COUNCIL TAX COMMITTEE

21 FEBRUARY 2013

Present:- Councillors Halliday (Chairman), Amos and G L Mitchell.

In Attendance:- Corporate Finance Manager (Richard Bull) and Senior Democratic Services Officer (Ian Ford).

(10.00 a.m. - 10.02 a.m.)

1.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bucke and Councillor Nicholls, with Councillor G L Mitchell substituting.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 16 February 2012 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2013/14 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

The Committee's confirmation was sought in respect of the final Council Tax amounts for 2013/14 following notification of the precepts issued for 2013/14 by Essex County Council, Essex Police and Essex Fire Authority.

The Committee was aware that the District and Parish/Town Council precepts for 2013/14 had been approved at the meeting of the Council held on 12 February 2013. Since that date the precepts from the major precepting authorities for 2013/14 had now been received. The table as set out as Appendix A to item A.1 of the Report of the Corporate Director (Corporate Services) showed the precepts issued for 2013/14 by Essex County Council, Essex Police and Essex Fire Authority.

(PLEASE SEE APPENDICES A, B AND C FOR THE TABLES)

It was moved by Councillor Halliday, seconded by Councillor G L Mitchell and:-

RESOLVED that

(a) the precepts issued by Essex County Council, Essex Police and Essex Fire Authority for 2013/14 be noted;

(b) the Committee was disappointed with the increase in the Essex Police precept; and

(c) the amounts of Council Tax for 2013/14 for each of the categories of dwellings, as shown in the table set out as Appendix C to the aforementioned report, be confirmed.

5. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 10.02 a.m.

6. EXECUTIVE DECISIONS TAKEN AS A MATTER OF URGENCY

Councillor P J Oxley declared a personal interest in the subject matter of this item.

The Leader of the Council formally notified Members of Executive Decisions taken in the circumstances set out in the Council's Constitution in Rule 16 of the Access to Information Procedure Rules (Special Urgency) and/or Rule 16(h) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency).

The Council was reminded that the decisions in question related to:-

(1) Lease of Clacton Cricket Pavilion.

(2) Trialling of Car Parking on the Manningtree Market.

(3) Appointment of Public Convenience Cleaning Contractors.

It was moved by Councillor Stock and:-

RESOLVED – That the contents of the report be noted.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

(1) Insurance Arrangements for Members of the Council

Councillor Talbot asked the Finance and Asset Management Portfolio Holder (Councillor Halliday):-

"Tendring District Council holds insurance for the benefit of all Members who may suffer some unfortunate accident to their person or their possessions, whilst on Council business. This fact appears to be an 'accidental' secret, because many Members I have spoken to concerning this are not aware of the scheme and know absolutely nothing about it.
May I ask that you give Members at this meeting a précis of the cover they unknowingly enjoy and that you put in place arrangement for all Members to receive an e-mail or hard copy of the policy payments, terms and conditions that currently apply? Thank you!"

The Finance and Asset Management Portfolio Holder replied as follows:-

"Thank you Chairman and thank you Councillor Talbot for your question. The Council holds a personal accident and business travel insurance policy that covers all elected Members in the event of an accident that occurs whilst they are carrying out official duties including journeys from place of residence to the place of duty. Members will recently have received details of the latest policy summary which I asked to be circulated and I did that in receipt of Councillor Talbot's question and I thought that was best done before the meeting as soon as possible to make sure Members who weren't in possession of that information were in possession of it as soon as possible and Members of the Group who are on this side of the Chamber that were Members when former Councillor Walker was a Member we are all well aware that we hold insurance because Councillor Walker drummed it into us about insurance on a monthly basis. I thank you for your question Councillor."

(2) Redevelopment of the Dovercourt Swimming Pool

Councillor Howard asked the Tourism and Community Life Portfolio Holder (Councillor S S Mayzes):-

"The 2011/12 budget included capital programme funding of £698,870 to redevelop the Dovercourt Swimming pool.

To date, none of this budget has been spent and the redevelopment work remains outstanding.

More significantly no budgetary provision has been made to fund this redevelopment in the next 5 years of the capital programme as published in the agenda for the December 2011 Cabinet meeting.

Does this mean that the Council have no plans to carry out the much needed redevelopment work at the Dovercourt Swimming Pool?

If so then, what is the Council planning to do to address the failure of Dovercourt Swimming Pool to be DDA compliant?"

The Tourism and Community Life Portfolio Holder replied as follows:-

"Thank you Councillor Howard for your question. The simple answer to that is that the budget is still there. The budget which is of £698,870 currently is included in the 2011/12 budget and therefore still remains there as it was a one-off amount so there is no need to obviously put into this budget as part of the capital programme because obviously when the outturn review at the end of the financial year comes forward then obviously it will be carried forward into next year so the money still sits there and remains there, for example, its like the five-year rolling maintenance fleet for the vehicles will be there every year in the capital programme because it makes provision for that, obviously it is a one-off so there is no provision for any future spending in future years as part of the capital programme, however it does sit there still and will be there as part of the outturn at the end of the year to be carried forward. I hope that answered your question."

Councillor Howard then asked the following supplementary question of the Tourism and Community Life Portfolio Holder:-

"Thank you Councillor Mayzes for the clarification there but that doesn't really address the issue about the outstanding DDA compliance, for example because obviously to date if the budget has been sitting there but you haven't done any of the work now there is concern about not doing any of the work but there is particular concern about not dealing with the DDA compliance, for example the lift etc. to go to the gym on the first floor is one issue, there are others. Now the whole thing as to whether you need to do it is whether it is reasonable and clearly the fact that it has been funded and it has been sitting there and there has been a plan which includes the lift shows that it is reasonable so seven years after the 2005 DDA Act came out you still haven't complied. Last year or the year before now in 2010 we had the Equality Act that also would have the same requirements so these issues haven't been addressed in seven years and I think it is about time they are, so when are you planning to address these issues of DDA compliance?"

The Tourism and Community Life Portfolio Holder replied as follows:-

"Thank you for question there. I didn't originally answer it because obviously it was part of a separate question and if the answer was a fact that the money is not there any more then that would be taken into account. However, it is an issue of DDA at that Centre and indeed some of our other Centres because they were built before the Act was in place. However, we have reviewed where reasonable adjustments needed to be made. They

have been made and I think as you say, the Equality Act now supersedes the DDA Act of 2005. Looking forward I think, you know, if we were to put a lift onto Dovercourt for example there would be no room on the first floor for a gym so it wouldn't provide equality for everybody, so I think the Equality Act now accommodates that actually if there is a reasonable adjustment does it make sure it includes everybody using that facility. I think if there was no gym there, there is no point in having a lift because it would access nothing at all. But I think looking forward reviewing as part of the fundamental service review is what we are doing ongoing, certainly if there is areas that we are going to redevelop we would have to consider actually providing full disabled access as part of the Equalities Act moving forward so there will be obviously further discussions on this. But at the moment I feel that we are in a position where we have made reasonable adjustments to our facilities and they are usable to most residents in the District and there are certainly areas where they are not but the Act obviously doesn't make us have to make those adjustments because they are considered reasonable and we have done everything we can to ensure that. Thank you."

(3) Funding of the CAROS Scheme

Councillor Howard asked the Finance and Asset Management Portfolio Holder (Councillor Halliday):-

"At the Cabinet meeting of 16th November 2011, the executive took decision reference 2117 on the CAROS review. It was minuted that option C was chosen which was "A phased reduction in the level of support given over three years".
This made provision for a budgetary provision be made to fund the phased reduction up to the end of 2014/15 i.e. 2012/13 £63,902; 2013/14 £43,307 and 2014/15 £21,760.

The Finance and Asset Management Portfolio Holder subsequently clarified this decision at the call-in, and at the cabinet meeting of the 14th December stating "that any organisation that was in receipt of CAROS funding now or during the next three years would have their overall rent limited to £150 in each of the next three years after which time the scheme would cease. The Council would make the necessary budgetary provision to fund CAROS in each of those three years."

Please can the Portfolio Holder:-

(a) now tell Members the estimated budgetary requirement to fund CAROS for each of those three years;

(b) confirm whether or not organisations that are currently eligible to apply for CAROS, but not currently in CAROS, will be allowed to apply to join during the next 3 years?"

The Finance and Asset Management Portfolio Holder replied as follows:-

"Thank you Chairman, thank you Councillor for your question and I will refer Councillor Howard to the minutes of the Community Leadership and Partnerships Committee held on the 12th December 2011 and to the minutes of the Cabinet meetings held on the 16th November and the 14th December 2011 and the 25th January 2012 and the Budget before us tonight. Together they will provide all the relevant information in relation to your question and in answer to (b) 'if any organisation comes forward to apply', yes they can apply. Thank you Chairman."

Councillor Howard then asked the following supplementary question of the Finance and Asset Management Portfolio Holder:-

"Thank you for your brief answer there. Obviously this was asked before some of those

meetings took place but what does concern me greatly is that we have had a number of different numbers given to us over the last few months whereas the decrease in numbers I have just alluded to or read out there at the last full Council meeting I believe you stated that for each of the next three years the budget would be £107,000 over and above the £17,850 and then the clarification came in the later minutes you just referred to of £91,000, followed by £108,000, followed by £109,000. That latest set of figures is broadly in line with option (a) from the original Cabinet meeting where you made the decision, therefore it seems that you have pretty much chosen option (a) which is continuing it for three years but then truncating it after three years so it is closer to (a) than (c) which was phasing out which was clearly indicated by the numbers going down by £21,000 a year, so it seems to me on the face of it that you re-wrote history only after it had been called-in and we have to be concerned about this because if it hadn't been called-in are we to assume that this would have actually gone ahead and people would have been paying more and the £21,000 per year would have been going down out of this budget. That is a big concern. There is so many different numbers it is like watching Countdown. So perhaps you could just confirm that the latest set of figures that are quoted £91,000, £108,000 and £109,000 are still correct and they haven't changed again. Thank you."

The Finance and Asset Management Portfolio Holder replied as follows:-

"That's a gem that one, re-writing history. How long were you a Tendring First Councillor, Councillor? That's quite interesting. My intention from day one has never changed, you will note from the question where Councillor Oxley asked me before the Scrutiny meeting was called I in fact stated, and it's in the minutes, that no organisation would be affected for three years, so my intention and the decision I intended to make has never changed, that has been clarified on numerous occasions and the budget tonight clarifies that once more for you Councillor. Thank you Chairman."

(4) Communications with the Secretary of State for Communities over the Government's Support Grant awarded to Tendring District Council for 2011/12

Councillor I J Henderson asked the Finance and Asset Management Portfolio Holder (Councillor Halliday):-

"The Portfolio Holder for Finance claimed on BBC Essex on Friday 9th December that he had, indeed, challenged the Secretary of State for Communities over the unfairly low level of Government support grant awarded to TDC for 2011-12. Will he please advise Members of the Secretary of State's response?"

The Finance and Asset Management Portfolio Holder replied as follows:-

"Thank you Chairman, and thank you Councillor Henderson for your question. I could give you the short answer which would be they cut our funds by £4.4m but I will give you the long answer because I have had 'stick' for giving the short answer. Each year the Secretary of State for Communities and Local Government consults on the Local Government finance settlement as required by legislation. The commencement on the consultation of the settlement for 2011/12 was announced on the 13th December 2010 and ended on the 17th January 2011. Joint representation from the Leader and the Chief Executive was made on behalf of Tendring District Council in a letter of 13th January 2011. The Government received responses to the 2011/12 provisional settlement from 230 Authorities. Having considered these comments the final Local Government finance settlement was published on the 31st January 2011. A single written ministerial statement on the responses received from the consultation was published on the 18th July 2011. The Secretary of State does not respond to each individual representation. The Local Government finance settlement is not based on a tailored assessment of each individual Authority, it is based on a common set of parameters or formula that were applied consistently to all Authorities. This makes it impossible to change individual Authority's

grant figure without a knock-on effect across all Authorities. Therefore although some global changes were made and minor inconsistencies corrected as a result of the consultation there are no changes of increased funding to an individual Authority based on their representations. Indeed the written Ministerial statement says, and I quote: 'The representations taken together illustrate the need for reform of the Local Government finance system, at present the massively complex and opaque system encourages Local Authorities to argue for more money at the expense of other Local Authorities and to champion their particular circumstances and down phase their locality rather than seize the opportunities for growth and success. The proposals on business rate retention that will be legislated for in the forthcoming Local Finance Bill will provide the Authorities to generate additional funding from business growth within their area.' Thank you Councillor Henderson for your question."

Councillor I J Henderson then asked the following supplementary question of the Finance and Asset Management Portfolio Holder:-

"I think Chairman that most of that answer was actually answering the issue before you possibly could have challenged the Secretary of State of what he actually provided to the Council so I would ask again, because I do believe the Portfolio Holder did say that he actually challenged the Secretary of State, but never mind, could you now provide the Leader's correspondence and any correspondence that we have received from the Secretary of State in response to that to all Councillors within this Chamber please?"

The Finance and Asset Management Portfolio Holder replied as follows:-

"That's no problem. A letter was signed by Councillor Stock and the Chief Executive, there is no problem in supplying that to any Member at all. If that is what Members wish to have I will make sure that is provided by Officers as soon as practicably possible. But I am sure David Lines as an ex-Leader of the Council would be absolutely chuffed that the Deputy Leader of the Labour Group is picking up his mantle that actually rather than getting on with the business of sorting out the £4.4m worth of cuts we should be writing letters. I said at the time, when David Lines raised it as an issue, that we shouldn't actually be worrying about the cuts we should be writing off and saying 'Please give us our usual money' that while you go and write your letters I will get on with the business of dealing with the cuts. But straight away because David Lines may well have had a fair point and the letter needed writing, I went straight to my Head of Finance and requested that a letter be sent from the Council requesting that our settlement is looked at. But rather than send it out I will read that letter to all Members now so you know what was said.

'Dear Sir or Madam, We are writing to make representation about the amount of grant funding allocated to Tendring Council in 2011/12 and 2012/13 and the impact on the overall revenue spending power for the Authority. The reduction in spending power for Tendring Council is £1.630m in 2011/12 and £1.159m in 2012/13. This is the highest reduction in monetary terms and the second highest in potential terms of all the District Councils in Essex. Yet it is acknowledged that Tendring has particular need with some of the most deprived wards in the country, low educational attainment and a fragile economy. Tendring District Council cannot begin to address these issues without adequate funding and it does seem perverse that other Districts who do not have the same problems or needs have not suffered the same level of reduction in overall spending power. I would therefore urge you to reconsider the grant allocation so that our overall spending power reflects the relative needs of our District.'

Now that letter was written by Officers and signed on behalf of the Council by the Leader of the Council because it was felt that absolutely the Leader of the Council was the person to sign that letter. Not the Finance Portfolio Holder who might just be a lazy Cabinet member who doesn't want to deal with the cuts, so I think it is fair to say that the letter was sent, representation was made in the strongest terms and I think it is also worth pointing

out that the country as a whole is picking up an enormous debt left by politicians that paid no regard at all to public money and wasn't going to pick the tab up. So cuts were inevitable and your predecessor to be fair David Lines spoke at length about the turbulent time ahead financially for local Councils. He was very aware of it and I am sure when he says write the letter to the Secretary of State he was well aware of the fact it would cut no ice but the letter was sent because there was always the little bit of hope in what he said, so I am sure David would be pleased that you are picking up the torch and running with it but we are still getting on with business dealing with the cuts, delivering the front line services and making sure the budget balances for the future years for the residents of Tendring. Thank you Chairman."

(5) Highways Projects in Harwich

Councillor McLeod asked the Leader of the Council (Councillor Stock):-

"Two requests regarding Highways projects in Harwich, one for a 20 MPH zone and one for a seafront pedestrian crossing, have recently been rejected by Essex County Council on the grounds that any such project has to be initially considered by a 'Localism Highways Panel' and Tendring District Council is yet to establish one. Will the Leader of the Council please confirm that such a panel will be established without delay so that such projects throughout the Tendring District may receive the appropriate level of consideration?"

The Leader of the Council replied as follows:-

" I thank you Councillor McLeod it is a very intriguing question that you put. Tendring is not alone in not having a Localism Highways Panel so I am surprised that the schemes referred to by Councillor McLeod are apparently being rejected. However, the arrangements for the decision making on small scale highway schemes across all Essex Districts and Boroughs including those that have got Local Highway Panels have been reviewed recently and in fact I am advised that the position has actually changed today. At a meeting of the County Council this morning the Cabinet member for Highways and Transportation announced a pot of money, £16m, I believe it is, has been identified for the next two years to use for devolving local prioritisation of small scale highways capital non-maintenance schemes to local County Councillors. I am assuming that the two schemes to which you refer will come under that rather complicated description I just read out. The budget would be divided amongst the Districts and Boroughs according to a specific formula. Letters detailing the allocation of budget will be coming out to County, District and Parish Councillors later this week. We don't yet know the details of how these new arrangements will work but I can assure Members that we will engage with our local County Councillors to ensure that they work well for this District. Thank you."

(6) Tendring District Council's Housing Allocations Policy

Councillor I J Henderson asked the Housing Portfolio Holder (Councillor P B Honeywood):-

"In a media release issued on 19th January, the Portfolio Holder for Housing announced his intention to alter TDC's Housing Allocations Policy to give preference to 'certain types of households such as those in employment'. It went on to state, 'Cllr Honeywood also wants greater priority given to applicants who have been employed for at least 12 months.' Will the Portfolio Holder for Housing please explain how he envisages this policy working in relation to residents who have lived in the Tendring District all their lives, have worked all of their lives and, through no fault of their own, have lost their job and, a year down the line, have had their house repossessed?"

The Housing Portfolio Holder replied as follows:-

"I would like to thank Councillor Henderson for his question. After listening to the

concerns of local people I have been working with Officers to develop a policy direction which seeks to help hard-working Tendring residents to improve their chances of obtaining social housing through the fair allocation of housing resources which the District Council has available to it. Not only does this policy direction seek to prioritise local housing allocations for local people but also tries to assist those residents who are in employment as it often the case that allocation systems tend to prioritise those who are not in employment thereby turning Council housing into a tenure of last resort. Whilst it is important that we help those in acute housing need, we also need to ensure that we help those who are trying to help themselves and also make Council housing an alternative tenure choice which local people want. Councillor Henderson will possibly have seen that I am also keen to build additional Council homes so that we can house more local people. Turning to Councillor Henderson's specific scenario, this family would be in a no different position after the policy changes as they would be if the situation occurred today. This family would be homeless and an assessment would need to be undertaken to determine whether they would be a priority need. If they were homeless and in priority need the Housing team would review the options available to the family with them. These could include taking up accommodation in the Council's own stock via a non-secure tenancy or taking up accommodation in the private rental sector with the Council possibly providing a rent deposit or being placed in bed and breakfast accommodation until a property suited to the family's need became available. Whether they were employed or not would make little difference to the help which we would try to provide to them. Finally, I would like to say how surprised I was to read in the press that the proposed policy, a policy to ensure that local housing in Tendring goes to local people and also does something for the hard-working people of Tendring has been called cruel and totally unacceptable by Councillor Henderson. The truth is that it is Councillor Henderson's opposition in the press to this policy that has, in my opinion, not been thought through properly. Thank you."

Councillor I J Henderson then asked the following supplementary question of the Housing Portfolio Holder:-

"Chair, can I bring the Portfolio Holder back to the main part of the question which was actually looking at 'kicking unemployed people while they were down.' Can I ask him if prior to announcing that policy he had personally seen evidence proving it to be proportionate and fair and could he provide, if he has, could he publish that evidence for all the Councillors in this Chamber?"

The Housing Portfolio Holder replied as follows:-

"Yes I have looked at some of the evidence and I have been in discussion with Officers, I am happy to provide any information that any Councillor wants on the policy. The policy cannot come into force yet as I am sure Councillor Henderson knows, it needs to be signed off by the Secretary of State for Communities. Once the policy is settled I am happy and would be delighted for all Councillors to comment on the policy because I think it is something that residents would like. That's what they are telling me so, yes you are welcome to see evidence. I will speak to the Officers and make that available to all Councillors if that is what you would like. I have talked at length."

8. PROCUREMENT STRATEGY - AMENDMENT TO THE COUNCIL'S CONSTITUTION

Further to minute 103 of the meeting of the Cabinet held on 25 January 2012 the Council considered whether to remove the Procurement Strategy from the Policy Framework.

It was moved by Councillor Sambridge and:-

RESOLVED – That the Procurement Strategy be removed from the Policy Framework.

9. MINUTES OF COMMITTEES

RESOLVED – That the minutes of the under-mentioned Committees, as circulated, be received and noted:-

Corporate Management - 28/11/11
Community Leadership and Partnerships - 12/12/11
Service Development and Delivery - 19/12/11
Corporate Management - 4/1/12
Community Leadership and Partnerships - 23/1/12

10. EXECUTIVE PROPOSALS - BUDGET AND COUNCIL TAX 2012/13 AND HOUSING REVENUE ACCOUNT SELF-FINANCING REFORMS

The Council gave consideration to the Cabinet's budget proposals for 2012/13 and the amount of Council Tax for the financial year 2012/13 for each category of dwellings within the District of Tendring to support the proposed level of expenditure and also gave consideration to proposed specific arrangements required as part of the Housing Revenue Account Self-Financing Reforms.

Members were aware from minute 97 of the public meeting of the Cabinet held on 25 January 2012 that the Head of Resource Management, in consultation with the Leader of the Council and the Finance and Asset Management Portfolio Holder, was authorised to submit a report to this meeting in respect of the formal draft resolutions necessary to implement the Cabinet's budget proposals together with any late information or notifications received from the Department of Communities and Local Government as may necessarily affect the budget.

The Council was advised of all the resolutions made by the Cabinet on 25 January 2012 (minutes 97 and 104), together with the additional recommendations necessary to set the Council Tax levy. Those resolutions and recommendations were before the Council as contained within item A.2 of the Report of the Cabinet.

The Council was informed that the Cabinet's proposed budget had been subject to the full scrutiny process of the Council's Budget and Policy Framework Procedure Rules which included scrutiny by the Council's Corporate Management Committee.

The Leader of the Council, Councillor Stock, commented on the Council's estimates and financial arrangements for the year ending 31 March 2013 and, in particular, that the proposed budget supported the objectives of the Council in 2012/13 which he outlined in detail to the Council.

Members were aware that the Parish and Town Councils within the District had met to set their precepts. The table set out in Appendix 'E' to the item A.2 attached showed the District Council services' and the Parish Councils services' precepts.

The Council was advised that the table set out above indicated that the average District/Parish Council Tax for a Band D property would increase to £177.40. It was reported that the actual Council Tax that liable persons would pay depended on the valuation bands into which their dwellings were placed. Where the text in the report referred generally to the Council Tax, Members were aware that that meant Council Tax expressed as a Band D equivalent.

Councillor Stock moved and Councillor Halliday seconded that the recommendations contained in item A.2 of the Report of the Cabinet be approved, subject to certain minor textual amendments.

Councillor P J Oxley moved and Councillor Johnson seconded that Councillor Stock's motion be amended by the inclusion of the following amendment to the budget proposals, namely:-

"That £120,000 be transferred from the Big Society Fund to fund a £2,000 Small Schemes Programme for each District Councillor.

That a Small Schemes Panel be set up of one leader of each group to oversee the fund."

Councillor P J Oxley, supported by ten other Members who signified their support by rising in their places requisitioned, in accordance with the provisions of Council Procedure Rule 23.4 a record of the vote on his amendment, which vote resulted as follows:-

Councillors For:-

Aldis
Broderick
Brown
Bucke
Caines
Calver
Casey
Chapman
Cossens
De-Vaux Balbirnie
Double
I J Henderson
J Henderson
Howard
Johnson
King
McLeod
D Oxley
P J Oxley
Patten
Powell
Scott
Shearing
Steady
Talbot
Tracey
White

Councillors Against:-

Amos
C Callender
R Callender
Candy
Challinor
Colbourne
Downing
Fawcett
Goggin
Griffiths
G V Guglielmi
V E Guglielmi

Halliday
Heaney
P B Honeywood
S A Honeywood
D R Mayzes
S S Mayzes
McWilliams
Miles
A J Mitchell
G L Mitchell
Nicholls
Page
Platt
Pugh
Sambridge
Simons
Skeels
Stock
Turner
Watling

Councillors Abstaining:-

None

Councillor P J Oxley's amendment was thereupon declared LOST.

Councillor I J Henderson moved and Councillor P J Oxley seconded that Councillor Stock's motion be amended by the inclusion of the following amendment to the budget, namely:-

"That economic development and regeneration across the District be significantly enhanced at this most difficult time for families by the provision of additional funding of £500,000, to be taken from the Fit for Purpose budget, and to be spent on a programme of work/activity to be agreed by the Cabinet within the next three months in consultation with all Group Leaders."

Councillor I J Henderson's amendment on being put to the vote was declared LOST.

Councillor I J Henderson then moved and Councillor Tracey seconded that Councillor Stock's motion be amended by the inclusion of the following amendment to the budget, namely:-

"That funding be provided to:-

(a) Reverse the 48% increase in the hire charges for sports pitches imposed in 2011;

(b) Continue the DisabledGo scheme for a further three years; and

(c) Carry out a full feasibility study for the development of a Foyer in the District to support young people.

All to be funded from the reduction in number of Cabinet Members, including the Leader of the Council, to six and/or from the revenue surplus for 2012/13."

Councillor I J Henderson's amendment on being put to the vote was declared LOST.

Councillor I J Henderson thereupon moved and Councillor Howard seconded that

Councillor Stock's motion be amended by the inclusion of the following amendment to the budget, namely:-

"That the decision taken by the Council on 18 February 2010 be implemented without further delay and that work be completed during 2012/2013 to upgrade and refurbish Dovercourt Swimming Pool and Sports Hall in accordance with a substantial scheme to be agreed within the next three months by the Cabinet in consultation with all Group Leaders, to be funded from the existing budgeted provision for the swimming pool and an additional £800,000 in respect of the Sports Hall to be funded from the Fit for Purpose budget."

Councillor I J Henderson, supported by ten other Members who signified their support by rising in their places, requisitioned, in accordance with the provisions of Council Procedure Rule 23.4 a record of the vote on his amendment, which vote resulted as follows:-

Councillors For:-

Aldis
Broderick
Brown
Bucke
Caines
Calver
Casey
De-Vaux Balbirnie
Double
I J Henderson
J Henderson
Howard
Johnson
King
McLeod
D Oxley
P J Oxley
Scott
Shearing
Steady
Talbot
White

Councillors Against:-

Amos
Candy
Challinor
Colbourne
Downing
Fawcett
Goggin
Griffiths
G V Guglielmi
V E Guglielmi
Halliday
Heaney
P B Honeywood
S A Honeywood
D R Mayzes
S S Mayzes

McWilliams
Miles
A J Mitchell
G L Mitchell
Nicholls
Page
Patten
Platt
Pugh
Sambridge
Simons
Skeels
Stock
Turner
Watling

Councillors Abstaining:-

C Callender
R Callender
Chapman
Cossens
Tracey

Councillor I J Henderson's amendment was thereupon declared LOST.

Councillor Candy, supported by ten other Members who signified their support by rising in their places, requisitioned, in accordance with the provisions of Council Procedure Rule 23.4 a record of the vote on Councillor Stock's motion, which vote resulted as follows:-

Councillors For:-

Amos
C Callender
R Callender
Candy
Challinor
Colbourne
Downing
Fawcett
Goggin
Griffiths
G V Guglielmi
V E Guglielmi
Halliday
Heaney
P B Honeywood
S A Honeywood
D R Mayzes
S S Mayzes
McWilliams
Miles
A J Mitchell
G L Mitchell
Nicholls
P J Oxley
Page

Patten
Platt
Pugh
Sambridge
Simons
Skeels
Stock
Talbot
Tracey
Turner
Watling

Councillors Against:-

Aldis
Broderick
Brown
Caines
Calver
Casey
De-Vaux Balbirnie
Double
I J Henderson
J Henderson
Howard
King
McLeod
Scott
Shearing
Steady
White

Councillors Abstaining:-

Bucke
Chapman
Cossens
Johnson
D Oxley

Councillor Stock's motion was declared CARRIED and it was therefore:-

RESOLVED – (a) That, in respect of the Budget and Council Tax for 2012/13 and having had regard to the Head of Resource Management's report on the robustness of estimates and adequacy of reserves in accordance with the requirements under Section 25 of the Local Government Act 2003 and having taken account of the responses to the budget consultation process, the Council approves the budget proposals (based on a 0.5% Band D Council Tax reduction for District services) and that the following decisions be made:-

General Fund Budget Spending

(b)(i) That the total net revenue budget for 2012/13 be set at £17.384m and the net revised budget for 2011/12 be set at £18.670m (a council tax requirement of £9.136m and £9.074m respectively including parish precepts).

(ii) That the capital programme totalling £1.345m in 2012/13 be approved.

(iii) That the detailed budgets for 2012/13 be as per the Cabinet's budget proposals approved at its meeting held on 25 January 2012 updated for the final Formula Grant settlement received from the Government.

(iv) That if budget adjustments are required following the late notification of further external/ grant funding then, in consultation with the Finance and Asset Management Portfolio Holder, the related expenditure budgets be adjusted accordingly with no net impact on the budget requirement or capital programme as set out above.

(v) That, following the termination by Essex County Council (ECC) of the pre-existing agreement whereby 60% of the additional income to the county arising from a change in the Council Tax discount on second homes from 50% to 10% was passed over to this Council, the Head of Resource Management be authorised to enter into a new agreement offered by ECC whereby 50% of this additional income will be passed over to this Council.

Council Tax Levies for 2012/13

(c)(1) That it be noted that at its meeting held on 29 November 2011 the Council determined in accordance with the Local Government Act 2003 (Section 75) the discounts for second homes and long term empty properties and that on 30 November 2011 the Finance and Asset Management Portfolio Holder, in accordance with his delegated powers, agreed the following amounts for the year 2012/13 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992 taking into account the discounts determined by the Council at its meeting held on 29 November 2011:-

(i) 51,498.9 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended), as its Council Tax base for the year.

(ii) Part of the Council's Area

The amounts set out in Column (2) of the table attached as Appendix 'D' against each area set out in Column (1) of the table, being the amounts calculated by the Council, in accordance with Regulation 6 of the said Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items may relate.

(c)(2) That the expenses incurred by the Council (£309,060) in the performance of the following functions being functions performed by the Council in a part of its area and by a Parish or Town Council (or Parishes and Town Councils) elsewhere in its area shall not be the Council's special expenses for the financial year 2012/13:-

(Items as set out in Appendix 'C' - (i) - (xv))

(c)(3) That the tax bases for calculating the burden of special expenses will be as shown in Column (2) of resolution (c)(1)(ii) above.

(c)(4) That the following amounts be calculated by the Council for the year 2012/13 in accordance with Sections 31A to 36 of the Local Government Finance Act 1992:-

(Items as set out in Appendix 'C' - (i) - (vi))

(vii) Part of the Council's Area

The amounts attached as Appendic 'D' Column 10 for the areas indicated, being the amounts given by adding to the amounts at (c)(4)(vi) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided

in each case by the amount in (c)(1)(ii) above calculated by the Council, in accordance with Section 34(3) of the said Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(viii) Part of the Council's Area – Valuation Bands

That the amounts set out attached as Appendix 'F' being the amounts given by multiplying the amounts at (c)(4)(vii) (Council Tax for all District and Parish Services) above by the number which, in the proportion set out in Section 5(1) of the said Act, is applicable to dwellings listed in the particular valuation band divided by the number which, in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the said Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Housing Revenue Account Self-Financing Reforms

(d)(i) That Option 1, as set out in Appendix 'E' of the Joint Report of the Housing Portfolio Holder and Finance and Asset Management Portfolio Holder submitted to the meeting of the Cabinet held on 25 January 2012, be approved as the mechanism to allocate the current loans held by the Authority across the General Fund (GF) and Housing Revenue Account (HRA).

(ii) That the Council's authorised and operational borrowing limits be increased to enable £35.979m of borrowing to be undertaken to finance the debt settlement required to facilitate the move to the new HRA self-financing regime.

(iii) That delegated authority be given to the Head of Resource Management, in consultation with the Finance and Asset Management Portfolio Holder, to optimise the structure of loans totalling £35.979m and that Officers continue to work with the Council's Treasury Advisors in order to maximise any further benefits to the HRA.

11. INFORMATION AND COMMUNICATIONS TECHNOLOGY STRATEGY 2011 - 2016

Further to minute 96 of the meeting of the Cabinet held on 25 January 2012 the Council's approval was sought for the formal adoption of the ICT Strategy for 2011/2016.

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

RESOLVED – That the ICT Strategy 2011/2016, as set out in Appendix 'A' to item A.3 of the Reference from Cabinet, be approved.

12. THE LATE COUNCILLOR M J BRAGG

The Chief Executive formally reported with sadness the death of Councillor Mary Bragg. Notice of the vacancy in the St Bartholomew's Ward would be given shortly.

The Chief Executive reminded Members that the cortege for Mary Bragg's funeral would be leaving her house at 1.30 p.m. on Friday 10 February and would pass by the front of the Town Hall in Clacton-on-Sea shortly thereafter. He requested of anyone who wished to pay their respects that they should be outside the front of the Town Hall shortly after 1.30 p.m. Councillor Bragg's funeral would then take place at 2.00 p.m. at Weeley Crematorium.

Council noted the foregoing.

13. PETITIONS

In accordance with the provisions of Council Procedure Rule 35 the Chief Executive formally reported the receipt of petitions in respect of the following:-

(i) Review of the Council's Cash Collection Service

(ii) Land Exchange and Disposal at The Hangings, Dovercourt

Council noted the foregoing.

14. URGENT NEED FOR ROAD SAFETY MEASURES ON THE ENTIRE LENGTH OF THE A120 FROM HARE GREEN TO RAMSEY

The Council had before it for its consideration the following motion, notice of which had been given by Councillors Nicholls and Heaney pursuant to Council Procedure Rule 16:-

"That this Council

- is appalled that another serious accident has occurred on the A120, this time involving a double decker bus full of school children,

- recognises that plans are currently being drawn up by the Highways Agency to improve safety on the A120 and calls on the Highways Agency to urgently review safety on the entire length of the A120 from Hare Green to Ramsey and to publish its plans for improvements as soon as possible,

- demands that the Highways Agency take urgent action to immediately reduce the speed limit and introduce such other safety measures as are possible to reduce the risk of further such incidents,

- calls on the County Council and local Members of Parliament to support this motion and to do everything possible to ensure that the A120 is made safe for all road users, especially children travelling home from school."

Councillor Candy declared a personal interest in the subject matter of this item insofar as she was also a County Councillor for the Tendring Rural West division.

Councillor Nicholls moved the motion and Councillor Heaney seconded the motion.

The Chairman informed Members that it was his intention to allow the motion to be dealt with at this meeting.

Councillor Nicholls' motion on being put to the vote was declared unanimously CARRIED.

15. MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS

At the beginning of this new Municipal Year, Members were reminded of their obligations regarding "personal" and "prejudicial" interests. Those were contained in the Members' Code of Conduct which had been adopted by the Council on 26 June 2007 and which were set out in the Council's Constitution. Members were also reminded of the need to ensure that their Register of Interest forms were kept up-to-date.

It was moved by Councillor Stock, seconded by Councillor Talbot and:-

RESOLVED – That Members note the obligations contained in the Members' Code of

Conduct and act accordingly.

16. ANNUAL REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL

The Council had before them a report that submitted for their approval a scheme of Members' Allowances based on the recommendations of the Independent Remuneration Panel.

The Chairman of the Independent Remuneration Panel (Mr Frederick Abbott) attended the meeting and answered Members' questions.

Attached as Appendix 'A' to item A.3 of the Report of the Head of Financial Services for the Council's consideration was the Independent Remuneration Panel's report on their review of Members' Allowances.

Members had circulated to them the Conservative Group's amendment to the recommendations contained in Appendix 'A' to item A.3 of the Report of the Head of Financial Services.

Having had regard to the report and the recommendations of the Independent Remuneration Panel, together with the amended recommendations which had been circulated, it was moved by Councillor Halliday, seconded by Councillor Stock and:-

RESOLVED - (a) That the allowances recommended by the Independent Remuneration Panel, as set out in its report to the Council be approved except that:-

i. The Special Responsibility Allowance for the Chairman of the Scrutiny Committee be deleted following the removal of that Committee.
ii. The Special Responsibility Allowance for the Deputy Leader of the Council (both with and without Portfolio) be deleted as it is not considered appropriate to add this additional allowance in a period of financial austerity.
iii. The allowances for the Chairman and Vice-Chairman of the Council be set at £6,070 and £2,140 respectively and are not increased by inflation to bring them in line with the other member allowances.
iv. The Chairman and Vice-Chairman of the Council are not able to claim both the Chairman or Vice-Chairman allowance and a Special Responsibility Allowance. If any member is entitled to claim both the Chairman or Vice-Chairman of the Council allowance and Special Responsibility Allowance(s) only the higher allowance will be payable.

(b) That the Council adopts a principle of indexing of allowances for the following three years, and that Tendring District Council Members' Allowances commencing in May 2012, May 2013 and May 2014 be increased in each of those years in accordance with the officers' agreed pay award commencing in April of each of those respective years and that the same principle of indexation be recommended to the Tendring Parish Councils in each of those years. In the event that the officers' pay award is settled after 1st April in any year, the subsequent Members Allowances be calculated and paid backdated to 1st of May in that municipal year.

(c) That subsequent to (b) above Council does not wish the Independent Remuneration Panel to meet prior to the Annual Council Meetings in 2012, 2013 and 2014 but requests that a full review is undertaken and report prepared in relation to the district and parish schemes of allowances to commence on 1 May 2015.

(d) That Officers bring forward to a future Council meeting a report on the options for

the provision of an Independent Remuneration Panel following the expiry of the term of appointment of the current members of the Tendring District Council Independent Remuneration Panel.

(e) That the separate Broadband Allowance ceases to be paid with effect from 1 May 2011.

(f) That the Council's Scheme of Members' Allowances incorporated in Part 7 of the Constitution be amended accordingly and to reflect Council's decisions and that the approved amended Scheme Allowances be advertised as required by the Regulations.

(g) That in accordance with the approval given for the last three years, the Chairman and Vice-Chairman of the Council continue to be allowed to claim reimbursement in respect of in-district mileage when attending functions and duties in accordance with the remit set out in the Constitution, the mileage rate to be the same as that paid for general approved duties.

17. OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMME FOR 2011/2012 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD APRIL 2010 TO MARCH 2011

The Council considered a report which sought their approval to a proposed work programme for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year and which reviewed the work carried out by those Committees and the Scrutiny Committee during the period April 2010 to March 2011.

RESOLVED - That the proposed work programmes for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year and the review of the work carried out by those three committees and the Scrutiny Committee in the period April 2010 to March 2011, as set out in Appendices "A4A" and "A4B" to item A.4 of the Reference from Committees, be approved.

18. PROGRAMME OF MEETINGS: 2011/2012 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year.

RESOLVED - That the programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee, as set out in the Appendix to item A.5 of the Reference from Cabinet, be approved.

19. SUB-COMMITTEES OF THE LICENSING AND REGULATORY COMMITTEES AND THEIR CHAIRMEN AND VICE-CHAIRMEN

To avoid the need for formal meetings of the Licensing and Regulatory Committees to be held to appoint their Sub-Committees and the Chairmen and Vice-Chairmen of those Sub-Committees:-

It was moved by Councillor Stock, duly seconded and:-

RESOLVED – (a) That the Appeals Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Aldis
Councillor Bragg
Councillor S A Honeywood
Councillor Nicholls
Councillor Platt
Councillor Simons

(b) That Councillor S A Honeywood be elected Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(c) That Councillor Platt be appointed Vice-Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(d) That the Licensing (General Purposes) Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Casey
Councillor De-Vaux Balbirnie
Councillor Downing
Councillor Fawcett
Councillor V E Guglielmi
Councillor Powell
Councillor Pugh
Councillor Skeels

(e) That Councillor Downing be elected Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(f) That Councillor Fawcett be appointed Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(g) That Premises/Personal Licences Sub-Committee 'A' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows, with the appointment of a third member from the Labour Group, which appointment to be dealt with by the Chief Executive in accordance with the authority delegated to him to appoint a member at the request of the Group Leader:-

Councillor Downing
Councillor Powell

(h) That Councillor Downing be elected Chairman of the Premises/Personal Licences Sub-Committee 'A' for the 2011/2012 Municipal Year.

(i) That Premises/Personal Licences Sub-Committee 'B' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor V E Guglielmi
Councillor G L Mitchell
Councillor Shearing

(j) That Councillor V E Guglielmi be elected Chairman of the Premises/Personal Licences Sub-Committee 'B' for the 2011/2012 Municipal Year.

(k) That Premises/Personal Licences Sub-Committee 'C' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor De Vaux-Balbirnie
Councillor Fawcett
Councillor Platt

(l) That Councillor Platt be elected Chairman of the Premises/Personal Licences Sub-Committee 'C' for the 2011/2012 Municipal Year.

20. TENDRING DISTRICT LOCAL PLAN PREFERRED OPTIONS CONSULTATION

Council's approval was sought in respect of the Tendring District Local Plan Preferred Options Consultation.

The Local Plan Committee had considered the consultation document at its meeting held on 9 June 2016 and Council had before it the Committee's recommendations.

Council also had before it a report of the Head of Planning Services which informed Members of major as well as minor changes to the consultation documents in order to make the Plan up-to-date prior to public consultation and to be consistent in not allocating sites for housing which had been refused permission. Some of those changes were a result of decisions made by the Planning Committee at its meeting held on 14 June 2016. The changes had been made to the Plan attached as Appendix A to the report of the Head of Planning Services and a schedule of those changes was provided in Appendix C thereto.

Members had had circulated to them prior to the commencement of the meeting amended maps in relation to Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland. Those maps had been altered as a result of the recent refusal of related planning applications.

Councillor Stock, Chairman of the Local Plan Committee, thanked the Members of that Committee and the Officers, particularly the Head of Planning Services (Cath Bicknell) and the Planning & Regulation Manager (Simon Meecham), for their hard work and dedicated effort in getting the Local Plan to its current position. He also thanked the members of the public and representatives of parish councils who had participated in the public speaking scheme at meetings of the Local Plan Committee.

Councillors Stock, Turner, Scott, Winfield, Parsons, Stephenson, Calver, Bray, V E Guglielmi, Howard, G V Guglielmi, Coley, Broderick and M Brown participated in the debate.

It was moved by Councillor Stock, seconded by Councillor Turner and RESOLVED that Council:

(a) approves the content of the Tendring District Local Plan Preferred Options consultation document, attached as Appendix A to the Report of the Head of Planning Services, which incorporates the changes set out in Appendix C thereto and including the amended maps for Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland, as circulated, for public consultation for a period of eight weeks;

(b) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the text of the Local Plan consultation documents up to the point of publication for consultation purposes. Such amendments are to be circulated to all Members of the Council prior to the commencement of the public consultation; and

(c) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to agree the content of the Sustainability Appraisals for the Local Plan Consultation Documents for public consultation for a period of six weeks. The content of the Sustainability Appraisals are to be circulated to all Members of the Council prior to the commencement of the public consultation.

NOTES: (1) in accordance with the provisions of Council Procedure Rule 18.5, Councillors Bray, Broderick, Parsons and Whitmore each requested that they be recorded in the minutes as having voted against the above decisions; and

(2) in addition, Councillor G V Guglielmi requested that he be recorded in the minutes as having abstained from voting on the above decisions.

21. URGENT MATTERS FOR DEBATE

There were none on this occasion.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman