

MEETING OF THE  
TENDRING DISTRICT COUNCIL

8 SEPTEMBER 2015

Present:- Councillors Nicholls (Chairman), Chapman (Vice-Chairman), Amos, Baker, Bennison, Bray, Broderick, B E Brown, J A Brown, M Brown, Bucke, Callender, Calver, Cawthron, Chittock, Coley, Cossens, Davis, Fairley, Ferguson, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Honeywood, Hughes, Khan, King, Land, Massey, McWilliams, Miles, Mooney, Newton, Pemberton, Platt, Poonian, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, Watson, White, Whitmore and Winfield.

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

(7.30 p.m. - 9.28 p.m.)  
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42.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Howard, Porter and Yallop.

43. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – RUSH GREEN WARD

The Returning Officer reported that, at the by-election in the Rush Green Ward of the District, held on 16 July 2015, Richard Hugh Everett had been duly elected as a Councillor and that he had since made a Statutory Declaration of Acceptance of Office.

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

The Council noted the foregoing.

44. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 7 July 2015, be approved as a correct record and signed by the Chairman.

45. DECLARATIONS OF INTERESTS

There were no declarations of interest made by Members at this time.

During consideration of Agenda Item 21 (Proposal on the Provision of Court and Tribunal Estate in England and Wales), Councillor Heaney declared a non-pecuniary interest in relation to this matter by virtue of the fact she was a Magistrate in the family courts in Colchester.

46. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman's and Vice-Chairman's engagements for the period 7 July 2015 to 7 September 2015 were tabled at the meeting. In addition, the Chairman made the

following announcements:

(i) Civic Service

The Chairman was delighted to announce that his Civic Service was to be held in St George's Church, Great Bromley on Sunday 20 September 2015; and

(ii) Civic Lunch

The Chairman was delighted to announce that his Civic Lunch was to be held in Harwich on Thursday 15 October 2015.

The Chairman extended an invitation to all Members.

47. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

48. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor Stock, made the following statement in respect of the Refugee Crisis:

"I am sure we have all been deeply moved by the images of refugees fleeing from Syria, and other countries, seeking asylum across Europe. Tendring District Council has been keeping a close eye on these developments and we have been considering our options and planning contingencies since the wake of this crisis. As yet, the Government has not issued any requests but, of course, we are continuing to monitor the situation. It is a statement of the obvious, Mr Chairman, but one I would think is worth making nonetheless. That, on the one hand, this Council has no power to allow or invite refugees from abroad to come into our district whilst, on the other hand, once they are here we have no power to turn them away. What we must do as an authority and what we will do is to work with the Government and all our partners in the public and voluntary sectors to tackle any and each situation as it may arise. We will not shirk our duty Mr Chairman, we will not hide from our responsibilities, we will do our bit, we will play our part and we will not be found wanting. This Council has probably the best housing department in the whole Country and I am, and all of us should be, extremely proud of its achievements. So, if and when the call comes from the Government, then TDC will react swiftly and appropriately and, of course, we will do with the best interests of the District always firmly in mind."

Councillor Stock then responded to questions and points raised on his statements by Councillor I J Henderson.

49. STATEMENTS BY MEMBERS OF THE CABINET

(i) Leisure Portfolio – Clacton Air Show 2015

The Portfolio Holder for Leisure, Councillor Mick Skeels (Snr), spoke on the magnificent success of the Clacton Air Show 2015, which had been held on Thursday 27 and Friday 28 August and which had attracted record-breaking crowds of around 220,000 over the two days bringing much-needed activity and revenue to our town. It was great to see that many of the attendees took advantage of the newly-created Clacton Beaches. The centre of Clacton, as well as the sea front, was buzzing with thousands of people, using local businesses and enjoying what Clacton has to offer. More importantly, putting much-needed money into the Clacton economy. A spectacular line-up of displays graced the skies above the town, including the Red Arrows, which we had on show for two days. The Vulcan, putting in its final performance before being pensioned-off and a very loud and

spectacular Typhoon. The Sally B Flying Fortress, the Battle of Britain Memorial Flight the Chinook Helicopter and something that was really popular was the Tigers Parachute Team.

I would like to thank all of the Councillors for their support everybody and our sponsors, the officers, the staff, everybody involved, the Police, the Fire, everybody.

Councillor Skeels then responded to questions and points raised on his statements by Councillor Platt.

(ii) Coastal Protection Portfolio – Clacton to Holland Haven Sea Defence Scheme

The Portfolio Holder for Coastal Protection, Councillor Nick Turner, said it had given him great pleasure to announce the virtual end of the Council's Sea Defence Scheme for Clacton to Holland Haven and, for the benefit of new Members, outlined what and how the Council had achieved this.

Councillor Turner said that, in the Spring of 2011, the Department for Environment, Food and Rural Affairs (DEFRA) changed its funding requirements for coastal defences, which afforded the Council the opportunity to undertake the works. He added that, late in 2011, the Cabinet and the then Conservative Administration realised that if the Council ring-fenced a considerable sum of money for Clacton and Holland Coastal defence work (£3 million), then it could "start the ball rolling." He went on to say that, at the meeting of the Council, held on 7 February 2012, the Council resolved to commit this sum, which Essex County Council then match-funded.

Councillor Turner said that, in April 2012, the Environment Agency (EA) asked the Council to submit a Project Appraisal Report (PAR), following which, a firm of consultants was required to be engaged. Accordingly, Mott MacDonald was duly appointed in July 2012. He went on to say that as the Council's work on the PAR progressed in consultation with the EA, the Council was awarded additional funding of £512,000 in order to bring the project forward at pace for early delivery.

Councillor Turner advised Council that its PAR had been submitted to the EA for the attention of its Large Project Review Board (LPRB) in May 2013 and that it had been recognised by the EA as the best PAR of that year. He said that, in September 2013, the Council had received the go-ahead for the project with funding of £27.4m for the scheme, together with the £6m contributed by the Council and Essex County Council, which had given the Council a fund of £33.4m for the project. Councillor Turner said that, despite this sum, the Council had been advised that this was not enough and another £1m had been made available, which was also match-funded by Essex County Council and this £2m had been set aside as "just in case" monies. The total funding available to Council, he said, then stood at £35.912m.

Councillor Turner said that the Council had used a special procurement process of the EA's called WEM Framework and that this had allowed the Council to save at least six months in procurement "red tape." Accordingly, Mott MacDonald was appointed as the Council's Project Managers, VBA won the tender process and work started on the District's Sea Fronts in late July 2014. He said that the Council would take over the last beaches in early October 2015.

Councillor Turner stated that if the eight weeks of down turn in January and February 2015 had been taken out of the calculations, the Council will have completed the civil engineering section of the works in 55 working weeks.

Councillor Turner went on to say that the Council had originally forecast completion of the works in 2018 and indications were that the Council would come in near to 10% under the c. £36m budget and two years under time. This, he said, would mean that the Council

had achieved its objectives. He went on to say that for any client to achieve this was wonderful but, for a publically-funded body to do so, was nothing short of miraculous.

Councillor Turner said that none of this could have been achieved without having the right people in the right places. He thanked the Council's Chief Executive, Ian Davidson, in finding out very early on, an opportunity for the Council, then backing Members and Officers to deliver. Secondly, he said, the Council's Corporate Director (Public Experience), June Clare, and the Council's Engineering Manager, Mike Badger, should be commended for Mrs Clare's unremitting enthusiasm, flare, drive and, at times, hard-nosed negotiating, backed-up by Mr Badger's knowledge, skills and quiet fortitude in getting the Council to where it was with the project.

Councillor Turner said that Mott MacDonald, the Project Managers, and its Officer, Mr David Collery, worked extremely hard to ensure that any cost overruns were stopped. Councillor Turner also thanked Mr Mark Johnson of the EA who, he said, had worked tirelessly to make the Scheme work. Councillor Turner said that the Council's Contractors, VBA, had worked round the clock and had delivered, with their sub-contractors, a truly remarkable scheme that would be considered as best practice in the years to come. He added his gratitude to the two Project Engineers for VBA, Japp Deeker and Chris Meijor, who set up the works and saw the Council through to the finish.

Councillor Turner said that all of this had left the Council with a legacy that would far out live us all and that all involved could truly take pride in.

In conclusion, Councillor Turner in thanking them all on behalf of the people of Tendring, said that this Council's will, its Officers, advisors, contractors and a large slice of serendipity, had delivered over five hectares of foreshore, new land, new England. He went on to say that all that remained for him to do was to look at how best to tax it for Pro Bono Omnium.

50. PETITIONS TO COUNCIL

There were none on this occasion.

51. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

There were none on this occasion.

52. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The Council had received questions from Members in relation to:

1. Actions or Decisions made by the Environment Portfolio Holder; and
2. Big Society Fund.

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

Question 1

From Councillor Richard Everett to Councillor Michael Talbot, Environment Portfolio Holder:

"In your first 100 days as Portfolio Holder for the Environment what actions or decisions are you most proud of and what actions or decisions are you most ashamed of?"

In response, Councillor Talbot said that it was the first time he had been asked such a question seeking a purely personal opinion and not what any officer advised him but what

his opinion actually was on this issue.

Councillor Talbot said that his first 100 days followed his appointment as Portfolio Holder for the Environment on 9 October 2001 and supposed his first 100 days ended on 17 January 2002.

Councillor Turner went on to say that, on checking his files, he found that on 9 October 2001, he had written to the then Head of Environmental Services, Mr David Appleby, in the following terms:

“David, I think first we should meet for a chat and then at a convenient time I should like the opportunity to meet members of staff so that we can see the colour of each other’s eyes. It would be useful to introduce myself so that they could feel confident in speaking to me, as and when the occasion arises, thus obviating the anonymity of the telephone.”

This, Councillor Talbot said, was, to use Councillor Everett’s words, his proudest moment, meeting with Environmental Services officers, many of whom had been very worried about the role of a Portfolio Holder, a new and senior figure being introduced within their service given that then, the Council was operating a brand new Constitution. He went on to say that he had been able to put minds at rest by saying we were then all just feeling our way forward and that he would represent a Cabinet point of view to them as officers and that he would be a solid supporter of their professional opinions when given to him with the best information available to them at that particular time.

In response to Councillor Everett’s question as to what Councillor Talbot was most ashamed of, Councillor Talbot said he did not like the word “ashamed”, which to him meant feeling shame, or embarrassed by feelings of guilt, foolishness or disgrace, presumably by a decision he had made. He said that we sixty Members, some with greatly different political views to other Members, should never feel ashamed because if they were to feel shameful about their actions, then they should not be Councillors, as in politics, there were many things one was unhappy with, but circumstances often dictated the only way forward.

In referring directly back to Councillor Everett’s question, Councillor Talbot said that, on Monday 19 November 2001, he had been asked by a farmer in Weeley about his intention to grow genetically modified sugar beet. At that time, Councillor Talbot replied to the farmer that he was not sure that this was his role, but that opposition had been considerable and that a District Council conducted poll in one village had overwhelmingly rejected genetically modified crops in their area. As a consequence, he said, the farmer in question did not proceed with his plan. This, Councillor Talbot said, he greatly regretted but would not say was ashamed of.

Councillor Talbot went on to say that he had had a first 100 days with several administrations – the one mentioned just then, from October 2001, another 100 days from May 2003, then another 100 days from May 2007 and now 100 days from May 2015. Councillor Turner remarked to Councillor Everett that if after the word “Environment” in his question, he (Councillor Everett) had inserted the words “with this administration”, which Councillor Everett appeared to have accidentally left out then, Councillor Talbot said, he would have answered as follows:

“A proud moment was on Wednesday 24 June 2015, with Clare Thompson, the manager of the Crematorium, who was presenting a cheque to Linda Isaac, the Chief Executive of the Citizens’ Advice Bureau Tendring, in the sum of £4,487. This sum of money arises from the sale of metal recovered and recycled from coffins etc. which is part of a scheme run by the Institute of Cemetery and Crematorium Management. The metal is now sold, with the proceeds being used for charitable purposes in connection with death and bereavement. The Citizens’ Advice Bureau who received the money is running training for bereavement counsellors and this money will go towards this work.”

Unfortunately, he said, he would have to say that there had been nothing at all of which he was, to use Councillor Everett's word "ashamed", or as he preferred it, unhappy with. In conclusion, Councillor Talbot said that he was working with a terrific bunch of officers, men and women, for whom he had nothing but praise and they make my portfolio job a pleasure.

Supplementary Question from Councillor Everett

"Thank you for that. I accept that I should have said "in this Administration".

I think, in fact, you do have something to be ashamed of. According to Companies House data, you are the Secretary of Aquanet Limited, a marine fishing company, and you have a 33% shareholding in the Company. The Company's registered address is within the Council's area, St Osyth's in fact. It is my understanding that it should be therefore declared as a registered disclosable pecuniary interest."

Councillor Stock Sought advice as to whether the Council should continue in private session given the reference to a Member's personal financial circumstances.

The Monitoring Officer advised that the provision for asking a supplementary question in relation to a failure to disclose a disclosable pecuniary interest was not something that should be discussed at this Council and that there was a proper procedure in place for breaches of the Code of Conduct, which were to be investigated and reported to her as Monitoring Officer and that she had had no such contact. In addition, she said, if it was a failure to disclose a DPI, then she would have to consult Essex Police. This Council, she said, had approved a protocol for that to be in place and respectfully asked that the Chairman use his power under CPR 10.7 on the admissibility of this supplementary question.

The Chairman therefore refused to allow Councillor Everett to continue.

Question 2

From Councillor Maria Fowler to Councillor Tom Howard, Finance and Transformation Portfolio Holder:

"Will the Portfolio Holder for Finance please confirm how much money remains available to support the voluntary sector in the Council's Big Society Fund? Will he further advise the Council whether or not he intends to allocate additional funding to this budget and, if so, how much and when?"

Councillor Howard had tendered his apologies for absence at the meeting. In his absence, Councillor Stock replied on Councillor Howard's behalf, as follows:

Councillor Stock said that, from a total allocation of £643,000, there was an amount of £29,087 available to support projects that met the criteria and also delivered an element of match-funding. In addition, he said, there was a further £15,000 ring-fenced for two projects, which were awaiting the outcome of their bids to secure their remaining funds from other awarding bodies. He added that, should these bids not be successful, then this £15,000 would cease to be ring-fenced and would be added to the amount still available.

Councillor Stock went on to say that the Big Society Fund currently required projects to assist in delivering the Council's priorities to address education, aspiration and skills amongst young people or develop projects to enable more people to engage in sporting activities and physical activity.

Councillor Stock informed Council that, since the fund was launched in April 2011, 55 awards had been made to local groups and organisations, with the largest being £52,000, and the smallest, £200. In the current financial year, he said, there had already been eight awards totalling £41,695. The Council's forthcoming budget, he said, would be prepared in line with the Financial Strategy – General Fund Initial Financial Baseline 2016/17, which had gone to Cabinet on 24 July 2015.

In conclusion, Councillor Stock said that any decision to allocate additional funding to the Big Society Fund would need to be taken in the context of the Council's overall financial position and that it would be premature at this stage to make a decision before that was established later this year.

Supplementary Question from Councillor Fowler

Would you consider putting more money into the Big Society Fund?

In response, Councillor Stock said that, notwithstanding the answer he had just delivered, the Big Society Fund had been set up by him in 2011 when he was Leader of the Council previously. It was, he said, something he was very proud of and that it had contributed a great deal to the society of the District of Tendring. He said that if the Council was in a position to put more money into the Big Society Fund then, yes.

53. REPORT OF THE LEADER OF THE COUNCIL

There was no report on this occasion.

54. MINUTES OF COMMITTEES

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

(a) Education and Skills Committee of Monday 22 June 2015;

(b) Audit Committee of Thursday 25 June 2015;

(c) Corporate Management Committee of Monday 13 July 2015;

(d) Local Plan Committee of Tuesday 14 July 2015;

(e) Community Leadership and Partnerships Committee of Monday 20 July 2015; and

(f) Service Development and Delivery Committee of Monday 27 July 2015.

Councillor I J Henderson asked the Chairman of the Council's Corporate Management Committee (CMC), Councillor Graham Steady, a question with regard to the Performance Report, how did the Committee miss one of the key indicators on target where it stated that Essex County Council was withdrawing funding to support a public health specialist to deal with child poverty and fuel poverty in this area? Councillor Henderson also asked for clarification as to the role of Scrutiny Committee Members in leading on projects identified as potential means of efficiency savings or income generation and whether the Committee had any concerns about any proposals to introduce two-weekly refuse collections.

In response, Councillor Steady said that Item 1 to the minutes of the meeting, which was his introduction, where he had stated that over the past two years, CMC had aimed to be proactive rather than reactive and to have more influence over the budget-setting process, the concern had always been that CMC scrutinised the Budget when decisions had already been made. Councillor Steady said that he had gone before the Cabinet two years ago

and had been met with some suspicion by the Cabinet Members at that time as he had voiced his suggestion that CMC get more involved and drill-down into the nuts and bolts of the decision-making.

Councillor Steady said that it had taken quite some time for CMC to actually get to where it was by enabling it to get involved at an earlier stage of the budget-setting process and allow it to scrutinise stage-by-stage and hopefully by carrying out its role in this way, CMC would have a major impact into what was decided at the end. Councillor Steady stressed that it was not only about the Committee Members but a whole-Council initiative and he hoped that all Members would come forward to Members of the Committee with their ideas. Putting political opinions aside, Councillor Steady made reference to the seven potential efficiency savings and income generation streams, which CMC would be looking at as a Committee with feedback having been already received from some Members of CMC on which items they would wish to lead on. Officers would then work on providing the information required to the lead officers for those items to allow each individual Member to work with the lead officers to formulate a strategy to get the best value for money. Councillor Steady said that, in relation to the Child Support Scheme, CMC would look at, and also would scrutinise all of the other items as it went along.

Councillor Steady said that the idea was we, as sixty Members of this Council would be more involved at an earlier stage with the budget-setting process and, personally, he thought that was a million miles from where the Council had been before where Members would page turn the Budget Book and scrutinise entries line-by-line. He added that those days had gone and that the Council now had to be proactive as opposed to reactive. Councillor Steady invited Councillor Henderson to have a discussion with him outside of the meeting.

In conclusion, Councillor Steady said that, at the next meeting of the Council, details would enlarge upon what CMC was doing and would bring forward the key topics identified and which officers they would be working with. The rest of the Members would then be asked to come into that discussion and bring forward their ideas.

55. MOTION TO COUNCIL – PROPOSED CENSURE OF COUNCILLOR STOCK

The Council had before it the following motion, notice of which had been given by Councillor Everett, pursuant to Council Procedure Rule 11:

“This Council censures Councillor Stock for ignoring the Local Plan Committee resolution to return the consultation to the Committee in the event of a significant decrease being identified in housing need.”

The Chairman informed Council that, pursuant to Council Procedure Rule 11.4, it was his intention to allow the motion to be dealt with at this meeting as he considered that it would be convenient and conducive to the despatch of business.

Councillor Everett formally moved his motion and Councillor Bray formally seconded the motion.

Councillor Stephenson asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Everett’s motion be taken. Accordingly, the result of that vote was as follows:

Councillors For

Bennison  
Bray  
Broderick



J A Brown  
Bucke  
Calver  
Cawthorn  
Davis  
Everett  
Fowler  
Gray  
I J Henderson  
J Henderson  
Hones  
Khan  
King  
Mooney  
Newton  
Pemberton  
Raby  
Stephenson  
Watson  
Whitmore  
Winfield

Councillors Against

Amos  
Baker  
B E Brown  
M Brown  
Callender  
Chittock  
Coley  
Cossens  
Fairley  
Ferguson  
Griffiths  
G V Guglielmi  
V E Guglielmi  
Heaney  
Honeywood  
Hughes  
Land  
Massey  
McWilliams  
Miles  
Nicholls  
Platt  
Poonian  
M J Skeels  
M J D Skeels  
Steady  
Stock  
Talbot  
Turner  
Watling  
White

Councillors Abstaining

Chapman  
Scott

Councillors Not Present

Howard  
Porter  
Yallop

Councillor Everett's motion was thereupon declared LOST.

It was agreed that it be recorded that the original decision to which the Motion referred had been made by an Officer and not by the Leader of the Council.

56. MOTION TO COUNCIL – PROPOSED PUBLISHING OF AUDIO RECORDINGS ON THE COUNCIL WEBSITE OF MEETINGS OF THE LOCAL PLAN COMMITTEE AND THE PLANNING COMMITTEE

The Council had before it the following motion, notice of which had been given by Councillor Bray, pursuant to Council Procedure Rule 11:

“That the Council records and makes available, free of charge, on its website the audio recordings, of all future meetings of the Local Plan Committee and the Planning Committee, using the same format currently used for full Council meetings.”

The Chairman informed Council that, pursuant to Council Procedure Rule 11.4, it was his intention to allow the motion to be dealt with at this meeting as he considered that it would be convenient and conducive to the despatch of business.

Councillor Bray formally moved his motion and Councillor Davis formally seconded the motion.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Bray's motion be amended to read as follows:

“That the Council supports the principle that the meetings of the Local Plan Committee and the Planning Committee should be recorded and made available, free of charge, via the Council's website; requests that Officers prepare a report for Council on the financial, technical and legal issues of doing so and that, in the meantime, the meetings of those Committees be recorded and published on the website.”

On a vote being taken by a show of hands, the amendment was declared CARRIED.

In accordance with Council Procedure Rule 18.5 (Right to Require Individual Vote to be Recorded), Councillor Mooney asked that he be recorded as voting against the amendment.

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

In accordance with Council Procedure Rule 18.5 (Right to Require Individual Vote to be Recorded), Councillor Mooney asked that he be recorded as voting against the substantive motion.

57. TO CONSIDER ANY RECOMMENDATIONS FROM THE CABINET

There were no recommendations from Cabinet to consider on this occasion.

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

There were none on this occasion.

59. REPORT OF THE CHIEF EXECUTIVE - A.1: MEMBERSHIP OF COMMITTEES ETC.

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the UKIP Group and the authority delegated to him, the following appointments had been made since the last meeting of the Council:

Standards Committee

Councillor J Brown had been appointed to serve in place of Councillor Whitmore.

General Purposes Sub-Committee

Councillor Davis had been appointed to serve.

Council noted the foregoing.

60. REPORT OF THE CHIEF EXECUTIVE - A.2: VACANT SEAT ON THE LOCAL PLAN COMMITTEE

Council recalled that, at its meeting held on 7 July 2015 (Minute 34 referred), the Chief Executive had reported, amongst other things that, on 8 June 2015, Councillor Bucke had formally submitted his resignation as a member of the Local Plan Committee. As Councillor Bucke was not a member of any political group, it had been a matter for Council to fill the vacancy on that Committee.

Having considered the matter, it had been moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

“RESOLVED that:

(b) As the seat previously occupied by Councillor Bucke had been given to Councillor Bucke by the Labour Group, the Leader of the Labour Group be requested to nominate a member of his Group to fill the vacancy on the Local Plan Committee.”

It was reported that, following the Council meeting, the Council’s Senior Democratic Services Officer had contacted the Leader of the Labour Group, Councillor Ivan Henderson, to seek that nomination.

Councillor Henderson had then informed the Council’s Corporate Director (Corporate Services), by email on 10 July 2015, that the Labour Group did not wish to take up the vacancy on the Local Plan Committee on the grounds set out in his email, namely that the Labour Group had met its commitments under the Widdicombe Rules and, as such, was not required to fill any additional committee places. In addition, Councillor Henderson had stated that the Labour Group was also very concerned at the change of emphasis of the Local Plan Committee in respect of its composition of Members.

In light of the decision taken by the Leader of the Labour Group, Council was now requested to reconsider this matter.

It was moved by Councillor Stock and seconded by Councillor G V Guglielmi that the contents of the report be noted and that the seat remain vacant.

Councillor Stephenson said that his Group (UKIP) would be willing to fill the vacancy on the Committee.

The Monitoring Officer advised that as there was a motion before the Council, duly seconded, the only option available to Members at that point was to seek to amend it.

By way of an amendment, it was moved by Councillor Bray and seconded by Councillor Stephenson that the vacant seat be offered to the UKIP Group in the absence of any other interest in filling the vacancy.

The Monitoring Officer confirmed that, before the Council could consider that amendment, it would, in the first instance, be required to debate and vote upon the motion before it and, if that motion was to fall, an amendment could be moved.

By way of an amendment, it was moved by Councillor Mooney and seconded by Councillor Bray that the seat on the Local Plan Committee remain vacant whilst the Group Leaders considered whether that was the right way to continue or whether the right thing to do was to appoint someone to take that seat and that, either way, the outcome was acceptable to all parties.

Councillor Stock, being the mover of the original motion, and his seconder, Councillor G V Guglielmi, accepted the amendment.

Accordingly, it was RESOLVED that the seat remain vacant whilst Group Leaders decide the appropriate allocation for the seat and, once agreement had been reached, to report back to Council.

61. REPORT OF THE CHIEF EXECUTIVE – A.3: PROPOSED AMENDMENTS TO PROGRAMME OF MEETINGS: 2015/2016 MUNICIPAL YEAR

Further to Minute No.16 of the Annual Meeting of the Council, held on 26 May 2015, Council was informed that the Chief Executive was proposing certain amendments to the agreed programme of meetings for 2015/2016.

Members were reminded that the election for the Essex Police and Crime Commissioner would be held on Thursday 5 May 2016. As a consequence, the Princes Theatre would be required in the days leading up to the election for the opening of postal votes and therefore, it was proposed that the Annual Meeting of the Council be brought forward by one week to avoid the busy election period.

Members were further reminded that, earlier in the year, the Tendring Youth Theatre had put on a production of “Joseph and the Amazing Technicolour Dreamcoat”, which had been a great box office success (£15k) and had received glowing reviews. The Council had now been informed that the Tendring Youth Theatre wished to use the Princes Theatre for the week commencing Saturday 21 May 2016 for its performance of “Legally Blonde”, which would entail a large cast of very talented local children who would doubtless benefit from the experience in terms of greater self-confidence, communication and other personal development skills. Unfortunately, this would clash with the ordinary meeting of the Council due to be held on Tuesday 24 May 2016.

However, to avoid disruption to the production and disappointment for the children involved, it was proposed that the 24 May 2016 Council meeting be brought forward to 17 May 2016. Given the earlier suggestion of bringing forward the Annual Meeting of the Council by a week this would also ensure that the Council complied with Council Procedure

Rule 2 which stated, amongst other things, “....shall ensure that the first ordinary meeting is held within 15 working days of the annual meeting of the Council....”.

Such a change would have a knock-on effect on the Planning Committee scheduled to be held on Tuesday 17 May 2016, which it was proposed would be moved to Wednesday 18 May 2016.

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and RESOLVED that the agreed dates of the Annual and Ordinary Meetings of the Council and its Planning Committee, scheduled to be held in May 2016, be amended, as follows:

(a) The date of the Annual Meeting of the Council in 2016 be changed from Tuesday 3 May 2016 to Tuesday 26 April 2016;

(b) The date of the ordinary meeting of the Council in May 2016 be changed from Tuesday 24 May 2016 to Tuesday 17 May 2016; and

(c) The date of the meeting of the Planning Committee in May 2016 be changed from Tuesday 17 May 2016 to Wednesday 18 May 2016.

62. REPORT OF THE MANAGEMENT AND MEMBERS' SUPPORT MANAGER – A.4: PROPOSAL ON THE PROVISION OF COURT AND TRIBUNAL ESTATE IN ENGLAND AND WALES

Council was informed that the HM Courts and Tribunals Service, an agency of the Ministry of Justice, had launched a consultation paper entitled “Proposal on the provision of court and tribunal estate in England and Wales”. The consultation made proposals for the closure of some court buildings and offices and for the modernisation of, and increased use of technology in the delivery of the justice system. The closing date for responses was 8 October 2015.

The full consultation paper was attached at Appendix A to the Report of the Management and Members' Support Manager (A.4).

Council was advised that, for the purposes of the consultation, the Tendring District fell within the South East region, where it was proposed that Colchester County Court and Family Court and Colchester County Court Offices be closed with their work being moved to Chelmsford County Court and Family Court and Colchester Magistrates Court and Family Court.

Appendix B to the report contained the extract from the consultation document on the South East region that pertained to Colchester.

The report before Members also considered the impact of the proposed closures at Colchester on:

(a) The Council, in terms of the requirement to access the court system in the delivery of its functions;

(b) Residents, in terms of their right to have access to justice; and

(c) Other agencies within the District that could also have a need to use the Courts and to ensure that they were aware of the consultation and so that consultation responses could be co-ordinated.

It was moved by Councillor Stock, seconded by Councillor McWilliams and unanimously RESOLVED that:

(a) Members note the consultation, and, as a Council, strongly object to the closure and

provide any other comments to the Management and Members' Support Manager;

(b) The agencies detailed in the report be contacted to ensure that they were aware of the consultation and so responses could be co-ordinated; and

(c) The Council's response to the consultation be agreed by the Leader of the Council.

63. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Chairman invited Councillor Mark Platt to address Council.

Councillor Platt thanked the Chairman for allowing him to speak to Council and, in particular, to express his gratitude to the Council and its partners in sponsoring Bonnie, the Guide Dog, who was due to take up active service the very next day.

64. REPORT OF THE MONITORING OFFICER – A.9 – LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2015

It was reported that the Annual Review Letter for 2015 had recently been received from the Local Government Ombudsman.

Council was informed that, of the 13 complaints made to the Ombudsman about the Council, four had been subject to detailed investigation with one complaint being upheld.

The Council's Constitution (Article 12.03(a)) required the Monitoring Officer to report to Council, or to Cabinet, for executive functions, if any decision, or omission, had given rise to maladministration. The case in question concerned an applicant for a hackney carriage driver's licence who had been referred to information held on the Council's website which had, in fact, been out of date. The Ombudsman had determined that, in providing misleading information on the website the complainant had suffered a significant injustice because, in relying on this information, he had decided to apply for a licence and had incurred costs. The Ombudsman was, however, satisfied with the action the Council had taken to remedy the injustice caused.

Council noted the foregoing.

65. URGENT MATTERS FOR DEBATE

There were none on this occasion.

66. POTENTIAL LEASE OF LAND AT GAS HOUSE QUAY, HARWICH (REPORT TO FOLLOW)

The Cabinet considered the principle of leasing Council owned land at Gas House Quay, Harwich either as a whole or in two parts.

Members had submitted to them as Appendix 'B' to item A.7 of the Report of the Acting Head of Corporate Performance a letter which had been received from the High Steward of Harwich. The Cabinet were also aware of a petition which had been received calling on the Council to create a car park at Gas House Quay. The full petition was available at the meeting.

The Executive Leader expressed his disappointment that the confidential report on this matter, to be considered later in the meeting, had been leaked to the press.

It was moved by Councillor Halliday, seconded by Councillor Henderson and:-

RESOLVED – That, having considered both correspondence received from the High Steward of Harwich and the petition, the land be let for commercial use, subject to consideration of terms later in the meeting.

Chairman