

MEETING OF THE
TENDRING DISTRICT COUNCIL

9 FEBRUARY 2016

Present:- Councillor F H Nicholls (Chairman of the Council), Councillor J B Chapman (Vice-Chairman of the Council), Councillor C D Amos, Councillor A P H Baker, Councillor L M Bennison, Councillor J D Bray, Councillor J Broderick, Councillor B E Brown, Councillor J A Brown, Councillor M A Brown, Councillor R J Bucke, Councillor R Callender, Councillor G W J Calver, Councillor P Cawthron, Councillor J Chittock, Councillor A D Coley, Councillor M A Cossens, Councillor A Davis, Councillor R H Everett, Councillor Z Fairley, Councillor T M Ferguson, Councillor M Fowler, Councillor L J M Gray, Councillor C W Griffiths, Councillor G V Guglielmi, Councillor V E Guglielmi, Councillor R A Heaney, Councillor I J Henderson, Councillor J Henderson, Councillor J H P Hones, Councillor P B Honeywood, Councillor T A Howard, Councillor M J Khan, Councillor K T King, Councillor D J Land, Councillor A Massey, Councillor L A McWilliams, Councillor M D Miles, Councillor M C Newton, Councillor A Pemberton, Councillor M E Platt, Councillor A O J Porter, Councillor R E Raby, Councillor G G I Scott, Councillor M Skeels, Councillor M J D Skeels, Councillor G D Steady, Councillor M E Stephenson, Councillor N R Stock, Councillor M J Talbot, Councillor N W Turner, Councillor G F Watling, Councillor K P Watson, Councillor J F White, Councillor E F Whitmore, Councillor C P Winfield, Councillor K D Yallop

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager & Monitoring Officer (Lisa Hastings), Finance and Procurement Manager & Section 151 Officer (Richard Barrett), Management and Members' Support Manager (Karen Neath) Communications Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Katie Sullivan)

(7.30 p.m. - 10.55 p.m.)

87.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Hughes, Mooney and Poonian.

88. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 24 November 2015, be approved as a correct record and signed by the Chairman.

89. DECLARATIONS OF INTERESTS

Councillors Broderick and McWilliams each declared an interest insofar as they were both members of the Citizens Advice Bureau.

90. CABINET'S PROPOSALS – GENERAL FUND BUDGET AND COUNCIL TAX 2016/2017

The Council gave consideration to the Cabinet's budget proposals for 2016/17 and the amount of Council Tax for District and Town and Parish Council services for the financial year 2016/17, for each category of dwellings within the District of Tendring, to support the proposed level of expenditure.

Members were aware from Minute 132 (A.4) of the meeting of the Cabinet held on 22 January 2016, that the Corporate Director (Corporate Services), in consultation with the Leader of the Council and the Finance and Transformation Management Portfolio Holder, had been 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 for Communities and Local Government, as may necessarily affect the budget.

The Council was advised of all the resolutions made by the Cabinet on 22 January 2016, 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.1 of the Report of the Cabinet. The Council also had before it an Addendum Report which informed Members of a late announcement from the Government on 8 February 2016 of a change to the Council Tax referendum limits. Consequently, the overall revenue budget now reflected a Band D Council Tax increase for this Council's services in 2016/2017 of 3.39% or £5.00 per annum. The Addendum Report set out the updated recommendations and appendices necessary to give effect to the above.

The Council was aware 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 had included scrutiny by the Council's Corporate Management Committee.

Members were also aware that the Town and Parish Councils within the District had met to set their precepts and those precepts were contained within Appendix E to the Addendum Report of the Cabinet, which detailed the Precepts on the Collection Fund. The Council was also aware from Appendix E, that the average District and Parish Council Tax for a Band D property would increase to £184.69.

The Leader of the Council (Councillor Stock) made the following statement on the Council's estimates and financial arrangements for the year ending 31 March 2017:

"I took over as Leader of this Council back in May with one of my first and main priorities being to deliver a balanced budget for 2016/17. Without a strong financial position, this Council would not be able to deliver against its key priorities, we would not be able to make investment where it matters, we would not be able to deliver for our residents – something I think this Council has been extremely good at over recent years – we have certainly punched well above our weight.

Mr. Chairman, the budget presented to Members tonight is built on a strong foundation.

My first budget as Leader of this new administration has, it would be fair to say, been the toughest for a very long time. We have achieved so much over the last few years by identifying efficiencies and opportunities for reorganisation which have yielded the savings that we have needed. 2016/17 has upped the ante in terms of what efficiencies had yet to be 'mined', what reorganisations were left still to implement without having a direct impact on front line services. The phrase 'no low hanging fruit left on the tree' is probably rather overused but that was certainly the starting point staring us in the face when I sat down with the new Cabinet last year.

By taking 2015/16 and 2016/17 together we have narrowly avoided raiding our reserves. And that is a position we must resist wherever we can especially if the purpose of using reserves is just to support the underlying budget. We must not fall into this short term trap as our job as Members extends way beyond our electoral term and I am sure none of us would want to leave a legacy of mismanaged finances which would impose a significant financial burden on our existing and future generations of residents.

Mr Chairman, we have had the words of the External Auditor ringing in our ears throughout

this year's budget cycle and it is worth just dwelling on them once more as we consider the budget tonight. Chairman, this is what the Auditor said:

'Reserves such as the Austerity Reserve are a non-recurrent means for identifying savings but they do not provide a long term solution.

Savings gaps need to be bridged through recurrent savings and efficiencies or increased income.

Decisions relating to council tax increases, or decreases, have an ongoing impact on the Council's ability to raise revenue in future years due to the annual restrictions on the level of annual increases.

In light of the future financial pressures the Council is facing, Members need to consider carefully the impact of any Council Tax or use of reserves decisions on the ongoing sustainability of the Council's financial position and its ability to maintain service levels in future years.'

They are sobering words indeed, and let me just pick up on that last point – the ability to maintain service levels. Just so no one is under any illusion or false impression - I AM WHOLLY COMMITTED TO PROTECTING FRONT-LINE SERVICES WHEREVER I CAN. What I cannot or will not say is that there will not be any further reductions – if I did I would be acting irresponsibly by giving false expectations at a time of significant and frankly unprecedented cuts in Government funding. I was proud to be part of a Council that managed to cut millions of pounds from its budget without any cuts to frontline services but when we recently took the decision to cease free bin bag deliveries I was determined that we were entirely up-front about it and did not attempt to shy away from that service cut or wrap it up as something else. There will undoubtedly be further cuts to existing services coming down the line as we deal with the severity of Government taking away our income and we will have to face up to the responsibility of those decisions as and when they emerge.

And just in case anyone has missed the numbers:

The Government grant has reduced by £4.1m since 2013/14 – that's a reduction of 60% from £6.7m to the £2.6m receivable in 2016/17. But it does not end there – the Government propose to make the following further cuts to our funding as follows:

ANOTHER £900,000 in 2017/18

In addition to that ANOTHER £600,000 in 2018/19

And then on top of both of those yet ANOTHER £650,000 in 2019/20

That would leave us with just over £400,000 of Government funding by 2019/20 – quite a stark contrast to the £6.7m we received in 2013/14.

At the end of 2019/20 our net budget would have reduced from £22m to £12.5m. It does beg the question about how does the Government expect us to continue to deliver our diverse range of services with such significant reductions in funding. If our own personal annual income reduced by such percentages could we still enjoy the lifestyle we are used to? – No, of course we couldn't!

One observation, and to a large extent a massive frustration for me, is the fact that the Government is moving to a point where Local Authorities are self-sufficient through Council Tax and Business Rate income, a challenge I wholeheartedly accept and am happy to rise to, but the Government cuts are front loaded and with all the will in the world, Tendring District Council cannot grow its own income locally at the same pace as the cuts in Government funding. So the squeeze is now being felt.

To some extent this Council has become a victim of its own success. A quick look at how much the other councils across Essex charge their residents in Council Tax demonstrates quite starkly what incredible value for money this Authority has been delivering for many years. But the downside to having such a lean, mean approach to the finances is that the cut in the government's Revenue Support Grant hits us even harder as we don't have that "fat" in our budget – the fat that other councils have due to the far higher Council Tax income that they take from their residents. I make no apology for that Mr Chairman. Council Tax is an inherently unfair system of taxation; it takes no account whatsoever of a person's ability to pay, nor does it consider what services an individual might actually be using. But it has always been quite clear to me that Tendring's residents do not want to be paying huge amounts of money to the Council and it has always been my instinct to keep any tax increases to an absolute minimum and even to cut the rate if possible. But today there is no longer the financially sustainable argument for freezing the level of Council Tax in this coming municipal year. The budget agreed by Cabinet on 22 January 2016 was based on an increase of 1.99% in 2016/17. This reflected the commitment to protecting services wherever possible and the move towards self-sufficiency I have just highlighted. The 1.99% increase was just below the Government's referendum limit of 2%. However, late yesterday evening, the Government changed their stance on this issue, and let me quote the Secretary of State here: "I have helped the most economical authorities by allowing them to charge a de minimus £5 more a year in Council Tax without triggering a referendum."

Chairman, my reading of "most economical authorities" revolves around the fair and balanced approach this Council has taken in terms of the level of Council Tax we have set each year, and it is some little comfort that the Government has finally recognised that we have been one of the "most economical authorities" in the country. We have done the right thing by challenging ourselves as to where we can be more efficient or where we can do things in a different way to reduce the budget rather than simply looking to take more money from Council Tax payers each and every year. Doing the right thing however, has left us in a difficult position when it comes to the referendum limit each year. A 2% increase for us with such a low Council Tax base is quite different to a 2% increase for an authority with a high level of Council Tax, perhaps because they have not been as robust as us in finding the savings needed. We have therefore effectively been penalised for doing the right thing. But the Government has now recognised this inequality by allowing us to increase Council Tax by £5 a year.

With the move to full self-sufficiency from 2019/20 onwards we must react now to such flexibilities. Yes, we will continue to challenge ourselves to find savings through efficiencies, but we will also be building on the strong position we have secured so far to date, which will protect the delivery of services in the future.

Therefore, the addendum report that you all have in front of you reflects a £5 increase in a Band D Council Tax instead of the 1.99% set out in the report included within the agenda. That equates to a rise of 3.39% - but in simple terms it is five quid extra per Band D house, per year. As the budget gap for 2016/17 of £294,000 was met from using savings from 2015/16, it would be logical and financially prudent to use the additional funding of £93,000 that this increase will generate to reduce the 'call' on this one-off money. This also has the knock on impact of reducing the burden on the 2017/18 budget.

Chairman, Councillor Howard mentioned a few things when he introduced the budget report to Cabinet on 22nd January which resonated with me and perhaps will with all Members:

- In terms of being financially self-sufficient, although there are many positives about being in control of our own destiny, the risks associated with it are already being felt, as the cost of appeals and other changes to the level of income estimated to be receivable from business rates is significant in 2016/17.

- Being in control of our own destiny also works well if there is limited interference from the Government. The current trend seems to be that the Government pass on responsibilities to Local Authorities and then make announcements that either undermine this position or introduce a significant level of financial risk or additional burden.

Chairman, we need to remain alert to future Government announcements as they all seem to have a sting in the tail.

Yes, we have had to cease the provision of black sacks from April 2016 as I have already mentioned. However, given the context I have just outlined it is a saving we need to recognise as a sensible one. We will clearly need to identify further savings elsewhere in the budget and I plan on sharing the various options with all Members as early as possible in the budget cycle for 2017/18, as we will need to consider these logically, rationally and sensibly to present to tax-payers a fair and transparent approach. Some actions we take may not always be welcomed by everyone but by ensuring that our residents understand our financial position, I hope the majority will understand the impact that such significant cuts in Government funding is having on us and in turn on them.

I would also like to address some adverse comments that I have heard around the issue of spending money on things we have invested in, take the £36m Coast Protection Scheme along the Clacton to Holland coastline for example. Do we invest this level of public money and not keep it maintained? Do we spend money on keeping it clean, do we recharge the beach in 10 years' time and therefore keep it as a key attraction bringing people to the area? It has got to be a yes hasn't it? The main consideration should therefore be about good financial planning and how we can continue to accommodate such investment in the budget. That is what our residents demand and what our visitors frankly would expect.

I also urge all Members to put forward their own ideas for how we can find the necessary savings to balance the budget in future years, an approach that the Corporate Management Committee has embraced – this is a whole Council challenge, as regardless of our politics, we all want to do the best for our residents, our businesses and visitors.

It is also worth talking about our reserves and one-off money and a point completely missed by the Government. Yes, I accept that we have one-off money set aside but let's not think for one moment that we are just hoarding reserves. Yes, we have a modest uncommitted reserve for those unexpected events, but the balance of the funding is set aside for a purpose - one to act as a buffer to local economic risks and additional burdens, but also for spend-to-save initiatives.

When we consider the use of reserves, we need to do so in a logical and calculated way - I want to see business plans and rates of return, just like any shareholder would want to see in a private organisation – how much can we reduce our budgets by or how much income can we raise? This needs to be our default position wherever possible. We have recently approved the provision of new beach huts whose rates of return are forecast to be in excess of 10% - that's a great benchmark. Once our one-off money is gone it is gone forever and a key measure of success will be how much we have supported the sustainability of the budget on an on-going basis in future years.

There are also some exciting opportunities faced by this Council that could reshape how we work with our neighbours and Essex County Council. This Authority is taking a leading role in the devolution debate which could see some real benefits for the District. Any decision we make must however be about our District and the people who live and work here and the visitors we want to attract here. We must secure the best deal possible with the Government as devolution will have a far-reaching impact on us all and shape how we deliver public services way into the future. Devolution is going to re-shape and re-organise local government in a manner unseen for generations but it will only happen where there is

a coalition of the willing, it won't happen by accident; it will only happen if and when neighbouring authorities can put aside their differences and work together to achieve a common goal.

And Mr Chairman that is what we have already managed to do by working with Colchester Borough Council, Braintree District Council and Essex County Council on Garden Settlements. We are now leading the country in this area and this Council is again punching above its weight in exploring what this can bring to Tendring, with Members and Officers taking a keen and enthusiastic role in the project. The scheme offers that once in a lifetime opportunity of establishing a whole new community in the district. This might require a significant change in our mind set and our appetite for risk given the potential scale of the project and it will need the focus and drive of the whole Council to successfully deliver it if it proves to be viable. But by being positive and constructive and brave there is almost no limit to what this Council can achieve.

It is relatively early in the process for both Devolution and Garden Settlements and further decisions will be subject to separate reports over the coming months as the projects develop. And when we consider those decisions we must simply keep in mind one key principle – is it good for Tendring? For our residents, our businesses and our visitors.

Mr Chairman, there is a report elsewhere on the agenda tonight about street lighting that sets out developments since the last Council meeting.

As confirmed by Essex County Council, a one-year deal is no longer possible, neither is turning the lights back on in only some parts of the district. County have also set out a minimum period of 4 years that this Council would have to sign up to.

Opinion is clearly divided within the District but to put it simplistically the evidence indicates that in our urban areas many residents would like to see Street Lighting restored between 1am and 5am each night whilst those in rural areas would not.

As set out in the separate report, given our financial position, if this Council were to pay for the lights to be turned back on, we would have to identify what we want to stop doing in order to fund it. Do we want to cut a Tendring District Council service to pay for an Essex County Council function? This does not sit comfortably with me and whilst I appreciate the divided opinion on this issue, those Members and residents who wish to see street lights restored should continue to challenge the people whose responsibility it is to pay for them – Essex County Council. There are clearly genuine and passionate arguments on all sides of the chamber and we should direct this to County and continue to request that they fund the restoration of street lighting throughout the night rather than us picking up the bill.

Chairman, talking about where people's passions lie, people certainly feel very strongly about the Big Society budget and the useful and life-changing schemes and activities that it has supported over recent years.

When I proposed the establishment of the Big Society fund several years ago it was a bold decision and I think we were pretty much unique across the country in having such a scheme. I was even praised by the then Secretary of State for running a "can do" Council, although despite his enthusiasm many Members back then were quite sceptical about the idea. However, I think now that it has clearly been shown to have been a huge success.

The numbers really speak for themselves, for every £1 contributed by this Council another £1.60 has been levered into community schemes across the district. The total spend is now fast approaching a million pounds spent on the most deserving causes across Tendring that simply would not have been available had it not been for the creation of the Big Society Fund.

But there is now only £20,000 left in the pot that we originally established a few years ago.

Given the financial situation that we are in this does present us with a problem. Mr Chairman, the easy decision is to simply call time on the Big Society fund and to stop supporting and helping those organisations and groups that support our communities across the District. However, I am proud of our Big Society fund – it works and it delivers and I want to see it continue so I therefore propose to take the £160,000 that was set aside for Street Lighting last year and transfer it to the Big Society Budget. This will give a range of new and existing local groups and organisations the opportunity to access this funding, which really does make a difference to so many people in our local communities.

What else has been a huge success? I hope all Members will agree that the Free Residents' Parking Scheme has been a real support to our residents and businesses. I am therefore pleased to include the relevant amounts in the budget that will see this scheme continue for a further 3 years. This scheme not only sends out a positive message to our shops and local businesses that we are supporting them but it is also a great way of encouraging our own residents to travel across this large District and visit places they may not otherwise have gone to.

In conclusion Mr. Chairman, I would always urge those who initially and perhaps instinctively oppose the options and ideas we put forward to just take a moment to appreciate the difficult financial job the Council is continually faced with. It is going to be a difficult few years and I would urge people to just take the time to understand why we perhaps consider and choose certain paths to go down to secure the savings we need, and perhaps even respect that we are not blindly making knee-jerk reactions without thinking of the impact on others. We may hold different views across the different political groups, and even within them, and we may have different ideas, but one thing that does not discriminate politically is the Government's funding cuts – difficult decisions will be required regardless of who is running the Council.

Also a large part of our future is not about us choosing whether we embrace something or not – take self-sufficiency as an example - The Government is phasing out our revenue support grant and replacing it with a more comprehensive local business rates retention model – and that is completely regardless of whether we like it or not or whether we think it's a good idea or not.

So we therefore have to be very clear about what opportunities we do have and where we can influence and play a key role. We must not get side tracked into debates where we have very little influence, we must pick our fights and battles carefully and where we can lobby and challenge others, and where we can make a difference.

We must remain a confident and 'can do' Council and not be afraid to challenge ourselves to ensure we continue to do the right things at the right times. As previously mentioned we will not be able to take everyone with us and some people may not agree or support what we do but we let's not forget that Councils up and down the country, regardless of political colours, continue to rise to a challenge that no private sector organisation can boast of doing – that is to deliver such a diverse range of services to such a diverse range of customers, and in the case of this Council, all for an average Council Tax amount of £2.94 per week.

Chairman, I am now pleased to commend the recommendations as set out in the addendum report that all Members should have in front of them."

It was moved by Councillor Stock and seconded by Councillor Howard, that having had regard to the Chief Finance Officer's (Section 151 Officer) 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 3.39% Band D Council Tax increase for District Services) and agrees:

- i) That the total General Fund net revenue budget for 2016/17 be set at £13.998m and revised net budget for 2015/16 of £14.910m (a council tax requirement of £6.855m and £6.539m respectively excluding parish precepts);
- ii) That the General Fund capital programme be approved totalling £1.940m in 2016/17;
- iii) That the detailed General Fund budgets be as per the Cabinet's budget proposals of 22 January 2016, updated for the increase in a Band D Council Tax of 3.39% in 2016/2017;
- iv) The calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts, as set out at Appendix C to the Addendum Report of the Cabinet;
- v) The Council Tax for District and Parish/Town Councils' services be as at Appendix F to the Addendum Report of the Cabinet and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands; and
- vi) That, subject to the above, if budget adjustments are required following the late notification of external / grant funding, then in consultation with the Finance and Transformation Portfolio Holder, budgets are adjusted accordingly with no net impact on the overall budget or capital programme set out above.

Councillor I J Henderson moved and Councillor Calver seconded that Councillor Stock's motion be amended by the inclusion of a paragraph vii) as follows:

"That £221,000 be allocated out of the £2.1 million unallocated New Homes Budget for 2015/16 to fund the Careline Lifting service for the years 2016/17, 2017/18 and 2018/19, the funds allocated representing the total three year cost of the project including an allowance for inflation."

Councillor Griffiths declared a non-pecuniary interest in respect of Councillor Henderson's amendment insofar as his mother was a client of Careline.

Councillors Broderick, Bray, Calver, Honeywood, J Henderson, Scott, Bennison, Steady, G V Guglielmi, Chapman, Newton, Fowler, Everett, Raby, I J Henderson and Stock all addressed the Council during the debate on the amendment.

Pursuant to the provisions of Council Procedure Rule 15.6 and with the consent of both the meeting and his seconder, Councillor Stock altered his motion and incorporated therein Councillor Henderson's amendment.

Councillor Broderick moved and Councillor Bray seconded that Councillor Stock's motion be amended by the inclusion of a paragraph viii) as follows:

"That the Big Society funding is allocated in equal amounts to each Councillor (all 60) for them to identify and sanction support to deserving causes in their Wards, in neighbouring Wards even joining with other Councillors to fund a general community project. The key aim being to empower all 60 Councillors to make the decision rather than just a committee of 10."

Councillors Honeywood, Howard, Bray, Ferguson, Watling, Bucke, Broderick and Stock all addressed the Council during the debate on the amendment.

The Chairman reminded the Council that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 required local authorities to hold a named vote

on the Budget motion and all amendments thereto.

In respect of Councillor Broderick's amendment the vote resulted as follows:

Councillors For

Bray
Broderick
J A Brown
Bucke
Calver
Cawthron
Davis
Everett
Fowler
Gray
I J Henderson
J Henderson
Hones
Khan
King
Newton
Pemberton
Porter
Raby
Stephenson
Watson
Whitmore
Winfield

Councillors Against

Amos
Baker
Bennison
B E Brown
M Brown
Callender
Chapman
Chittock
Coley
Cossens
Fairley
Ferguson
Griffiths
G V Gugliemi
V E Guglielmi
Heaney
Honeywood
Howard
Land
Massey
McWilliams
Miles
Nicholls
Platt
M J Skeels

M J D Skeels
Steady
Stock
Talbot
Turner
Watling
White
Yallop

Councillors Abstaining

Scott

Councillors Not Present

Hughes
Mooney
Poonian

Councillor Broderick's amendment was declared LOST.

Councillors I J Henderson, Broderick, Chapman, Scott, Everett, Bucke, Howard, Bray and Stock all addressed the Council during the debate on the substantive motion..

In respect of Councillor Stock's motion, as amended, the vote resulted as follows:

Councillors For

Amos
Baker
Bennison
Bray
Broderick
B E Brown
J A Brown
M Brown
Bucke
Callender
Calver
Cawthron
Chapman
Chittock
Coley
Cossens
Davis
Fairley
Ferguson
Fowler
Gray
Griffiths
G V Gugliemi
V E Guglielmi
Heaney
I J Henderson
J Henderson
Hones
Honeywood

Howard
Khan
King
Land
Massey
McWilliams
Miles
Newton
Nicholls
Pemberton
Platt
Raby
Scott
M J Skeels
M J D Skeels
Steady
Stephenson
Stock
Talbot
Turner
Watling
Watson
White
Whitmore
Winfield
Yallop

Councillors Against

Everett
Porter

Councillors Abstaining

None

Councillors Not Present

Hughes
Mooney
Poonian

Councillor Stock's motion, as amended, was declared CARRIED.

91. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman thanked all those Members who had attended the recent Pride of Tendring Awards for their support.

92. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

93. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

94. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

95. PETITIONS TO COUNCIL

There were none on this occasion.

96. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

The Council had received questions from Members in relation to:

1. Martello Tower E, Martello Bay Beach Clacton-on-Sea; and
2. The Leader of the Council's conduct of the Cabinet meeting on 22 January 2016.

Notice of the questions had been given in accordance with Council Procedure Rule 9.

Question 1

From Danny Mayzes to Councillor G V Guglielmi, Asset Management and Corporate Services Portfolio Holder:

"Will Tendring District Council renovate Tower E to a tenancy standard including the removal of the perimeter fencing and to accept the relinquishment of Tendring Scout Association's Lease to aid the achievement of future outcomes?"

Councillor Guglielmi responded as follows:

"I thank Mr Mayzes for his question. Mr Mayzes is right to point out the desirability of conserving the building and I'm pleased to say that the Council has been working on this for some time. We have jointly, with Historic England, commissioned a study by a specialist in order to fully define the work that is needed to the building and what uses could be sustainable and sympathetic to its history.

Mr Mayzes' suggestion has much common ground with other suggestions that have been made. Unfortunately it is by no means clear that the creation of a museum would be either financially sustainable or sympathetic.

The building is a scheduled ancient monument and as such is subject to the tightest control measures for the type of structure under UK law. This means that the support and consent of Historic England is absolutely fundamental to both the repair of the building and to any conversion works.

As such an important historic building it is essential that works carried out to it are to the highest standard of both workmanship and design. Any inappropriate work could leave the perpetrators liable to prosecution because of its protection.

A recent survey has suggested that there may be a need, subject to Historic England's agreement, to carry out around £200,000 worth of work in order to stabilise and conserve the structure. Any conversion works would be in addition to that.

The Council has leased the structure to the Scouts since 1996. It seems that it was anticipated at that time that the Scouts would carry out repairs and appropriately use the building. It is now clear that this is not within their reach and they have indeed asked for permission to pass on the lease to another party.

The Council does not object in principle to this of course, but we do need to be careful to

ensure that we move forwards and not backwards. We need to be sure that whoever the lease or building passes to, by whatever means, is capable of conserving, converting and sustainably using the building in accordance with legislative requirements.

Because of the building's historic status the support of Historic England is absolutely fundamental to any proposals. The Council is working closely with Historic England and together we have appointed a specialist to advise on what works and uses can be both appropriate and sustainable.

The report is due imminently and we aim to act quickly after considering it to invite proposals from partners that demonstrate that they have the resources and ability to give the building the future that it deserves. Thank you."

Question 2

From Carol Bannister to Councillor Stock, Leader of the Council:

"During 2011, when he was previously Leader of the Council, Councillor Stock introduced the idea that Group Leaders could be invited to attend and speak, but not vote, at Cabinet Meetings. Furthermore, questions from any Members would be welcome if advance notice were given.

When attending the Cabinet Meeting that was held on December 11th 2015 I was impressed by the way this system can work. However, that cannot be said of the meeting held on January 22nd 2016.

Please would Councillor Stock explain why, during that session, he insisted, as Chairman, upon working through the detailed agenda at such speed that, on some occasions, he was not prepared to allow any time for Opposition Leaders' questions to be answered or even for them to make any comments or present their queries? It was understandable why they left in exasperation before the end of the meeting."

Councillor Stock responded as follows:

"Thank you for your question.

This Council's arrangements whereby the Leaders of Opposition Groups are given the right to attend and participate in meetings of the Cabinet are something which we have chosen to adopt rather than something we are required to do by law, and frankly it is a matter where this Council has led the way in terms of being open, transparent and inclusive and it is an area where many other Councils still fail to apply the high standards and principles which we have set.

Indeed, as the question rightly acknowledges, the decision to invite Opposition Group Leaders to sit at Cabinet meetings and to participate in the debate and discussion as the decisions are actually being made was something that I was proud to introduce when I was first Leader of this Council. It was, Mr. Chairman, only a few years ago that I was an opposition group leader myself and despite leading a very large group of 28 members I was not allowed any participation in Cabinet meetings; I could not sit with the Cabinet as they made their decisions, I was not allowed to participate in the debate and discussions on any of the items on the agenda and I certainly could not express my views or opinions on any matter. Indeed, the role of opposition was not recognised by the Council at that time in any meaningful form whatsoever.

So when I became Leader I set about remedying that situation and I personally invited all opposition Group Leaders to sit at Cabinet meetings and I asked them all to participate in the discussions and debates. It was my view that Cabinet meetings needed to become

more open and transparent and they needed to recognise and engage all political Groups on the Council at an early stage in the decision making processes of the Council.

The set up that I introduced informally and solely using my discretion as Chairman of the Cabinet meetings has since been enshrined into the Constitution of the Council as we have all come to recognize that it is a vital part of the democratic system of this authority.

Mr. Chairman, The Constitution now states the following:

"The Leader or Deputy Leader of opposition groups may, as of right, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their group's opposition to all or part of a decision."

I remain committed to the arrangement that I introduced and I continue to value the constructive input of Group Leaders to Cabinet decision making and I also recognize and acknowledge the right of opposition Group Leaders to disagree with Cabinet decisions and to voice those objections but it must be remembered that Cabinet is a DECISION MAKING meeting - it is not an additional scrutiny meeting.

On recent occasions the conduct of the business of the meeting has been in danger of being dominated by repetitive questioning of a detailed and technical nature and we have even been subject to long-winded party political statements that were simply not relevant to any item on the agenda.

So just like with any other meeting of the Council, when I am chairing meetings of the Cabinet I have a duty to ensure that the focus is on the business on the agenda and that the Council's constitution is complied with.

And Mr. Chairman, in respect of the specific issue of questions to Cabinet I am sure that all Members will be well aware that the constitution states (and I will quote it) "any Member has the right to submit a written question to the Cabinet on any item on their agenda and to attend to present it at the meeting of the Cabinet when the item is to be considered. Such question shall be submitted at least 24 hours before this Cabinet meeting." So any member of this authority can ask questions at cabinet meetings, not just group leaders.

Which leads me on to the current situation that we currently have on this Council, which I have not known before, whereby we now have 5 individual councillors who do not belong to any political group and hence do not have a group leader. As such those Members are currently unrepresented at Cabinet meetings despite numbering more Members together than two of the three groups who are represented by a Group Leader. I don't pretend that is a satisfactory situation and whilst I do not propose a solution to it at this point, I think it is an issue the Council may want to consider as we move forward and I will certainly welcome any comments or suggestions from Members on this issue in the future."

97. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The Council had received a questions from a Member in relation to a proposed café on the greensward at Holland-on-Sea.

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

Question

From Councillor J Broderick to Councillor G Watling, Regeneration Portfolio Holder:

“Last October the Cabinet put forward a vision for Holland-on-Sea, as a result of the coast protection scheme, which included “a new café situated along the top promenade providing a specific ‘offer’ to visitors”.

I have subsequently been made aware by residents that engineering soil sampling has taken place at the proposed site. I have to inform the Portfolio Holder that there is a lot of concern within the community and a very strong view that it is not the wishes of the Holland residents to see any commercial or residential building erected on the greensward, which is why, you will recall, the initial proposed Local Development Order was so hotly challenged and overturned.

I would therefore ask the Portfolio Holder if he would confirm that he will both listen to, and act on, the views and feelings of the people of Holland on Sea when they say they do not wish to see this cafe, or any commercial or residential development, built on the Holland greensward?”

Councillor Watling responded as follows:

“Thank you for your question Councillor Broderick. If we don’t regenerate and therefore spend some money on regeneration we will lose opportunities and we will lose income for the future. As a Frinton Councillor I am very much aware of the importance of the greenswards to our local communities and the environment. Indeed, the impressive sea defences that we are all so grateful for in Holland-on-Sea have gone a long way to preserve the greensward there.

I am firmly of the view that in order to build on the magnificent success of the recent coastal defence works and the resulting excellent beaches, so beautifully brought about and led by my colleague Councillor Turner, that the Council needs to take matching action to bring vibrancy, visitors and vision to the landward side.

The proposed boutique cafe is on a unique site I’m sure you’ll agree. It’s Star Point with commanding views in the distance, towards your ward Councillor Broderick at Holland Haven and also towards Clacton Pier. It sits favourably on the border between Clacton and Holland - it is opposite a public car park and public toilets and is not directly in front of any residential development. It is proposed that the boutique cafe will become a place that people will actively seek out both residents and visitors alike as it will provide an experience - not just in terms of the particular catering offer that we are looking for but also because of the stunning coastal views.

The proposed cafe will sit directly behind the commemorative rock that was placed to mark the scheme that has protected some 3000 homes and businesses and it will bring additional visitors, new jobs and improve the economic wellbeing of the area.

Development of this kind is the essence of regeneration. As community leaders we have to have regard not only to local views but also to the wider needs of the community. Pro Bono Omnium - For the Good of All!

For this very reason, the Council is consulting widely on the proposal. The local ward Members and indeed yourself were invited in to see officers over a week ago and you met with myself and Councillor Turner too; a press release has been issued; posters have been displayed along the seafront with details of the consultation event; local clubs have been invited to attend the consultation day on the proposed location at Star Point on Saturday 13 February; there is an opportunity for people to comment online via the Council’s website and there is information about the proposal and feedback forms available in the Town Hall reception.

In short, we are doing all we reasonably can to do exactly what you ask - and that is to

consult!

Officers will use the feedback to inform the planning application and I am sure that the Council's Planning Committee will carefully balance all of the factors when the full details of the proposals are available.

In the meantime, there are plenty of opportunities for people to comment but let's keep an open mind as we think about how together we can regenerate our District and improve its economic wellbeing. Thank you."

Supplementary Question from Councillor Broderick

"Does the Portfolio Holder therefore agree that the precedent set from the building of a commercial premises on the Holland-on-Sea greensward opens up opportunities for the Council to gain further income from similar ventures being put forward on the greenswards along the whole of the Tendring frontage and with the need for maximising income streams this must include the Frinton-on-Sea greensward where the public currently are entirely denied such amenities?"

Councillor Watling responded as follows:

"Thank you for your supplementary question. First of all, I point out that this is the only proposal that we have. Secondly, to compare Holland-on-Sea with Frinton-on-Sea, I concede that we both have greenswards but you have to remember that Frinton-on-Sea has six or seven café outlets and a public house within a few hundred yards of its frontage and is totally different from Holland-on-Sea. Frinton has not received £36million for its sea defences; Frinton does not need to find £150,000 per annum to look after those sea defences and keep them maintained.

The beaches, which were delivered by a Conservative Administration in the teeth of a major recession and despite setbacks introduced by certain Members over the size of the grains of sand, are indisputably a major boon to the residents of Holland-on-Sea. They have enhanced the environment and most importantly have saved many houses from total loss - a bleak issue which is, unfortunately, facing residents not so much further up the East Coast of England.

Taxpayers from this District and across the country have in effect contributed £36 million to the purse of the residents of Holland-on-Sea. And it now seems that you want to say; "thank you very much - now keep out!" Now, if you ask me, this is breathless arrogance!

Land values have been secured and house prices are going up - beach huts have more than tripled in value in under a year. It's all good news for Holland-on-Sea!

We do not want anything other than the finest facilities along the front at Holland - in keeping with its refined heritage. We wish to consult and get the very best for Holland - but here we are again at the first post being rejected - along with the countless contributors to the sea defences - before we have even started to lay the plans before you.

This is not the thin edge of any wedge, this is a holistic approach to the, now secured, future of Holland-on-Sea which, with a little forethought and careful planning should rival the best the South Coast has to offer. Sandbanks near Bournemouth should look to its laurels.

Finally there is the matter of the beach recharges which have been estimated at £150,000 a year - where is that money going to come from? Is Holland-on-Sea now going to step up to the plate and embrace a fantastic, golden future, or is it merely going to hold out its hand like an ungrateful Oliver Twist and demand more? I believe taxpayers across the District

and Country would take a pretty dim view of that.

I urge you to wait until the question is asked before saying 'No'.

I remind you that this is the only proposal that we have for the greensward at Holland-on-Sea and personally I would not like to see any others.

And thirdly, I would finally like to say all we are trying to do is to bring a little Joy to Holland. Thank you."

98. PART NIGHT STREET LIGHTING

Further to Minute 79 (24.11.15), Council had before it a report of the Leader of the Council, which updated it with the details of the correspondence conducted between the Leader of the Council and the Leader of Essex County Council (ECC)

The report also set out the cost to this Council of committing to paying to have street lights within the District switched back on throughout the night, over a four-year period. Although subject to the Council's decision, given ECC's requirement of a minimum four year agreement, this matter would need to be considered as an on-going revenue commitment and therefore funding would need to be identified on an on-going basis via revenue reductions elsewhere in the Council's budget.

It was moved by Councillor Stock and seconded by Councillor Turner that:

(a) Council notes Essex County Council's latest position and the annual cost of £128,600 in this financial year of the lights being turned back on between 1am and 5am each night, for the whole district only and continuing for a minimum period of 4 years; and

(b) In light of (a) above, Council no longer seeks to fund the cost of turning the District's street lights back on between 1am and 5am each night and urges the County Council to do so as it is their function.

Councillor Everett moved and Councillor Bray seconded that Councillor Stock's motion be amended by the addition of:

(c) This Council commits to support the roll out of Essex County Council's LED scheme by offering to be the first District to be a pilot of such a scheme and explore the cost and potential support funding.

Pursuant to the provisions of Council Procedure Rule 15.6 and with the consent of both the meeting and his seconder, Councillor Stock altered his motion and incorporated therein Councillor Everett's amendment.

Councillor Stock's motion, as amended, was declared CARRIED.

99. MINUTES OF COMMITTEES

It was moved by Councillor Stock, seconded by Councillor Scott and RESOLVED that the minutes of the following Committees, as circulated, be received and noted:

(a) Community Leadership and Partnerships Committee of Monday 26 October 2015;

(b) Service Development and Delivery Committee of Monday 2 November 2015;

(c) Education and Skills Committee of Monday 30 November 2015;

(d) Corporate Management Committee of Thursday 3 December 2015;

- (e) Community Leadership and Partnerships Committee of Monday 7 December 2015;
- (f) Corporate Management Committee of Monday 14 December 2015;
- (g) Audit Committee of Thursday 17 December 2015;
- (h) Corporate Management Committee of Monday 4 January 2016 and resumed on Wednesday 6 January 2016;
- (i) Local Plan Committee held on Thursday 21 January 2016;
- (j) Service Development and Delivery Committee of Monday 25 January 2016; and
- (k) Human Resources Committee of Tuesday 26 January 2016.

The Chairman of the Community Leadership and Partnerships Committee (Councillor Miles), on behalf of all the Chairmen of the Council's overview and scrutiny committees, paid tribute to Colin Sweeney, Democratic Services Manager who was shortly to leave the Council. She expressed their collective regret that the Council was losing Colin and stated that she and her fellow overview and scrutiny committee chairmen had valued his professionalism and his support and exemplary work he had given them. Members endorsed those comments with a round of applause.

Councillor I J Henderson expressed his concern that members of the Corporate Management Committee were working with Portfolio Holders on projects that could subsequently become executive decisions and that, if they were called-in, those Members would be prejudiced and unable to scrutinise that decision.

The Chairman of the Corporate Management Committee, Councillor Steady, replied by saying that the Council's Monitoring Officer had made a ruling that this joint working was lawful and was part of a new way of working to improve the work of overview and scrutiny and to allow the Committee to have a pro-active input into the decision making process.

100. MOTION TO COUNCIL – PROPOSED CHANGE TO THE COUNCIL'S GOVERNANCE ARRANGEMENTS

The Council further considered the following motion, which had been moved by Councillor Mary Newton and seconded by Councillor Joy Broderick at the meeting of the Council held on 24 November 2015 and which, pursuant to Council Procedure Rule 11.4, had stood referred to the Cabinet for consideration and report:

"Following the 7th May elections and the change of proportionality of the absolute majority of one party to one of no overall control in its own right, this Council recognises:

- (1) that the Cabinet system of governance creates a democratic deficit in Local Government with key decisions being made by very few elected Members; and
- (2) that a Committee system operated successfully at Tendring District Council prior to the 2001 introduction of the Leader/Cabinet arrangement;
- (3) that other Councils have reverted to a Committee system which has ensured both democracy and accountability for all Councillors and therefore all electors.

Therefore, this Council resolves to investigate changing this Council's form of governance to a Committee system as provided in Section 9B(1)(b) and in accordance with Sections 9K and 9KC of the Local Government Act 2000 as implemented by the Localism Act 2011.

This Council requests Officers to bring a report back to a future meeting of Council to enable Council to make an informed decision and with a view to enabling new governance arrangements to be introduced from the 2017 Annual Council if agreed.”

The Cabinet had considered Councillor Newton’s motion, at its meeting held on 11 December 2015 (Minute 115 referred), and Council had before it the Cabinet proposed amendment to Councillor Newton’s motion.

The Leader of the Council, Councillor Stock, informed Council that the Local Government and Boundary Commission for England had confirmed that this Council was on its programme of work and that therefore the Council would have new electoral and governance arrangements in place for the next District Council Elections in 2019.

Councillor Stock moved that Councillor Newton’s motion be amended to read as follows:

“This Council resolves that the terms of reference of the Electoral Review Portfolio Holder Working Party, which will consider what would constitute an efficient and effective Local Government structure for Tendring, are extended to include consideration of all of the governance structures available when considering the reduction in Councillor numbers and reports back to Council upon conclusion of the review.”

Pursuant to the provisions of Council Procedure Rule 15.7 and with the consent of both the meeting and her seconder, Councillor Newton withdrew her motion.

Councillor Stock, on behalf of the Cabinet, withdrew its amendment.

101. AMENDMENTS TO THE COUNCIL’S CONSTITUTION – ANNUAL REVIEW

The Council had before it the recommendations submitted to it by the Cabinet in respect of proposed changes to the Council’s Constitution, which had been suggested by the Monitoring Officer and the Section 151 Officer as part of an annual review of the Constitution Review. [Minute 131 of the Cabinet meeting held on 22 January 2016 referred.]

It was moved by Councillor G V Guglielmi and RESOLVED that:

1. The proposed changes to the Access to Information Rules, as detailed in Appendix A to item A.3 of the Report of the Asset Management and Corporate Services Portfolio Holder submitted to the meeting of the Cabinet held on 22 January 2016, be approved and adopted;
2. The Council’s Constitution be amended accordingly to reflect the proposed changes to the Financial Procedure Rules, Property Dealing Procedure and miscellaneous amendments (such as to Council Procedure Rule 11.1 Motions on Notice), as set out in the Cabinet’s recommendations to Council; and
3. In consultation with the Monitoring Officer, the Chief Financial Officer (Section 151 Officer) be authorised to amend the Procurement Procedure Rules to reflect the Public Contract Regulations 2015 and any future legislative amendments.

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

There were none on this occasion.

103. ADOPTION OF STATEMENT OF LICENSING POLICY

The Council had before it the recommendations submitted to it by the Licensing and Registration Committee in respect of the adoption of the Council's Statement of Licensing Policy.

It was moved by Councillor Platt and RESOLVED that:

- (a) The Council's proposed Statement of Licensing Policy is agreed and adopted;
- (b) The Council's revised Statement of Licensing Policy is published via the Council's web site and will come into force with immediate effect upon publication; and
- (c) Authority is delegated to the Environmental Services Manager and the Licensing Manager, in consultation with the Monitoring Officer and the Chairman or Vice-Chairman of the Licensing and Registration Committee, to make any future minor or administrative amendments to the revised adopted and published policy without the need for public consultation or re-adoption by the full Council.

104. MEMBERSHIP OF COMMITTEES ETC

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

Corporate Management Committee

Councillor Whitmore had been appointed to serve in place of Councillor Cawthron.

Human Resources Committee

Councillor Amos had been appointed to serve in place of Councillor Baker.

Councillor Bennison had been appointed to serve in place of Councillor Khan.

Councillor Bray had been appointed to serve in place of Councillor Porter.

Local Plan Committee

Councillor Newton had been appointed to serve in place of Councillor Porter.

Councillor Stephenson had been appointed to serve in place of Councillor Cawthron.

Planning Committee

Councillor Bennison had been appointed to serve in place of Councillor Watson.

Council noted the foregoing.

105. COUNCILLOR PETER CAWTHRON

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Peter Cawthron on 19 January 2016, had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Council noted the foregoing.

106. COUNCILLOR ALEX PORTER

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Alex Porter on 25 January 2016, had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Council noted the foregoing.

107. LOCAL GOVERNMENT OMBUDSMAN

Members were reminded that the 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.

It was reported that The Local Government Ombudsman had recently considered a case in relation to a planning application. Although the Ombudsman had not upheld the complaint she had found fault with out of date information on the Council's web-site but had concluded that the injustice was not significant enough to warrant further investigation. The Council's website had now been updated.

Council noted the foregoing.

108. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman