

MEETING OF THE  
TENDRING DISTRICT COUNCIL

17 MAY 2016

Present:- Councillor J B Chapman (Chairman), Councillor M E Platt (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 (except item 26), Councillor R Callender, Councillor G W J Calver, Councillor P Cawthron, Councillor J Chittock, 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 Hughes, Councillor M J Khan, Councillor A Massey, Councillor L A McWilliams, Councillor M D Miles, Councillor M C Newton, Councillor F H Nicholls, Councillor J E Parsons, Councillor A Pemberton, Councillor B A Poonian, Councillor A O J Porter, Councillor R E Raby, 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 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) (except item 26), Corporate Director (Corporate Services) (Martyn Knappett) (except item 26), Legal Services Manager & Monitoring Officer (Lisa Hastings), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Katie Sullivan)

(7.30 p.m. - 9.08 p.m.)  
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13. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Coley, Land, Scott and Watling.

14. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – ST PAULS WARD

The Returning Officer reported that, at the by-election in the St Pauls Ward of the District, held on 5 May 2016, Jack Ernest Parsons had been duly elected as a Councillor for the St Pauls Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Jack Parsons had since made a Statutory Declaration of Acceptance of Office.

Councillor Parsons had also given notice that he wished to be treated as a member of the United Kingdom Independence Party (UKIP) Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Leader of the UKIP Group, Councillor Stephenson.

The Chairman welcomed Councillor Parsons to his first full Council meeting and Members congratulated Councillor Parsons with a round of applause.

The Council noted the foregoing.

15. MINUTES

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

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 April 2016 and the minutes of the Annual Meeting of the Council held on 26 April 2016, be approved as correct records and signed by the Chairman, subject to the correction of two minor typographical errors in Minutes 4 and 6 (26.4.16).

16. DECLARATIONS OF INTERESTS

There were none at this time though later in the meeting under Minute 25 below, Councillors G V Guglielmi, I J Henderson and Honeywood each declared an interest insofar as they were all members of the Essex Fire Authority.

17. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman's and Vice-Chairman's engagements for the period 26 April 2016 to 17 May 2016 were tabled at the meeting.

The Chairman announced that the theme for her year in office would be "Make a Difference" and she informed Members that her chosen charities would be the Tendring Specialist Stroke Service and the Swimming Trust.

18. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

19. STATEMENTS BY THE LEADER OF THE COUNCIL

Jaywick

The Leader of the Council announced that Jaywick was to have its own Cabinet Member with the special responsibility to drive forward regeneration efforts to bring new homes, jobs and infrastructure to the area. He stated that he had appointed Councillor Honeywood, Portfolio Holder for Housing, to take on this role. Councillor Honeywood then responded to a question raised by Councillor Broderick in respect of the involvement of the local Ward Members.

Council noted the foregoing.

20. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

21. PETITIONS TO COUNCIL

There were none on this occasion.

22. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

There were none on this occasion.

23. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

The Council had received a question from a Member in relation to the placing of beach huts on Clacton beach.

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

Question

From Councillor Laurie Gray to Councillor Nick Turner, Coastal Protection Portfolio Holder:

“The subject of my questions is the brand new beach huts that were placed on Clacton beach a few weeks ago at a cost of £35,000.

After viewing a video I noticed a slight planning error. Nobody seemed to realise that the beach huts were subject to becoming very damp when the tide came in. If we still had coast guards they would have advised about this frequent occurrence.

Can I ask if and when more beach huts are placed, will they be fitted with floatation devices and anchors?

Funding for these extra expenses would have to be found and I would like to suggest the monies be allocated from the “regeneration fund” as the proposed “posh” cafe and water sports centre have now been dropped as a stupid idea.

May I suggest an appropriate name for the beach hut project - the King Canute beach hut project?”

Councillor Turner responded as follows:

“I am not sure how to answer this. I could say no and no. I could say yes and yes.

There again this might be considered frivolous and I would not like that to be the case.

So I will answer this in a serious manner as befits a serious question.

If Councillor Gray can cast his mind back to our Full Council Meeting of the 5th of April, when I answered Councillor Pemberton’s question as to why we have soft sea defences and that a by-product of that are our new beaches. He will remember that we as well as the sea are learning our new domains. The sea decided to test its new limitations and decided to explore the nether regions of the foreshore. This incursion in no way mitigates us putting 6 beach huts on the foreshore as the sea is learning, so are we.

Councillor Gray should also be aware Madam Chairman that Seafronts put any surplus funds into seafront projects and initiatives, the Clacton Sea Festival comes to mind. The excess income is ring fenced.

On a political level Councillor Gray, I suppose representing a Party that is based on negatives would explain why he cannot applaud an initiative and a positive idea put into action. I gather from this question that Councillor. Gray may not understand a fundamental rule of thumb the 80/20 rule. We have 80% right and are working on the 20%.

Finally Madam Chairman I would like to thank the Councillor or his reference to King Cnut. I took advice as to whether I could answer in Old Norse, but was told that the Official Language of this Chamber is English. Considered by many Historians to be the most effective Anglo-Saxon King in History and the legendary story of King Canute and the waves relates to his wisdom.

Thankyou Madam Chairman.”

24. REPORT OF THE LEADER OF THE COUNCIL

The Council would receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There was no report on this occasion.

25. MINUTES OF COMMITTEES

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

- (a) Audit Committee of Thursday 17 March 2016;
- (b) Corporate Management Committee of Monday 21 March 2016;
- (c) Community Leadership and Partnerships Committee of Wednesday 6 April 2016;
- (d) Service Development and Delivery Committee of Monday 11 April 2016;
- (e) Local Plan Committee of Tuesday 12 April 2016;
- (f) Education and Skills Committee of Monday 18 April 2016;
- (g) Corporate Management Committee of Monday 9 May 2016; and
- (h) Standards Committee of Thursday 12 May 2016.

Councillor Calver thanked Councillor Miles for the way she had, as Chairman, conducted the meeting of the Community Leadership and Partnerships Committee held on 6 April 2016 and, in particular, the presentation by the Essex County Fire and Rescue Service and for allowing those present in the public gallery to ask questions and join in the discussion. He felt that this had enabled the Committee to reach a balanced view. He also thanked the Cabinet for supporting the comments made by the Committee.

Councillors G V Guglielmi, I J Henderson and Honeywood each declared an interest in the above insofar as they were all members of the Essex Fire Authority.

Councillor Bucke referred to the Local Plan Committee Minutes of 12 April 2016 and an email that he had sent pointing out that within the housing requirement and supply data (as shown on pages 43 and 46 in the Council Book) there was reference to the Frinton and Walton and Kirby Cross housing sites and, in particular, an allocation of 250 houses at Turpins Farm. He pointed out to the Chairman of the Local Plan Committee that Turpins Farm was in fact within Kirby-le-Soken and not Kirby Cross and that there could be a knock-on effect on the figures.

The Chairman of the Local Plan Committee, Councillor Stock, confirmed that he had seen Councillor Bucke's email and was awaiting a response from Officers.

26. MOTION TO COUNCIL – EUROPEAN UNION REFERENDUM

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

“That the Council notes there is to be a referendum on the UK's membership of the EU in June and urges all residents of the District to engage with the democratic process and take

part in this historic vote.”

The Council was advised that the Chief Executive and the Corporate Director (Corporate Services) were the Counting and Deputy Counting Officers for conducting the EU Referendum in the Tendring District, and therefore had specific functions and responsibilities direct to the Electoral Commission outside of those for Tendring District Council and must ensure that neither they or any other officers involved made any statements which could be inferred to support or oppose a particular campaign. This was in addition to the normal principles that Officers were not allowed to state a personal view, or do anything that called into question their political impartiality. Members were requested to respect that position when considering and debating the above motion. Irrespective of the outcome of the debate, the Council would not issue a press statement as its resources should also not be used to support a position.

The Chief Executive and the Corporate Director (Corporate Services) therefore withdrew from the meeting whilst the Motion was dealt with by Council.

Councillor Stock formally moved his motion and Councillor G V Guglielmi formally seconded the motion.

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

Councillor Stock then explained his motion.

Councillor Parsons then moved and Councillor Everett seconded that Councillor Stock's motion be amended by the addition of the following paragraph:

“This Council wishes to support the taking back of control over our own laws, to encourage the building of a fairer and safer immigration system, urges that free trade with the whole world is in our best interests, and feels that our money and our priorities should take precedence over European Union interests. The Council considers that voting Leave is the safer choice for the Council and its residents across Tendring.”

Councillor Parsons then explained his amendment.

Councillors Everett, Newton, Griffiths, Honeywood, Ferguson, Howard, Nicholls, Miles, I J Henderson, Davis, Khan, Bray, G V Guglielmi and Stock all addressed the Council during the debate on the Amendment.

Councillor Bray asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Parsons' amendment be taken.

Accordingly, the result of that vote was as follows:

Councillors For

Bennison  
Bray  
Cawthorn  
Davis  
Everett  
Griffiths  
Hones  
Khan  
Newton  
Parsons  
Pemberton

Porter  
Raby  
Stephenson  
Watson  
Whitmore

Councillors Against

Amos  
Baker  
B E Brown  
J A Brown  
M Brown  
Callender  
Calver  
Chapman  
Chittock  
Cossens  
Fairley  
Ferguson  
Fowler  
Gray  
G V Guglielmi  
V E Guglielmi  
Heaney  
I J Henderson  
J Henderson  
Honeywood  
Howard  
Massey  
McWilliams  
Miles  
Nicholls  
Platt  
Poonian  
M J Skeels  
M J D Skeels  
Steady  
Stock  
Talbot  
Turner  
White  
Yallop

Councillors Abstaining

Broderick  
Hughes  
Winfield

Councillors Not Present

Bucke  
Coley  
King  
Land  
Scott

Watling

Councillor Parsons' amendment was thereupon declared LOST.

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

27. MOTION TO COUNCIL – DISPOSAL OF COUNCIL OFFICES, THORPE ROAD, WEELEY

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

"This Council agrees to sell the premises, Council Offices, Thorpe Road, Weeley for the best possible price.

It is no secret that this Council, like many others, is having to fund serious budget gaps in order to run basic services.

We are looking at a budget gap of £3.5 million over the next two years, we are in crisis. This council is lucky to have a team of fiscally astute officers who have managed to just about keep the Council's head above water - however there is a limit when faced with the task we now face.

We all know that staff numbers have been already cut to the quick so our only option now is look at other areas of expenditure for example to downsize underused or expensive council offices. The obvious choice is the Council's Weeley based building. This building and its running costs is a luxury that the Council can no longer sustain or justify, as I am sure all members of the Council would agree.

It is a remote location to most users, antiquated, uninviting and totally inadequate for planning committee public attendance. This 'mausoleum' sends out a message to Tendring residents and tax payers that Tendring Council is old fashioned and has money to burn.

This Motion suggests that services currently based at Weeley offices be transferred to the Town Hall."

Councillor Broderick formally moved her motion and Councillor Winfield formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 11.4, he would refer the motion to the Cabinet

The motion therefore stood referred without speeches or discussion to the Cabinet for consideration and report.

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

There were none on this occasion.

29. MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leaders of

the Coastal Independents and UKIP Political Groups, and the authority delegated to him, the following appointments had been made since the last meeting of the Council:  
Community Leadership and Partnerships Committee

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

Councillor Skeels Jnr had been appointed to serve in place of Councillor Poonian.

Corporate Management Committee

Councillor Skeels Jnr had been appointed to serve in place of Councillor Chittock.

Human Resources Committee

Councillor Skeels Snr had been appointed to serve in place of Councillor Chittock.

Planning Committee

Councillor Hughes had been appointed to serve in place of Councillor Poonian.

The Council noted the foregoing.

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

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors John Chittock and Anne Poonian on 3 May 2016, had each served formal notice on the Council that they no longer wished to be treated as a member of the Coastal Independents political group.

The Chief Executive also formally reported that, on 3 May 2016, Councillor John Chittock and Councillor Anne Poonian, 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 the Tendring Independents Group. The Leader of the Tendring Independents Group was Councillor John Chittock and Councillor Anne Poonian was the deputy Group Leader.

Members were made aware that, 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 meeting of the Council on 5 July 2016.

Council noted the foregoing.

31. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 12 MAY 2016 IN RELATION TO AN ALLEGATION THAT A MEMBER OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

The Council formally received and noted the Decision Notice.

32. URGENT MATTERS FOR DEBATE

There were none on this occasion.



The meeting was declared closed at 9.08 p.m.

33. 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.

34. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman