

MEETING OF THE
TENDRING DISTRICT COUNCIL

24 MARCH 2015

Present:- Councillors V E Guglielmi (Chairman), Nicholls (Vice-Chairman), Aldis, Amos, Broderick, Brown, Bucke, Caines, C Callender, R Callender, Calver, Casey, Challinor, Colbourne, Coley, Cossens, 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, McLeod, McWilliams, Miles, D Oxley, P J Oxley, Page, Patten, Platt, Pugh, Sambridge, Scott, Shearing, D C Skeels, M J D Skeels, Steady, Stock, Talbot, Turner, Watling, White, Winfield and Wood

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), Human Resources and Business Manager (Anastasia Simpson), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

(7.30 p.m. - 10.42 p.m.)

114.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Chapman, Mitchell, Powell, Richardson, Simons and Tracey.

115. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 10 February 2015, be approved as a correct record and signed by the Chairman.

116. DECLARATIONS OF INTERESTS

Insofar as they were also serving Essex County Councillors, Councillors Goggin, G V Guglielmi, I J Henderson, P B Honeywood, P J Oxley, Page and Wood each declared a non-pecuniary interest in relation to the motion in respect of Part Night Street Lighting set out in Agenda Item 14.

A further interest was declared by Councillor Gary Calver and this is recorded under Minute No.122 below.

117. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman's and Vice-Chairman's engagements for the period 11 February 2015 to 24 March 2015 were tabled at the meeting.

The Chairman informed Members that Councillor Mitchell had undergone an operation in Hospital that day and, on behalf of Members, wished Councillor Mitchell a full and speedy recovery.

The Chairman also informed Members that the Senior Democratic Services Officer, Ian Ford, was attending his 100th meeting of the full Tendring District Council. Members showed their appreciation with a round of applause.

118. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

119. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

120. STATEMENTS BY MEMBERS OF THE CABINET

Environment and Coast Protection Portfolio

The Portfolio Holder for Environment and Coast Protection, Councillor Turner, updated the Council on achievements by the following Sections under the control of his Portfolio:

- (1) Engineering;
- (2) Street Scene;
- (3) Seafronts and Car Parks;
- (4) Horticulture and Bereavements; and
- (5) Environmental.

Councillor Turner then responded to questions and points raised by Councillors Shearing, I J Henderson, Howard, Broderick and Scott.

Well-being and Partnerships Portfolio

The Portfolio Holder for Well-being and Partnerships, Councillor McWilliams, was very pleased and proud to inform Council that the Tendring Community Safety Partnership had won four awards at the recent High Sherriff of Essex's Awards Night.

Finance and Transformation Portfolio

The Portfolio Holder for Finance and Transformation Portfolio, Councillor Goggin, made a statement on the evolution of the Council's Budget and Council Tax over the four year term of this Council.

Councillor Goggin then responded to a question and points raised by Councillor Calver.

121. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council (Councillor Page) as follows:-

"Madam Chairman, Fellow Councillors, members of the public, it is with great pleasure that I deliver my State of Tendring Statement for 2015. In my statement I will reflect on what WE as a Council have achieved in this past year and reflect on some of the challenges which we will face in the forthcoming year.

I am immensely proud of this last year and what has been achieved, despite ongoing budget challenges. We have delivered great services, a range of projects and some very diverse initiatives. We have established our reputation for delivery and have gained the respect of partners. For example representatives from CLG have said that there is a revolution in the way Tendring is approaching local government significant challenges,

such as in Jaywick.

We have developed our Council's role as leaders of our community. We are improving the lives of families and addressing poverty and child poverty. This is not just an idle statement but can be seen with our nationally recognised work with families with complex needs, our health and wellbeing work and addressing rural issues such as by holding rural public service and partnership events.

Our Jaywick project is a key leadership role. It will change Jaywick by delivering quality housing, jobs and great community facilities.

I want to thank my Cabinet for all their hard work. I also want to thank all members for the way we have worked together this year which has led to a stronger council with better outcomes for our residents.

The biggest challenge to delivering for our community is the continued financial pressures we will face as we strive to deliver the services our residents' value and need. I think all members will recognise that this is probably one of the most challenging set of circumstances for local government in many, many years. In the past five years we have taken over £10 million pounds out of our revenue budget, we have reduced the organisation whilst still having invested in a range of our facilities which our residents most appreciate such as in our leisure facilities.

Setting the budget is a complex procedure both in the budgetary process and in arriving at a budget which delivers what we as a council have set out as our priorities. I have taken a keen interest in this year's budget both to continue our strong financial management and also to ensure that despite having to reduce our budget we will continue to deliver our key priorities. All that is set against not increasing the council tax for a fifth year.

In the spirit of working together I was extremely pleased that we could come together on 10th February to unanimously agree the budget for 2015 / 2016. I believe that this was achieved because of the cross party working which was led by Councillor Steady and the fact that I have worked closely with Councillor Goggin, the Chief Executive and senior finance officers to ensure that the budget achieves what we as Members want to deliver.

Now turning to some of our achievements this year. We have continued to deliver great quality services. This has included our excellent housing service, quality leisure facilities and two award winning Changing Place facilities constructed on Clacton and Walton sea fronts in 2014 and we are looking forward to having another one in Dovercourt next year. We have been awarded four blue flags for our beaches which is the joint second highest number of any authority in the UK. We have been awarded three Green Flags for gardens in Clacton, Frinton and Weeley Crematorium. Weeley Crematorium was also awarded Gold in Anglia in Bloom.

We added to our Council housing stock by building houses and buying up a block of flats. We have again delivered free car parking for our residents which saw an increase in footfall in town centres.

We delivered an outstanding high quality refurbishment and extension to Dovercourt leisure centre. This has already seen the income nearly double. We have commissioned a refurbishment to Frinton and Walton pool which will also be high quality.

I think we can all be extremely proud of the events we have staged in the last year. This included two stages of the first Women's Tour held in the UK, the Tour de Tendring and an Air Show which saw well in excess of 200,000 visitors worth over £4 million to our economy in just two days last August.

We have seen the unprecedented success of the Princes theatre. Since 2010 the overall income for the Princes Theatre has increased by £101,734 a massive 37%. This is due in part to hugely popular Pantomimes, bringing all concessions in-house, selectively booking bigger and better names along with providing a varied programme of shows including The Circus of Horrors, Shakespeare, Showaddywaddy, Opera and a first for the theatre - Sir Bob Geldof will be here in September!

We can also be proud of our coastal defence work. We are on track to deliver new and redesigned beaches and coastal defences work by the end of the year. This unprecedented £36 million scheme is not only about restoring our beaches and protecting our coastline but is also creating economic regeneration opportunities such as the new Premier Inn on our seafront.

We are showing strong leadership of our community and tackling some of the most difficult challenges head on. We have established a rural projects panel which has already held a rural public service and partnership event looking at the issues facing rural communities and will hold more during the year. We understand our community needs. During the last four years we led on the national Community Budgets pilot with a focus on the Family Solutions teams. They are now established across Essex. The outcomes for some of the families across Tendring have been remarkable. We continue to have a Family solutions liaison officer to ensure the progress for our Tending families continues.

Our work with young people and child poverty also demonstrates the breadth of our community role. We are a key member of the Tendring Education Improvement Group, delivering an agreed plan to improve educational attainment and aspiration. Schools in Tendring were praised for making a marked improvement and results from 2014 show 54% of primary schools are now judged as good or outstanding by Ofsted compared to 49% at the end of 2012 / 2013. There has been work with key partners to improve careers advice and information to young people and the creation of a single access point to coordinate and strengthen advice and guidance to young people. The recently established Credit Union offers safe and comparatively low cost finance. The Big Society fund has also awarded £20,000 to Inclusion Ventures for gap funding to support over 400 children and young people.

I was also really pleased to instigate TeenTalk having a drop in facility in Clacton twice a week for young people. I worked with Essex County Council to find accommodation in the library and we funded the project with £44,000. In a three-week period in February 46 young people used the drop in facility at Clacton library.

Child poverty is named as one of the priorities in the Council's Children's and Young People's strategy which is currently being reviewed. However as I have highlighted a number of important initiatives are supporting some of our most vulnerable residents.

We have been working to reduce street drinking. Working with the police and Community safety partnership we have introduced a 'Reducing the Strength' campaign by reducing the high strength beer on sale in the town centre. We have also been carrying out joint inspections of licensed premises with the Police during night time. We are now introducing new community wardens with enforcement powers and accredited by the Chief Constable which will be flexible across the district, working with police and create a visible presence for our residents.

Elected members of this Council have held others to account. These have included the PCC, CHUFT, police, bus and train operators and a range of county officers. We are also supporting areas needing improvement which are not the statutory responsibility of this council. For example, the improvement of education and skills by establishing the education improvement board with headteachers which has seen improvements in our primary schools, now moving to our secondary schools.

Whilst I think many of us have concerns of the sheer size of the LEP we are making it work for us. Tendring is leading on the South East Local Enterprise Partnership Coastal Communities Group which has included a successful joint bid of £2 million for housing.

Our local Health and Wellbeing board continues to work and influence issues for our residents. For example, it is working with the C A B to establish a Mental Health hub and has met with the Chief Executive of Colchester Hospital. It has been successful in agreeing the recruitment of a health specialist to support work and initiatives to improve health and wellbeing of Tendring residents.

In support of a range of community initiatives across Tendring the Big Society fund has continued to support a number of voluntary organisations and residents working together. During 2014 /2015 the fund has awarded around £145,000 to 17 organisations. This has been another good example of open and transparent cross party working.

I have said regeneration is key for Tendring. One of the things I am most excited about is our work at Jaywick. I believe we have a real chance to change Jaywick forever. I do not intend to tinker around the edges but lead on making fundamental and lasting change.

We have already purchased some key plots of land. We are now working closely with Essex County Council which has allocated £5 million for the improvement of roads and we are now in discussion with government for its support. A few weeks ago I went with the Chief Executive and spoke to the Jaywick Forum. We then held a six hour long exhibition which had over 400 people attend to hear what local people wanted for the area and talk about their concerns of change. Whilst people do have natural concerns it was a really positive event and the overwhelming message was that the people of Jaywick deserve change.

However, I am disappointed that we have not seen the agenda for Harwich going forward as much as I would have liked. We have funded the Skills Centre for a further year but we have seen less progress in developing employment opportunities and we have not seen major landowners coming forward with major schemes to achieve the growth we want for Harwich, despite support from this Council. Harwich is a great opportunity for investment such as in renewable and servicing the wind energy industry. Going forward I will want to work more closely with HIP and other key landowners in and around Harwich to see businesses flourish and jobs growth. I think we also need to look at all the opportunities for growth in Harwich. Following the election I would like to see close cross party working to identify economic opportunities for Harwich.

Following a hard fight, we have achieved Assisted Area status for parts of Tendring and have become part of the South East Core. We got the European Union and our government to agree to review the European designation and ultimately include Tendring. We now need to develop this opportunity to exploit what this status could offer, such as tax benefits for bringing buildings back into economic use. And we learnt only last week that we have been successful with our Coastal Communities Team bid which will provide £10,000 of funding and access to bid for part of a £3million funding pot to help with community based regeneration in Jaywick.

We have worked hard to see investment in Clacton such as the Premier Inn Hotel and we can now see that building going up. We have worked with Harwich around some opportunities such as passing the Lighthouse to the Harwich Society so it can add to the great offer for visitors and I want to work with Harwich colleagues to enable further tourism opportunities to exploit the fantastic history of Harwich. Also, as promised the Harwich Skating Rink will be open at Easter with a new concessionaire.

But I recognise much more needs to be done. That is why I have put half a million pounds

for an SME Growth Fund in the District. This will provide direct grant funding to Small and Medium Sized businesses in the area covered by Assisted Area Status. And another half a million pounds for a Development Growth Fund which will enable the Council to acquire assets which will facilitate the Council's growth agenda.

During the last four years we have looked to maximise all opportunities of bringing additional funding into the District, such as working with our partners, and this resulted in us leveraging in excess of £50 million for the benefit of the residents of Tendring.

I also want to touch on the reason for our success – our staff. We have an amazing set of staff who are incredibly hard working and loyal. The Council has slimmed down but we have not stopped delivering high quality services and a range of projects some of which I have touched on tonight.

The development of our staff is investment in the future success of our council and public services. We continue to support the excellent Career Track initiative which now has around 62 apprentices enrolled. We will also be paying all our staff the Living Wage as from 1st April this year which demonstrates our commitment to our staff. We are continuing with the transformation programme and we are investing £1.4 million in IT modernisation.

The cross party Constitution Working Party led by Councillor Gugliemi has done a huge amount of good work and has both modernised and simplified the Constitution. This also demonstrates that together we can do so much more.

SO WHAT ARE THE BIG CHALLENGES FACING US?

We start the new Financial Year with the Council on a sound financial footing despite unprecedented cuts to our budget from government, increasing demand for services, freezing the Council Tax and commitment to delivering an ambitious range of projects.

However, there is clearly a move to have a local government not requiring revenue support grant by 2020. To be honest I think we should move to that anyway so that we no longer have to worry about the annual settlement from government and can plan a longer term strategic budget plan which is self-sufficient from the vagaries of government settlements.

There is a potential to take this further. WE are exploring the possibility of devolved powers from government which would see us having a greater say over our affairs and greater ability to affect public spending.

We will all need to work to deliver an acceptable Local Plan which addresses our housing needs and identify employment land to meet the tough requirements of national policy and the needs of our district. We are now seeing developers making speculative applications for large numbers of houses in locations we do not feel are right for this District or are supported by the infrastructure such as schools and health care.

We are united across this chamber in delivering the improvements to Jaywick which we have started. That will need strength of purpose and close working with a wide range of partners which this Council is committed to seeing through.

And so to conclude - I think this has been an incredible four years of change in local government and in Tendring. I think we can all see some fundamental changes such as the structure of local government and its funding. We have also seen fundamental changes to our Council with reduced budgets, less staff but continuing to deliver excellent outcomes for our residents.

As a COUNCIL we are delivering a £36 million coastal defence scheme, free car parking for our residents, the taster leisure voucher and events such as the Air Show which have

grown year on year. There are also a range of improvements being delivered at our leisure centres with more planned.

And now we are taking on the biggest challenge this council has faced by changing the face of Jaywick forever.

I am also personally proud of this last year as leader. I think across this chamber we have worked closely together and have delivered more as a result of it. At the end of the day all Members want the best for our residents and working together we do that better.

I would like to take a moment to recognise that a number of Members are not standing for re-election or may not be re-elected. Being a councillor – of any party – is an honour but sometimes a difficult role. I want to thank every one of you for the role you have played and wish you well for the future. I would also like to thank this council for the honour of being its leader this last year and your support to achieve the success of the last year.

I would also like to thank the Chief Executive and all staff for all that has been achieved in the last year which could not have been achieved without his drive and their commitment and passion for Tendring.”

Councillors I J Henderson, P J Oxley, Talbot, G V Guglielmi and Shearing all addressed the Council during the debate on the Statement.

122. PETITIONS TO COUNCIL

Receipt of Petition: CAMRA “Pubs Matter” Campaign

In accordance with the Council’s approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of a petition submitted by Barrie Coker, Pub Preservation Officer, Tendring CAMRA (Campaign for Real Ale), as lead petitioner. The petition was signed by 50 local residents and stated:

“Weak planning laws in England are failing to protect pubs, current law means pubs can be demolished or converted into other uses without planning permission.

We have signed this petition in the hope that Tendring District Council use the “Sustainable Communities Act” to submit the following to Government:

“That the Government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to Betting shops, Supermarkets or other uses, or are allowed to be demolished.”

The Chief Executive informed Council that in accordance with the Council’s approved scheme for dealing with Petitions; this Petition would be reported to the next formal meeting of the Cabinet.

Councillor Calver declared a non-pecuniary interest in respect of this matter by virtue of the fact he was a member of the executive committee of Tendring CAMRA.

Council noted the foregoing.

123. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

There were none on this occasion.

124. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The Council had received questions from Members in relation to:

1. The future of Clacton Police Station;
2. Council assistance to residents living in unfit social housing; and
3. Allocation of Housing in the Local Plan in the Rush Green Ward

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

Question 1

From Councillor Graham Caines to Councillor Mick Page, Leader of the Council:

“In view of the options outlined by Essex’s Police and Crime Commissioner for the restructuring of Police services within the County, will the Leader of the Council please advise Members what representation is being made by Tendring District Council to ensure the future of Clacton Police Station?”

The Leader of the Council replied as follows:

“Thank you Councillor Caines for your question.

In Tendring there is more than just Clacton Police Station to think about. We also have Police Stations in Harwich, Walton and Mistley, and a station shared with the Fire Brigade in Brightlingsea.

We are already working with the Police to make better use of building space between us and the Community Safety Hub – currently based in Clacton Police Station - involves the Police, a range of TDC staff and people from a number of other partners working together.

Whilst there is no formal consultation process underway so far as the PCC’s review of options is concerned I asked Officers to contact the Police and Crime Commissioner to seek assurances but we have been advised that the review is ongoing and no final decisions have been made.

So I now propose to formally write to the PCC to make the case for Clacton Police Station and also to emphasise the key crime issues in Tendring and the demographic features of Tendring which must be taken into account to ensure the effective delivery of policing to all parts of the District – both urban and rural.”

Councillor Caines then asked Councillor Page by way of a supplementary question that since he had written his original question Acting Chief Inspector Russell Cole had stated in the local newspaper a warning to criminals intending to sell drugs in Clacton-on-Sea that they would be arrested. He asked the Leader of the Council if he agreed with him that this plan would be in jeopardy if Clacton Police Station was closed and whether he could also make representations on this matter.

The Leader of the Council replied that he agreed with Councillor Caines that Clacton Police Station needed to remain open and that all the facilities needed to make Policing acceptable to the residents in future years were put in place.

Question 2

From Councillor Danny Mayzes to Councillor Mick Page, Leader of the Council:

“For at least the last year, maybe more, I have been assisting residents that are living as

tenants in some housing association properties providing social housing. I wish to make this clear that this does not apply to the majority of housing associations, who provide excellent accommodation.

I have been liaising with them regarding a number of issues and problems that are being experienced by local people living in these properties, these concerns are regarding waiting times for repairs and communication.

Council is no doubt questioning why I am raising these points, as the Council is not responsible for housing owned by other social housing providers. I understand this. However, my question to the Leader is as follows:

As a Local Authority, and as a well-respected housing provider who has a 95% satisfaction rating from our own tenants, I would like to explore if any interventions are available to the District Council to ensure that housing associations, are operating at a standard which would provide and deliver good quality accommodation, as well as a good customer experience, to their tenants?

I request that Tendring District Council explores the options available to this Council of purchasing below standard accommodation from housing associations.

Finally, would the Leader agree to meet with myself, senior housing officers and local residents to discuss what help the Council can give to residents who are living in housing accommodation that is not fit for purpose?"

The Leader of the Council replied as follows:

"I would like to thank Councillor Mayzes for his question.

I am aware that the Housing, Revenues and Benefits Portfolio Holder has discussed similar concerns with Officers previously and some discussions were progressed with a view to considering whether it was feasible and viable to purchase properties from Registered Providers where they were willing to sell. Where they are not willing to sell or transfer management, the Council has no ability to pursue this course of action. Ultimately purchasing property from Registered Providers was discounted as it provides no new affordable housing but uses up the restricted borrowing ability that the Council currently possesses and so prevents us from other important strategies such as building new Council homes, assisting in the regeneration of Jaywick etc.

I should also add that all Registered Providers have tenancy agreements which are comparable with our own and complaint procedures similar to the Council's own complaints procedure but also has recourse to the Regulator, The Homes and Communities Agency, which can apply severe sanctions where a Registered Provider is shown to not be providing adequate standards of management or maintenance.

Whilst I am more than willing to meet with local residents, and I am aware from speaking to senior officers that they are also happy to meet residents of Registered Providers, I would see this as a last step in the process of residents pursuing the formal complaints system which has been put in place by the regulator to ensure good standards of management in the Registered Provider sector as the Regulator has far more power to intervene than the Council."

Councillor D R Mayzes then asked Councillor Page by way of a supplementary question that did he agree that the Council had a duty of care to those people it was recommending to move into social housing to ensure that those properties were fit for purpose.

The Leader of the Council replied that he agreed that they should be fit for purpose and he reiterated that he was available to meet affected residents and/or the Chief Executive of

Housing Associations.

Question 3

From Councillor Danny Mayzes to Councillor Giancarlo Guglielmi, Chairman of the Local Plan Committee:

“The Local Plan and its allocation of housing has been a controversial issue for all wards and all areas of Tendring. The story in Rush Green is no different.

The plan for future development in Rush Green currently shows all available land earmarked for development. This means that aside from the Rush Green Recreation Ground, the Essex County Council operated recycling facility (now the busiest in Tendring), land owned by local schools or land designated as Open Space, all other land is allocated for housing or other use.

This is simply not on. It is bang out of order to expect one electoral ward to have 100% of its land allocated for development. It would simply be unfair on local residents to take this kind of bulk development and would be, without a doubt, crass over-development of the area. I'm sure the Chairman wouldn't hesitate to agree with this.

I am not a nimby. I am not against development. I welcome development as long as it is appropriate to need, appropriate to the area and is meaningful and well thought through, offering all the benefits that housing should provide including low density, good size, good quality and high standards, low impact on existing properties and residents, and that it should first and foremost go to local people.

The Rush Green allocation at present has the danger of not doing any of this.

The southern end of my Ward is considered to be semi-rural. In a large town such as Clacton this is becoming rarer as the years go on and Rush Green, along with Bockings Elm, is a chance for people to live in a semi-rural, pretty, green location whilst having amenities still within close proximity. My residents currently living in this area of the Ward bought their homes for these reasons and it would be completely wrong of this Council to begin concreting around them.

Can the Chairman of the Local Plan Committee please take the following points to the next meeting of the Committee?

- That the current plans for Rush Green are over development of this semi-rural Clacton ward.
- That no ward should have 100% of its land allocated for development.
- That the current proposals for Rush Green should be reduced to ensure that the semi-rural setting of my ward is protected, not only for local residents but also for the overall protection of keeping this area of Clacton away from over-developing developers.
- That, 4000 houses for Rush Green and the wider Clacton area is too much as a general concept and that Clacton shouldn't expect to take the bulk of our housing 'need' just because it is the biggest conurbation.
- That other areas of the District such as West or Central Tendring is a more suitable location for housing growth that could have the potential for delivering and meeting infrastructure needs; and
- That no development should be built until it is deemed proven that infrastructure needs have been included, in detail, in all plans/applications (including new schooling and healthcare provision, road improvements and other improvements deemed necessary for growth to our district).

I appeal to this Council and its Local Plan Committee to please help Councillors like myself

and Councillor Challinor protect semi-rural Clacton for our residents and for our future.”

The Chairman of the Local Plan Committee replied “Yes”.

125. REPORT OF THE LEADER OF THE COUNCIL

In accordance with the requirements of Procedure Rule 17.4 of the Access to Information Procedure Rules, Budget and Policy Framework Procedure Rule 6(b) and/or Procedure Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council had before it, a report, which notified Members of two 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:

(1) Business Rates Retention Scheme 2015/2016

Decision taken by the Finance and Transformation Portfolio Holder to agree that the Council’s National Non-Domestic Rates Return (NNDR1) for 2015/2016 be submitted to the Government.

(2) New Three Year Council Tax Sharing Agreement with the Major Council Tax Preceptors

Decision taken by the Finance and Transformation Portfolio Holder as follows:

“(a) That Tendring District Council enters into a new three year Council Tax Sharing Agreement with Essex County Council, Essex Police and Crime Commissioner and the Essex Fire Authority covering the period 2015/2016 to 2017/2018; and

(b) That delegation be given to the Corporate Directors for Corporate Services and Life Opportunities to undertake the necessary arrangements with the major preceptors, including the finalisation of the detailed funding agreement.”

Council noted the foregoing.

126. MINUTES OF COMMITTEES

RESOLVED that, with the exception of the minutes of the meeting of the Standards Committee held on Monday 16 March 2015, the minutes of the following Committees, as circulated, be received and noted:

(a) Standards Committee of Monday 2 February 2015;

(b) Education and Skills Committee of Wednesday 11 February 2015;

(c) Corporate Management Committee of Monday 16 February 2015;

(d) Local Plan Committee of Tuesday 17 February 2015;

(e) Council Tax Committee of Thursday 19 February 2015;

(f) Community Leadership and Partnerships Committee of Monday 23 February 2015;

(g) Human Resources Committee of Thursday 26 February 2015;

(h) Service Development and Delivery Committee of Monday 2 March 2015; and

(i) Community Leadership and Partnerships Committee of Monday 9 March 2014;

Standards Committee of Monday 16 March 2015

The Chairman of the Standards Committee, Councillor Stock, moved and the Leader of the Council, Councillor Page, seconded that the minutes of the meeting of the Standards Committee, held on 16 March 2014, be received and noted and that the recommendations contained in Minutes 30 and 31 relating to the Council's Conduct Complaints Procedure and Council Procedure Rule 10 of the Council's Constitution be approved and adopted, which motion on being put to the vote was declared CARRIED.

127. MOTIONS TO COUNCIL

The Council noted that, on this occasion, no Motions, on notice, from Members had been given in accordance with Council Procedure Rule 11.

The Council considered further the following motion, which had been previously submitted to Council at its meeting held on 25 November 2014 and which had been referred to the Cabinet for consideration and report:

Motion submitted by Councillor I J Henderson – Part Night Street Lighting

“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.”

Cabinet, had considered that motion at its meeting held on 12 December 2014 and had resolved:-

“(a) in view of the significant financial implications of the proposal contained in the Motion, Cabinet requests that officers write to Essex County Council, Essex Police, Essex Fire and Rescue Services and the Ambulance Service to ask for written statements of their views as to whether the introduction of part night street lighting in Tendring has had a detrimental effect on the delivery of their services and to provide firm evidence to support their statements;

(b) the Town and Parish Councils in Tendring and the Automobile Association be invited to submit any evidence they have regarding the effects (positive or negative) of introducing part night street lighting;

(c) Essex Police be specifically requested to provide this Council with their best evidence (whether from Tendring, elsewhere in Essex or from elsewhere) as to the impact of part night street lighting on crime and the fear of crime;

(d) Essex County Council be requested to confirm whether they would be prepared to re-instate full night time street lighting in Tendring if the District Council meets the cost. If so, what would be the annual and ongoing costs;

(e) when responses to the requests are received, officers prepare a report to Cabinet setting out the statements and the evidence provided so that Cabinet can make an

informed decision as to whether to support the motion in the light of the evidence; and

(f) Essex County Council be requested to supply details of any location in the District (and the reasons why) where Essex Police, Essex Fire and Rescue Services, 'First Responders' and the Ambulance Service have requested that the street lights be turned back on in response to an accident or other incidents."

Council was informed that the relevant organisations had then been contacted to request the information asked for by Cabinet. Following further debate on part night street lighting at the full Council meeting held on 10 February 2015, that consultation had been widened to allow residents to comment.

It was reported that responses to the specific questions raised by Cabinet had been received from The AA, Essex County Fire and Rescue Services and Essex Police and from 14 Town and Parish Councils. The full responses were set out in the Appendices to item A.2 of the Report of the Leader of the Council to the meeting of the Cabinet held on 13 March 2014 but the main points were summarised as follows:-

- Essex County Fire and Rescue – no incidents reported and therefore no evidence to support the Service having encountered an occasion where inadequate lighting prevented crews from fulfilling their operational duties. All Service fire engines have significant lighting available and Essex County Council can be requested that lighting is switched on or remains on if required.
- The AA – primary concern is with the blackout on urban and suburban roads of 40mph or faster and they consider that the evidence for not switching lights off on these road is irrefutable. The AA hope that in the longer term more councils will install energy efficiency lighting as a way of reducing energy costs rather than a switch off.
- Essex Police – not aware of any current significant crime trends around the night time economy that could be driven by impact of lighting. Crime trends are monitored and if there is evidence of an increase in any particular type of crime action will be taken. This includes the ability to request Essex County Council to turn the lights on.
- Town and Parish Councils – most Town or Parish Councils have not reported receiving significant complaints or negative feedback regarding part night lighting. Harwich Town Council has reported a number of concerns expressed by residents. For some Councils the effect is mitigated by them paying for lights themselves and there is concern, particularly in these Town and Parish Councils, about residents paying through council tax two or three times for street lighting.

The Council was informed that there had been 309 responses received from individual residents to the online consultation. Of those 203 had positively asked for the lights to be switched back on with a further 26 expressing concerns about the lights being turned off. The reasons cited included:-

- Generally feeling less safe in the dark;
- Fear of more crimes being committed especially burglary and vandalism. In the case of vandalism many people felt that there was increased damage to cars since the lights have been turned off. Several also mentioned that their fears around crime were exacerbated by concern that Clacton Police Station may close;
- Danger of falling on uneven pavements, kerbs etc.;
- Concern that emergency services would be unable to find the location of incidents in the dark and that criminals cannot be seen or identified in the dark;
- Concern that people out very early in the morning or late at night e.g. shift workers, partygoers etc. could be attacked;
- Not being able to see hazards whilst driving such as pedestrians, potholes etc.

The Council was made aware that there were 67 respondents who had positively asked that the lights continued to be turned off between midnight and 5am. The reasons given

were:

- Better able to sleep at night without the glare from street lights;
- Ability to view the night sky and see the stars;
- There are benefits both financially and environmentally;
- The funding put aside to meet the cost of turning the lights back on could be better used e.g. more policing, social care, health;
- Turning off the lights discourages criminals as they cannot see in the dark either;
- Not wanting to pay two or three times for street lights to be on.

Members were advised that the remaining respondents had not expressed a positive view one way or the other but had suggested alternative approaches that would still make cost savings but would allow the lights to be on, including installing LED lights or only turning off every second or third light.

It was also reported that information had also been received that the “We want our lights back on Tendring” campaign had secured approximately 10,500 signatures in favour of street lights being lit throughout the night and that the petition would be presented to Essex County Council’s Highways Department once 14,000 signatures had been obtained.

Members were aware that, at the Council meeting held on 10 February 2015, the Leader of the Council, in his Budget speech, had made a commitment to set aside a one-off sum of £160,000 pending a final decision on part night street lighting by the Council.

Further to Minute No. 116 above, Council was aware that, insofar as they were also serving Essex County Councillors, Councillors Goggin, G V Guglielmi, I J Henderson, P B Honeywood, P J Oxley, Page and Wood had each declared a non-pecuniary interest in relation to the motion in respect of Part Night Street Lighting.

In response to a question from Councillor Patten as to why the meeting was being filmed by a TV film crew, the Monitoring Officer informed Council that the BBC was filming this item. She reminded Members that recent Regulations permitted filming the meeting as long as the meeting itself was filmed and not any members of the public present.

The Leader of the Council, Councillor Page, informed Council that the Essex County Council Portfolio Holder for Highways, Councillor Rodney Bass, had that day announced that, from the end of March 2015, the street lights would now be turned off between 1.00a.m. and 5.00a.m.

It was moved by Councillor Page and seconded by Councillor P B Honeywood that Councillor I J Henderson’s motion be amended to read as follows:

“That Tendring District Council requests Essex County Council to switch on street lights within the Tendring District at night to be funded from the £160,000 set aside within the 2014/2015 Fit for Purpose budget. Further, that the Leader of the Council and the Chief Executive be authorised to discuss the terms, including funding arrangements, with Essex County Council and bring proposals back to a meeting of full Council.”

Councillors De-Vaux Balbirnie, White, I J Henderson, G V Guglielmi, Johnson, McWilliams, Scott, P J Oxley, Watling, Shearing, Caines, Howard, Stock, Coley, Griffiths, Broderick, Hawkins, Miles, McLeod, Calver, Goggin and P B Honeywood all addressed the Council during the debate on the amendment.

During Councillor I J Henderson’s speech on the amendment, it was moved by Councillor Calver and seconded by Councillor P J Oxley that the time for Councillor Henderson’s speech be extended by two minutes, which motion on being put to the vote was declared CARRIED.

During Councillor Page's winding-up speech of the debate on his amendment, it was moved by Councillor Turner and seconded by Councillor Goggin that the time for Councillor Page's speech be extended by two minutes, which motion on being put to the vote was declared CARRIED.

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

Councillor Page's amendment, on being put to the vote as the substantive motion, was declared CARRIED.

128. TO CONSIDER ANY RECOMMENDATIONS FROM THE CABINET

The Council considered the recommendations submitted to it by Cabinet in respect of:

(1) Annual Treasury Strategy 2015/16 (including Prudential and Treasury Indicators)

The Council had before it the Cabinet minute of 13 March 2015 [Minute 140 A.3], as set out in the Council agenda, and considered whether to approve the Annual Treasury Strategy for 2015/2016

It was moved by Councillor Goggin and:

RESOLVED that the Annual Treasury Strategy for 2015/16 (including Prudential and Treasury Indicators) be approved and implemented.

(2) Amendments to the Council's Constitution (Phase 4 – Scheme of Delegation)

The Council had before it the Cabinet minute of 13 March 2015 [Minute 140 A.5], as set out in the Council agenda, and considered whether to approve the proposed changes arising from Phase 4 of the review of the Council's Constitution.

The Portfolio Holder for Planning and Corporate Services, Councillor G V Guglielmi, thanked the Monitoring Officer for the proposals together and for the assistance given by the members of the Constitution Working Party.

Councillor Talbot thanked Councillor Guglielmi for the way in which he had chaired the Working Party's meetings.

It was moved by Councillor G V Guglielmi, seconded by Councillor Talbot and

RESOLVED that:

(a) the proposed changes to Part 3 – Responsibility of Functions - Scheme of Delegation, as detailed and set out in Appendix A to item A.5 of the Report of the Planning and Corporate Services Portfolio Holder, submitted to the meeting of the Cabinet held on 13 March 2015, be adopted;

(b) Rule 4.3.9 of the Procurement Procedure Rules, contained within Part 5 of the Constitution, be amended to include additional wording requested by the Section 151 Officer;

(c) the amendments required to the Access to Information Procedure Rules to ensure compliance with the Openness of Local Government Bodies Regulations 2014 be adopted;

(d) Article 4 of the Constitution be amended to include the appointment of the Independent Remuneration Panel within the terms of reference of Council; and

(e) the disbandment of the Regulatory Committee and the Appeals Sub-Committee, the creation of the Licensing and Registration Committee and the renaming of the Licensing (General Purposes) Sub-Committee to the General Purposes Sub-Committee come into formal effect at the Annual Meeting of the Council on 26 May 2015.

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

There were none on this occasion.

130. 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, Councillor Nicholls had been removed from membership of the Local Plan Committee as it was incompatible with Councillor Nicholls' membership of the Planning Committee. No replacement for Councillor Nicholls had been made at this time.

Council noted the foregoing.

131. PAY POLICY STATEMENT 2015/16

Further to minute 9 (A.1) of the meeting of the Human Resources Committee held on 26 February 2015 the Council gave consideration to a proposed Pay Policy Statement for 2015/16 which would meet the requirements of the Localism Act 2011 (Section 38).

The Chief Executive declared a pecuniary interest in this item and left the meeting during the consideration thereof and the voting thereon.

Councillor Patten praised the Chief Executive for his kind gesture to part-fund the cost of the introduction of the Living Wage. Members showed their appreciation with a round of applause.

It was moved by Councillor R Callender, seconded by Councillor Turner and:-

RESOLVED that

(a) the Pay Policy Statement 2015/16, as set out in the Appendix to item A.3 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect;

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

(c) the Chief Executive's gesture be acknowledged and he be thanked but that the full cost of the introduction of the Living Wage be funded from the General Fund budget.

132. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 2 FEBRUARY 2015 IN RELATION TO AN ALLEGATION THAT A MEMBER OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

The Council formally received and noted the Decision Notice.

133. URGENT MATTERS FOR DEBATE

There were none on this occasion.

134. 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.

135. 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.

136. 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