into a contract with Provide Community Interest Company to supply its local community alarm system.

(b) Exemption from Procurement Procedure Rules – Printing Arrangements for Elections

Decision by the Finance and Transformation Portfolio Holder that the Council continues to use its current printers, Print UK, for all elections and electoral services related printing, up to and including the UK Parliamentary, District, Town and Parish Council Elections in May

2015.

(c) Membership of the Essex Non-Domestic Rates Pool for 2015/16

Decision by the Finance and Transformation Portfolio Holder that:

(i) Tendring District Council confirms its participation in the Essex non-domestic rates pool for 2015/16 for the purpose of submitting the initial application to the Government by 31 October 2014;

(ii) Officers continue to work with the other local authorities in the Pool to develop the final pooling agreement based on the principle of no Authority being worse off in the Pool than outside of it; and

(iii) If the currently proposed pooling arrangements are adversely affected by factors such as announcements by the Government, then Officers be requested to withdraw from the Pool at the earliest opportunity if the position for Tendring District Council no longer looks favourable.

Council noted the foregoing.

101. MINUTES OF COMMITTEES

RESOLVED that, with the exception of the minutes of the meeting of the Standards Committee held on Monday 29 September 2014, the minutes of the following Committees, as circulated, be received and noted:

1. Community Leadership and Partnerships Committee of Wednesday 3 September 2014 (Special);
2. Corporate Management Committee of Wednesday 10 September 2014;
3. Community Leadership and Partnerships Committee of Monday 15 September 2014;
4. Service Development and Delivery Committee of Monday 22 September 2014;
5. Audit Committee of Thursday 25 September 2014;
6. Local Plan Committee of Tuesday 21 October 2014;
7. Service Development and Delivery Committee of Monday 3 November 2014; and
8. Corporate Management Committee of Tuesday 4 November 2014 (Special).

Standards Committee of Monday 29 September 2014

The Chairman of the Standards Committee, Councillor Stock, moved that the minutes of the meeting of the Standards Committee, held on 29 September 2014, be received and noted.

It was further moved by Councillor Stock, seconded by Councillor Heaney and RESOLVED that the Member and Officer Relations Protocol, together with the Officers' Code of Conduct, be reinstated within Part 6 of the Constitution.

Special Corporate Management Committee of Tuesday 4 November 2014

Councillor J Hawkins asked the Vice-Chairman of the Corporate Management Committee (Councillor A Wood) whether the annual savings of approximately £540,000, as detailed on the last line of page 1 to those minutes (page 69 to the Council Book) should in fact show a figure of £54,000?

In response, Councillor Wood agreed that the figure should read £54,000 and that this would be amended at the next ordinary meeting of the Corporate Management Committee to be held on Tuesday 2 December 2014.

102. MOTIONS TO COUNCIL

The Council had received Motions, on notice, from Members in relation to:

1. Part Night Street Lighting; and
2. The Size and Composition of the Council's Local Plan Committee.

Notice of the motions had been given in accordance with Council Procedure Rule 11.

1. Part Night Street Lighting

Councillor I J Henderson moved and Councillor P Oxley seconded:

"That this Council seeks to reverse the impact of Essex County Council's Part Night Street Lighting policy within the Tendring District by paying to Essex County Council the sum of up to £44,000 in 2014/15 (Essex County Council have identified £127,000 as the annual amount saved by the night time switch off of the District's lights) to enable the Tendring District's street lights to remain on all night. The amount to be spent is to be taken from the Council contingency to meet the remainder of the 2014-2015 financial year.

Funding thereafter to be included for consideration as part of the budget setting process for 2015/16 on the basis that the funding of Tendring's street lights throughout the night be met by this Council only until Essex County Council is persuaded to reverse its unpopular and dangerous policy."

In accordance with Council Procedure Rule 11.4 (Referral of Motions), the Chairman moved that the matter stand referred to the Cabinet for consideration and report.

Councillor I J Henderson requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote to suspend Council Procedure Rule 11.4 to allow the motion to be considered and disposed of at this meeting. A recorded vote was undertaken, the result of which was as follows:

Councillors For
Aldis
Broderick
Brown
Bucke
Caines
Calver
Casey
Chapman
De-Vaux Balbirnie
Hawkins
I J Henderson
J Henderson
Howard
Johnson
King
McLeod
D Oxley
P Oxley
Powell
Scott

D C Skeels
M J D Skeels
Talbot
Tracey
White
Winfield

Councillors Against

Amos
C Callender
R Callender
Challinor
Colbourne
Coley
Cossens
Fawcett
Goggin
Griffiths
G V Guglielmi
V E Guglielmi
Heaney
P B Honeywood
S A Honeywood
D R Mayzes
McWilliams
Miles
Mitchell
Nicholls
Page
Patten
Platt
Pugh
Richardson
Sambridge
Simons
Stock
Turner
Watling
Wood

Councillors Abstaining

None

Councillors Not Present

S S Mayzes
Shearing
Steady

Councillor I J Henderson's motion to suspend Council Procedure Rule 11.4 to allow the motion to be considered and disposed of at this meeting was thereupon declared LOST and the matter stood referred to the Cabinet for consideration and report.

In accordance with Council Procedure Rule 23 (Disturbance by Public), the Chairman ordered that Council stand adjourned.

Accordingly, Council stood adjourned from 8.45pm until 9.00pm.

2. The Size and Composition of the Council's Local Plan Committee

Councillor Howard moved and Councillor M Page seconded:

"This Council will increase the size of the Local Plan Committee from 13 Members to 15 Members at the earliest practical opportunity and that, in accordance with the rules of political proportionality, the composition of the Committee be 8 Conservative Group members, 1 Holland-on-Sea Residents Group member, 1 Independent Group member, 2 Labour Group members, 1 Liberal Democrat Group member, 1 Tendring First Group member and 1 UKIP Group member."

On a vote being taken by a show of hands, Councillor Howard's motion was thereupon declared CARRIED.

103. URGENT MATTERS FOR DEBATE

In accordance with Council Procedure Rule 12(q), the Chairman of the Council, Councillor V E Guglielmi, informed the meeting that she would allow the following motion to be considered as a matter of urgency in view of its significant impact on affected residents of the District.

Councillor Stock addressed Council and referred to media headlines that had appeared over the weekend in relation to the state of Colchester General Hospital and, in particular, its Accident and Emergency Department. The comments culminated in a press release by the North East Essex Clinical Commissioning Group (CCG), which had been forwarded to all Members of the Council. The opening paragraph to the press release stated that:

"People across North East Essex are being asked not to go to the Accident and Emergency Department at Colchester General Hospital unless they have a serious or life threatening condition."

Accordingly, Councillor Stock moved and Councillor Watling seconded that:

"This Council instructs our Chief Executive to write on behalf of the Council to the Secretary of State for Health, with copies to the Prime Minister, to demand

- i. a full and frank update on the situation as a matter of urgency;
- ii. an assurance that everything possible is being done to make the improvements necessary at the hospital; and
- iii. a copy of the plan for improvement including a timeline and an understanding of the consequences of deadlines not being met."

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

104. TO CONSIDER ANY RECOMMENDATIONS FROM THE CABINET

(1) Amendments to the Council's Constitution (Phase 3)

The Council had before it the Cabinet minute of 7 November 2014, as set out in the Council agenda, and considered whether to adopt the proposed changes to the Council's Constitution, which had been suggested by Members and Officers of the Constitution Working Party, as Phase 3 of the Review.

By way of an amendment, Councillor Talbot, seconded by Councillor White, moved that on

Page 87 to the Council Agenda (Article 5, Clause 5.01 – Chairing the Council), the following be inserted as an additional Role and Function of the Chairman:

“The Chairman shall not be a member of any standing committee”

On a vote being taken by a show of hands, 25 Members voted in favour of the amendment, with 33 Members voting against the amendment, which was thereupon declared LOST.

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

RESOLVED, that:

(a) the proposed changes to the Articles, Budget and Policy Framework Procedure Rules, Financial Procedure Rules, Access to Information Rules and Members’ Allowance Scheme, as detailed at Appendices A, B, C, D and E respectively to item A.6 of the Report of the Planning and Corporate Services Portfolio Holder, considered by Cabinet on 7 November 2014, be adopted;

(b) the Member/Officer Protocol be reinstated within the Constitution; and

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

(2) The Local Council Tax Support Scheme, Council Tax Exemptions and Discounts for 2015/2016 and Annual Minimum Revenue Provision Policy Statement 2015/2016

The Council had before it the Cabinet minute of 7 November 2014, as set out in the Council agenda, and considered whether to approve the Local Council Tax Support Scheme, Council Tax Exemptions and Discounts for 2015/2016 and Annual Minimum Revenue Provision Policy Statement 2015/2016.

There was tabled, by the Council’s Monitoring Officer, an amendment to the Cabinet’s recommendation at Page 165 to the Council Agenda, to reflect what Cabinet agreed and the Labour Group objected to at the Cabinet meeting of 7 November 2014, to the effect that, at (a), the words “as Appendix B to” be removed and replaced with “in” to now read:

“(a) The proposed Local Council Tax Support (LCTS) Scheme for 2015/2016, as set out in item A.5 of the Report of the Housing, Benefits and Revenues Portfolio Holder, be approved.”

By way of an amendment, Councillor Hawkins, seconded by Councillor I J Henderson, moved the following:

“Add to recommendation (a)

Subject to the maximum eligible Council Tax being set at a level of 90% and that:

- (i) The revised scheme becomes the Council’s draft 2015/16 LCTS Scheme;
- (ii) Officers be requested to carry out the necessary statutory consultation;
- (iii) The final LCTS Scheme be reported back to a meeting of the full Council;
- (iv) The funding for the additional level of support be met from the Austerity Reserve.”

Councillor Hawkins requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his amendment. A recorded vote was undertaken, the result of which was as follows:

Councillors For

Aldis
Brown
Bucke
Caines
Calver
Casey
Hawkins
I J Henderson
J Henderson
Howard
Johnson
McLeod
D Oxley
P Oxley
Scott
Steady
Talbot
Tracey
White

Councillors Against

Amos
Broderick
C Callender
R Callender
Challinor
Colbourne
Coley
Cossens
De-Vaux Balbirnie
Fawcett
Goggin
Griffiths
G V Guglielmi
V E Guglielmi
Heaney
P B Honeywood
S A Honeywood
King
D R Mayzes
McWilliams
Miles
Mitchell
Nicholls
Page
Patten
Platt
Pugh
Richardson
Sambridge
Simons
D C Skeels
M J D Skeels
Stock
Turner
Watling

Winfield
Wood

Councillors Abstaining

Chapman
Powell

Councillors Not Present

S S Mayzes
Shearing

Councillor Hawkins' amendment was thereupon declared LOST.

By way of a further amendment, Councillor Hawkins, seconded by Councillor McLeod, moved the following:

"Add to recommendation (a)

Subject to the exclusion of income from child maintenance payments when assessing claims for LCTS and that:

- (i) The revised scheme becomes the Council's draft 2015/16 LCTS Scheme;
- (ii) Officers be requested to carry out the necessary statutory consultation;
- (iii) The final LCTS Scheme be reported back to a meeting of the full Council;
- (iv) The funding for the additional level of support be met from the Austerity Reserve."

Councillor Hawkins requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his amendment. A recorded vote was undertaken, the result of which was as follows:

Councillors For

Aldis
Brown
Bucke
Caines
Calver
Casey
Chapman
De-Vaux Balbirnie
Griffiths
Hawkins
Heaney
I J Henderson
J Henderson
Howard
Johnson
King
D R Mayzes
McLeod
D Oxley
P Oxley
Patten
Powell
Scott

Steady
Talbot
Tracey
White

Councillors Against

Amos
C Callender
R Callender
Challinor
Colbourne
Coley
Cossens
Fawcett
Goggin
G V Guglielmi
V E Guglielmi
P B Honeywood
S A Honeywood
McWilliams
Mitchell
Nicholls
Page
Platt
Pugh
Richardson
Sambridge
Simons
Stock
Turner
Watling
Winfield

Councillors Abstaining

Broderick
Miles
D C Skeels
M J D Skeels
Wood

Councillors Not Present

S S Mayzes
Shearing

Councillor Hawkins' amendment was thereupon declared CARRIED and the motion now before Council was the substantive motion.

On a vote being taken by a show of hands the substantive motion was thereupon declared CARRIED and RESOLVED that:

(a) The proposed Local Council Tax Support (LCTS) Scheme for 2015/2016 (including the maximum LCTS award being 80% for working age claimants), as set out in item A.5 of the Report of the Housing, Benefits and Revenues Portfolio Holder, be approved, subject to the exclusion of income from child maintenance payments when assessing claims for

LCTS and that:

- (i) The revised scheme becomes the Council's draft 2015/16 LCTS Scheme;
 - (ii) Officers be requested to carry out the necessary statutory consultation;
 - (iii) The final LCTS Scheme be reported back to a meeting of the full Council;
 - (iv) The funding for the additional level of support be met from the Austerity Reserve.
- (b) The Corporate Director (Life Opportunities), in consultation with the Housing, Benefits and Revenues Portfolio Holder, be authorised to undertake the necessary steps and actions to implement the new LCTS scheme from 1 April 2015;
- (c) The proposed Council Tax exemptions and discounts for 2015/2016, as set out in Appendix C to the aforementioned report, be approved;
- (d) The Corporate Director (Life Opportunities), in consultation with the Housing, Benefits and Revenues Portfolio Holder, be authorised to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2015/2016;
- (e) The approval of the NNDR data for 2015/2016 be delegated to the Finance and Transformation Portfolio Holder; and
- (f) The Annual Minimum Revenue Policy Statement for 2015/2016, as set out in Appendix D to the above-mentioned report, be approved.

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

There were none on this occasion

106. REPORT OF THE CHIEF EXECUTIVE

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:

Audit Committee

Councillor Sambridge had been appointed to serve in place of Councillor D C Skeels.

Licensing Committee

Councillor R Callender had been appointed to serve in place of Councillor D C Skeels.

Councillor Miles had been appointed to serve in place of Councillor M J D Skeels.

Councillor Coley had been appointed to serve in place of Councillor Fawcett.

Regulatory Committee

Councillor Miles had been appointed to serve in place of Councillor M J D Skeels.

Appeals Sub-Committee

Councillor Sambridge had been appointed to serve in place of Councillor M J D Skeels.

Licensing (General Purposes) Committee

Councillor Wood had been appointed to serve in place of Councillor D C Skeels.

Councillor Coley had been appointed to serve in place of Councillor Fawcett.

Council noted the foregoing.

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Dawn Skeels and Councillor Mick Skeels, on 10 September 2014, individually served formal notice on the Council that they no longer wished to be treated as members of the Conservative political group.

In addition, Councillor Dawn Skeels and Councillor Mick Skeels, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, served formal notice on the Council that they wished to be treated as a political group. The name of the political group was the United Kingdom Independence Party (UKIP) Group. The Leader of the UKIP Group was Councillor Mick Skeels and Councillor Dawn Skeels was the Deputy Group Leader.

In accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations 1990, a review of the allocation of seats to political groups had been carried out. Following that review and in accordance with the wishes of the relevant Group Leaders, and the authority delegated to the Chief Executive, the following appointments were made:

Appeals Sub-Committee

Councillor M J D Skeels to serve in place of Councillor Aldis.

Licensing Committee

Councillor D C Skeels to serve in place of Councillor Miles.

Regulatory Committee

Councillor D C Skeels to serve in place of Councillor Broderick.

Councillor M J D Skeels to serve in place of Councillor C Callender.

Council noted the foregoing.

107. APPOINTMENT OF INDEPENDENT PERSON AND INDEPENDENT REMUNERATION PANEL UPDATE

The Council considered a joint report by the Monitoring Officer and Management and Members' Support Manager, which sought the Council's approval of the recommendations by the Interview Selection Panel to appoint the Council's Independent Remuneration Panel; the Council's second Independent Person and to seek authority to extend the appointment of the Council's current Independent Person for a further term.

Accordingly it was RESOLVED that, for the period expiring at the Annual Council Meeting in 2019:

(i) Mr John Wolton, Mrs Clarissa Gosling and Rev Dr William Lock be appointed as the Council's Independent Remuneration Panel; and

(ii) Mrs Clarissa Gosling be appointed as the Council's second Independent Person and

extend the appointment of Mr John Wolton for a further term.

108. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The Council had received questions from Members in relation to:

1. Limited number of bins on Martello Estate after the summer season;
2. Use of S106 funding within Harwich;
3. Officer responsibility for S106 funding;
4. The Government's "Green Deal" Initiative;
5. Parking issues within Rush Green Ward;
6. Street lighting within the District;
7. Child poverty levels within Tendring;
8. "Days of Action" re dog-fouling; and
9. Registering landlords within Tendring.

Notice of the questions had been given in accordance with Council Procedure Rule 10.2

In accordance with Council Procedure Rule 10.6(c), the Chairman ruled that, given the late hour, written answers to all of the questions received would be sent to all Members.

The written answers are attached as Appendix A to these minutes.

109. URGENT MATTERS FOR DEBATE

There were none on this occasion.

110. 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.

111. 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.

112. 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