

MEETING OF THE  
TENDRING DISTRICT COUNCIL

26 APRIL 2016

Present:- Councillors Chapman (Chairman), Platt (Vice-Chairman), Amos, Baker, Bennison, Bray, Broderick, B E Brown, J A Brown, M Brown, Bucke, Calver, Cawthron, Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Honeywood, Howard, Hughes, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls (in the Chair for items 1 – 4 (part)), Pemberton, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Talbot, Turner, Watling, Watson, Whitmore, Winfield and Yallop.

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Legal Services Manager & Monitoring Officer (Lisa Hastings), Management and Members' Support Manager (Karen Neath), Communications and Public Relations Manager (Nigel Brown), Democratic Services Officers (Janey Nice and Katie Sullivan) and Management and Members' Support Officer (Ashley Wood).

(7.30 p.m. - 8.18 p.m.)  
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1.. APOLOGIES FOR ABSENCE

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Councillor Nicholls, until his successor became entitled to act as Chairman.

Apologies for absence were submitted on behalf of Councillors Callender, Stock and White.

2. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The Chairman's and Vice-Chairman's engagements for the period 4 April to 25 April 2016 were tabled at the meeting.

3. TO ELECT THE CHAIRMAN OF THE COUNCIL FOR THE 2016/2017 MUNICIPAL YEAR

It was moved by Councillor Talbot, seconded by Councillor Bray and:

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Chapman be elected Chairman of the Council for the 2016/2017 municipal year.

Councillor Chapman was thereupon invested with the badge and Chain of Office and made a Statutory Declaration of Acceptance of Office.

Councillor Chapman thanked her proposer and thanked Members for their support. She pledged to do her best to be as good a Chairman as Councillor Nicholls. She paid tribute to Councillor Nicholls and his wife, Jenny for their amazing year in Office and stated that they would be a hard act to follow. Councillor Chapman then gave Councillor Nicholls his Past Chairman's Badge together with a memento of his year in Office.

Councillor Nicholls then addressed the Council and stated that it had been an honour and a privilege to be Chairman. He thanked friends, family, Members and Officers for all their support and he particularly thanked his Chaplin, The Reverend Sam Winney and Ashley

Wood, Management and Members' Support Officer. Councillor Nicholls gave an extra special thanks to his wife, Jenny. He stated that he had been proud to have flown the flag of Tendring throughout Essex, Suffolk and London and to have met so many wonderful people of all ages working hard for so many worthy causes and he outlined some of his particular highlights. In respect of his nominated charity, The Harwich Mayflower Project, the final total of monies raised was not yet known but it would be at least £4,000. Finally, Councillor Nicholls wished Councillor Chapman best wishes for a successful year in Office.

4. TO ELECT THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2016/2017 MUNICIPAL YEAR

It was moved by Councillor Turner, seconded by Councillor Watling and:

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Platt be elected Vice-Chairman of the Council for the 2016/2017 municipal year.

Councillor Platt was thereupon invested with the Vice-Chairman's Badge of Office and made a Statutory Declaration of Acceptance of Office.

Councillor Platt thanked Members for their support and paid tribute to his predecessor, Councillor Chapman, for all her hard work. He pledged that he and his wife, would give Councillor Chapman every support during her year in Office as Chairman.

The Chairman's and Vice-Chairman's Consorts were invested with their Badges of Office.

The Retiring Chairman's Consort, Jenny Nicholls, addressed the Council and informed Members that she had had a fantastic year supporting Councillor Nicholls and she reported on some of her particular highlights.

5. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman informed Members that she would inform Council at its next meeting of her theme for her year in office and her chosen Charity. The Chairman further informed Members that her Chaplain would be The Reverend Andrew Bell, a Minister with the United Reform Church.

Council noted the forgoing.

6. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive reminded Council that the Police and Crime Commissioner for Essex Election and the St Pauls District Ward By-Election would be held on 5 May 2016. He informed Members that the Verification of Ballot Paper Accounts would commence at 9.00 a.m. on 6 May 2016 and would be followed by the Count for the St Pauls Ward By-Election. The Count for the Police and Crime Commissioner for Essex would commence at 1.00 p.m.

Council noted the forgoing.

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

The Council had before it a report of the Management and Members' Support Manager, which informed Members that the Independent Remuneration Panel (IRP) had recently undertaken a review of Members' Allowances for a scheme commencing 1 May 2016 and that the Panel's recommendations had been published in the local press in accordance with legislation.

Council was advised that it must now have regard to the recommendations of the IRP in determining a Scheme of Allowances for 2016/17. The Council could depart from the IRP's recommendations provided it could demonstrate good reasons for doing so, having taken all relevant matters into account.

Council recalled that it had last agreed a Scheme of Allowances on 24 November 2015 which had effect from 1 November 2015. It was reported that the latest review proposed reduced allowances for the Chairmen of the Sub-Committees of the Licensing and Registration Committee. Otherwise it was proposed that the Basic and Special Responsibility Allowances remain unchanged. However, it was also proposed that the minimum Political Group size for which a Group Leader would be eligible to receive an allowance would be four.

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

RESOLVED that

(a) the allowances recommended by the IRP, as set out in its report to the Council (Appendix A to item A.1 of the Report of the Management and Members' Support Manager) be approved;

(b) the IRP undertakes a further review in 2017/18 and makes recommendations to Annual Council in April 2017.

(c) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses and minimum group size for Opposition Group Leaders' allowance.

8. APPOINTMENT OF MEMBERSHIP OF COMMITTEES ETC.

(a) (i) Appointment of Committees and Sub-Committee subject to the Widdicombe Rules

The Council had before it a schedule of Members that it was proposed should serve on each of the Council's Committees and Sub-Committee, which were subject to the Widdicombe Rules.

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

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Widdicombe Rules be, and are, hereby appointed for the 2016/2017 municipal year and that their membership be as set out hereunder, subject to the remaining vacancies on four Committees being decided by the Leave The EU Group Leader in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution:

Audit Committee - Councillors Chapman, Coley, Griffiths, Skeels Jnr and Stephenson.

Community Leadership and Partnerships Scrutiny Committee - Councillors Amos, Baker, Bennison, Broderick, Fairley, Gray, I J Henderson, Land, Newton, Poonian and Yallop.

Corporate Management Committee - Councillors Baker, Chittock, Massey, Platt, Scott, Steady, Stephenson and Whitmore.

Council Tax Committee - Councillors Bray, Hughes, Miles, Nicholls and Talbot.

Human Resources Committee - Councillors Amos, Bennison, Bray, Bucke, Callender, Calver, Chapman, Chittock, Cossens, Ferguson, King, Massey, Pemberton and one Leave The EU Group Member to be decided.

Licensing and Registration Committee - Councillors Amos, B E Brown, M Brown, Bucke, Callender, Cossens, V E Guglielmi, J Henderson, Raby, Skeels Jnr, Watson, Whitmore, White, Winfield and one Leave The EU Group Member to be decided.

Local Plan Committee - Councillors Baker, Bray, Broderick, G V Guglielmi, I J Henderson, Howard, Land, Newton, Platt, Scott, Skeels Snr, Stephenson, Stock, Turner and one Leave The EU Group Member to be decided.

Planning Committee - Councillors Bennison, Everett, Fairley, Fowler, Gray, Heaney, Hones, McWilliams, Nicholls, Poonian and White.

Service Development and Delivery Scrutiny Committee - Councillors Ferguson, Fowler, Griffiths, Hones, Miles, Pemberton, Skeels Jnr and Yallop.

Standards Committee - Councillors Broderick, J A Brown, Heaney, Honeywood, Nicholls, Steady and one Leave The EU Group Member to be decided.

General Purposes Sub-Committee - Councillors Cossens, V E Guglielmi, J Henderson, Massey, Raby, Watson, White and one vacant seat (pending the result of the St Pauls Ward By-Election).

(a) (ii) Appointment of the Premises/Personal Licences Sub-Committees

The Council had before it a schedule of Members that it was proposed should serve on the Premises/Personal Licences Sub-Committees, which were not subject to the Widdicombe Rules.

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

RESOLVED that the Premises/Personal Licences Sub-Committees be, and are, hereby appointed for the 2016/2017 municipal year and that their membership be as set out hereunder, subject to the remaining vacancies being decided by the relevant Group Leader and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution:

Premises/Personal Licences Sub-Committee 'A' - Councillors V E Guglielmi, Winfield and Whitmore.

Premises/Personal Licences Sub-Committee 'B' - Councillors Callender, Watson and White.

Premises/Personal Licences Sub-Committee 'C' - Councillors Cossens, J Henderson and Skeels Jnr.

(a) (iii) Appointment of the Town and Parish Councils Standards Sub-Committee

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

RESOLVED that the Town and Parish Councils Standards Sub-Committee be, and is, hereby appointed for the 2016/2017 municipal year and that its membership be as set out hereunder:

Councillors Heaney, Nicholls and Steady.

(b) Election of a Chairman of each of the above Committees and Sub-Committees (except the Town and Parish Councils Standards Committee) and Appoint a Vice-Chairman of each of the above Committees and the General Purposes Sub-Committee

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

RESOLVED that the Chairmen and, where appropriate, the Vice-Chairmen of the following Committees and Sub-Committees be elected respectively for the 2016/2017 municipal year in accordance with the submitted list.

9. THE COUNCIL'S CONSTITUTION

Members were informed that, in accordance with Council Procedure Rule 1.1 (viii), it was normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The full text of the Council's Constitution could be found on the Council's website and Members had previously been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors. That booklet would shortly be reprinted and reissued to Members to reflect the changes that have been made to the Constitution during the last year.

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

RESOLVED that the Council's Constitution be reaffirmed.

10. PROGRAMME OF MEETINGS: 2016/2017 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 Licensing and Registration Committee, the Local Plan Committee, the Planning Committee, the Service Development and Delivery Committee and the Standards Committee for the 2016/2017 municipal year.

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

RESOLVED that the programme of meetings of the Council and the Committees, as set out in the Appendix to item A.3 of the Reference from Cabinet, be approved.

11. OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2016/2017 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2015 TO APRIL 2016

The Council considered a report which sought its 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 2016/2017 municipal year and which reviewed the work carried out by those Committees (and the former Education and Skills Committee) during the period May 2015 to April 2016.

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

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 2016/2017 municipal year and the review of the work carried out in the period May 2015 to April 2016, as set out in Appendices A4A

and A4B to item A.4 of the References from Committees, be approved.

Finally, the Chairman invited Members and Officers, together with their families and guests to join her in the Chairman's Parlour after the meeting for refreshments.

12. REPORT OF THE LEADER OF THE COUNCIL

There was no report on this occasion.

13. MINUTES OF COMMITTEES

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

- (a) Education and Skills Committee of Monday 1 February 2016;
- (b) Corporate Management Committee of Monday 15 February 2016;
- (c) Community Leadership and Partnerships Committee of Monday 22 February 2016;
- (d) Council Tax Committee of Wednesday 24 February 2016;
- (e) Service Development and Delivery Committee of Monday 7 March 2016; and
- (f) Standards Committee of Monday 14 March 2016.

14. MOTION TO COUNCIL - PROPOSED CHANGE TO THE COUNCIL'S COUNCIL PROCEDURE RULES IN RESPECT OF THE BUDGET AND COUNCIL TAX SETTING MEETING OF THE COUNCIL.

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

“(a) That this Council resolves that, with effect from the 2016/2017 Municipal Year, at the ordinary meeting of the Council at which the Council's Budget and Council Tax is approved and set no other significant business will be included on the Agenda of that meeting;

(b) That, consequently, the Council's Constitution be amended by the insertion of a new “Council Procedure 2 – Budget and Council Tax Setting Meeting of the Council” and that the subsequent Council Procedure Rules be renumbered accordingly and that all necessary textual amendments be made thereto;

(c) That the wording of the new Council Procedure Rule 2 – Budget and Council Tax Setting be as follows:

“At the relevant ordinary meeting of the Council when the Council's Budget and Council Tax is approved and set no business except that identified below will be included on the Agenda of the Budget and Council Tax Setting Meeting and all other Council Procedure Rules shall be construed accordingly. The Budget and Council Tax Setting Meeting shall:

- (i) Receive apologies for absence;
- (ii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (iii) Deal with any business required by Statute to be dealt with before any other business;
- (iv) Approve the minutes of the last meeting;
- (v) Receive any announcements from the Chairman and/or the Chief Executive and any statements from the Leader of the Council and/or members of the Cabinet;

- (vi) Approve and set the Council's Budget and Council Tax;
- (vii) Deal with any business remaining from the last Council meeting; and
- (viii) Consider any Urgent Matters for Debate

Matters which are not on the agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

- (d) That the Council's Monitoring Officer be authorised to make the necessary alterations and amendments to the Constitution to give effect to the above."

Councillor Amos formally moved his motion and Councillor Honeywood formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 11.4, he would allow the motion to be dealt with at this meeting.

Councillors Everett, Calver, Bray, I J Henderson, Howard and Stock all addressed the Council during the debate on the Motion.

Councillor Stock moved by way of an amendment and Councillor Watling seconded that Councillor Amos' motion be referred to the Corporate Management Committee for its consideration and report back to Council.

Councillors Talbot, Griffiths, G V Guglielmi, Honeywood, Steady, Cossens, Scott, Bray, Calver, I J Henderson, Miles and Amos all addressed the Council during the debate on the Amendment.

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

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

15. MOTION TO COUNCIL - EUROPEAN UNION REFERENDUM

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

"Due to the negative impact that EU directives such as the agency working time directive, the EU procurement rules and the EU waste framework directive have on the ability and cost of Tendring District Council to fulfill its obligations, this Council agrees that Britain would be better off outside the European Union."

Members were aware from Minute 114 above, that, pursuant to Council Procedure Rule 11.2, Councillor Porter had given notice in writing that he had withdrawn his motion.

Council noted the foregoing.

16. RECOMMENDATIONS FROM THE CABINET - PROPOSED MERGER OF THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE AND THE EDUCATION AND SKILLS COMMITTEE

The Council had before it the recommendations submitted to it by the Cabinet in respect of

the proposed merger of the Community Leadership and Partnerships Committee and the Education and Skills Committee [Minute 157 of the Cabinet meeting held on 18 March 2016 referred.]

It was moved by Councillor G V Guglielmi that:

(a) the Education and Skills Committee be formally disbanded with effect from 25 April 2016;

(b) the terms of reference of the Education and Skills Committee, which relate to the Council's community leadership role in respect of improving the aspiration and attainment of young people in the District, be transferred to the Community Leadership and Partnerships Committee with effect from the Annual Meeting of the Council on 26 April 2016;

(c) also with effect from the Annual Meeting of the Council on 26 April 2016, the establishment of the Community Leadership and Partnerships Committee be increased from eight Members to eleven Members; and

(d) the Monitoring Officer be authorised to make all necessary alterations and amendments to the Council's Constitution to give effect to the above.

Councillors Bucke, I J Henderson, Scott, Bennison, Fairley, Miles and Stock all addressed the Council during the debate on the Motion.

Councillor Guglielmi's motion, on being put to the vote, was declared CARRIED.

17. RECOMMENDATIONS FROM THE CABINET - ANNUAL TREASURY STRATEGY 2016/17 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it the recommendations submitted to it by the Cabinet in respect of the proposed merger of the Annual Treasury Strategy for 2016/2017 [Minute 159 of the Cabinet meeting held on 18 March 2016 referred.]

It was moved by Councillor Howard and RESOLVED that the Annual Treasury Strategy for 2016/2017 (including Prudential and Treasury Indicators), be approved and implemented.

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

There were none on this occasion.

19. FORMATION OF A NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL

The Chief Executive formally reported that, on 21 March 2016, Councillor Peter Cawthron and Councillor Alex Porter, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was Leave The EU Group. The Leader of the Leave The EU Group was Councillor Peter Cawthron and Councillor Alex Porter was the deputy Group Leader.

In accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups would now be carried out. The outcome of that review would be reported to the Annual Meeting of the Council on 26 April 2016.

Council noted the foregoing.

20. PAY POLICY STATEMENT 2016/17

Further to minute 14 of the meeting of the Human Resources Committee held on 26 January 2016 the Council gave consideration to a proposed Pay Policy Statement for 2016/17 which would meet the requirements of the Localism Act 2011 (Section 38(1)).

The Chief Executive and Corporate Director (Corporate Services) each declared a pecuniary interest in this item and left the meeting during the consideration thereof and the voting thereon.

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

RESOLVED that

(a) the Pay Policy Statement 2016/17, as set out in the Appendix to item A.2 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect; and

(b) the costs of applying the enhanced salary payments be met from existing salary/vacancy provision within budgets.

21. URGENT MATTERS FOR DEBATE

Members were informed that the Chairman of the Council, Councillor Nicholls, had decided that, pursuant to the provisions of Council Procedure Rule 12(q), the following Motion submitted by Councillor M Brown could be considered at this meeting as an urgent matter on the grounds of the recent fatalities on the A133 and ensuring the safety of the travelling public.

“That this Council –

- Is appalled that another serious accident has occurred on the A133 on the Weeley and Little Clacton by-pass last week leading to another fatality. In the last ten months there have been a total of 5 fatalities;
- Demands that the Highways Agency take urgent action to immediately reduce the speed limit and introduce such other safety measures as are possible; and
- Calls on the County Council and local Members of Parliament to support this motion and to do everything possible to ensure that the A133 Weeley and Little Clacton by-pass is made safe for all road users.”

Councillor M Brown formally moved the motion and Councillor Bray seconded the motion.

Councillors Heaney, Howard, Porter and Stock all addressed the Council during the debate on the Motion.

Councillor Stock moved by way of an amendment and Councillor G V Guglielmi seconded that the second bullet point of Councillor Brown’s motion be amended to read as follows:

“Demands that the Highways Authority take urgent action to investigate the causes of these accidents and implement all, and any, safety measures as soon as practicable.”

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

Councillor M Brown's motion, as amended, was declared CARRIED.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman