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**MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 25 MARCH 2014 AT 7.30PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Stock (Chairman), V E Guglielmi (Vice-Chairman), Aldis, Amos, Broderick, Brown, Bucke, Caines, C Callender, R Callender, Calver, Casey, Challinor, Colbourne, Cossens, De-Vaux Balbirnie MBE, Fawcett, Goggin, Griffiths, G V Guglielmi, Hawkins, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, Howard, Johnson, King, D R Mayzes, S S Mayzes, McLeod, McWilliams, Miles, G L Mitchell, Nicholls, D Oxley, P J Oxley, Page, Patten, Platt, Powell, Pugh, Richardson, Sambridge, Scott, Shearing, Simons, D C Skeels, M J D Skeels, Steady, Talbot, Tracey, Turner, Watling, White, Winfield and Wood

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Corporate Director (Public Experience) (June Clare), Legal Services Manager and Monitoring Officer (Lisa Hastings), Democratic Services Manager (Colin Sweeney), Finance and Procurement Manager (Richard Barrett), Human Resources Manager (Anastasia Simpson), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

**104. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Candy, Chapman and Heaney.

**105. MINUTES OF THE LAST MEETING OF THE COUNCIL**

**RESOLVED**, that the minutes of the meeting of the Council, held on Tuesday 11 February 2014, be approved as a correct record and signed by the Chairman.

**106. DECLARATIONS OF INTEREST**

Coast Protection Scheme

Councillors Broderick and Hawkins each declared a Disclosable Pecuniary Interest in respect of any matter relating to the Council's Coast Protection Scheme and both informed Council that they had been granted a dispensation.

Agenda Item 8 – Potential Lease of The Naze, Walton to The Essex Wildlife Trust

Councillor Miles declared a Disclosable Pecuniary Interest in respect of this item and informed Council that she had been granted a dispensation.

Councillors Cossens, I J Henderson, Talbot and White each declared a non-pecuniary interest in respect of this item.

Agenda Item 14(3) – Retail Relief Scheme for 2014/2015 and 2015/2016

Councillors Cossens, De-Vaux Balbirnie, Goggin, G V Guglielmi, V E Guglielmi, Johnson, King, McLeod, Platt, Patten, Sambridge, D C Skeels, M J D Skeels, Stock and Winfield each declared a Disclosable Pecuniary Interest in this item.

Councillors Aldis, Hawkins, Scott, Shearing and Tracey each declared a non-pecuniary interest in respect of this item. In addition, Councillor Hawkins stated that he would withdraw from the meeting during the consideration of that item.

#### **107. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman welcomed the members of the public present to the meeting.

The Chairman informed Council that he had agreed to a request made by Councillor I J Henderson that a motion in respect of the suspension of maternity services at Clacton Hospital and Harwich Hospital be considered as a matter of urgency. He stated that this motion would be considered after Agenda Item 8.

The Chairman further informed Council that, due to the significant amount of business that needed to be transacted at the meeting, Agenda Item 13 (Questions Pursuant to Council Procedure Rule 15.2) would be considered at the end of the meeting if time allowed.

In response to concerns raised by Councillor P J Oxley in relation to the consideration of questions pursuant to Council Procedure Rule 15.2 at Council meetings, the Planning and Corporate Services Portfolio Holder (Councillor G V Guglielmi) stated that this issue was being looked at by the Constitution Working Party with recommendations expected to be submitted to the meeting of the Council scheduled for 3 June 2014.

The Chairman stated that if Councillor Oxley, or any other Member, felt that there should be an extraordinary meeting of the Council held just to take those questions, then he would be happy to consider that request and to call an extraordinary meeting between now and the Annual Meeting of the Council. He reiterated that he would be happy to consider that request from any Member.

#### **108. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

#### **109. STATEMENTS BY THE LEADER OF THE COUNCIL**

##### Dovercourt Swimming Pool

The Leader of the Council (Councillor Page) was pleased to announce that, following a competitive tender exercise, Gipping Construction Ltd. had been appointed as the main contractor to undertake the improvement and extension works at Dovercourt Swimming Pool.

He reported that work would commence after the Easter period on 22 April 2014, to ensure the pool was open to the public during the two-week school holiday. The work, he said, was expected to take around five months to complete and Officers were liaising with the contractor and various users of the pool so as to keep the facility open and minimise disruption. He informed Council that there would be some periods when the pool would have to be closed but he was confident that such closures would be kept to an absolute minimum.

Councillor Page thanked Barry Eldridge and the Council's Building Services Team as well as Ingleton Wood, the design consultants, who had ensured that the Council would deliver a first class pool and fitness suite within budget. He felt that this demonstrated that, with careful budget management, the Council was still able to progress enhancements to services at a time when many Councils were only cutting services.

### Frinton and Walton Swimming Pool

Further to his statement at the last meeting of the Council that he was making funding available to underwrite a feasibility study taking place to examine options to improve the facilities at Frinton and Walton swimming pool, the Leader of the Council was pleased to inform Council that immediately after that meeting he had met with Officers and asked them to commission the study with immediate effect. Ingleton Wood, the design consultants had put forward proposals for modernising and improving the changing facilities which were within budget.

Councillor Page informed Members that he had also asked Officers to consider whether it would be feasible to develop a multi-use flexible fitness suite at the site and to ask Ingleton Wood to examine options for provision of such a facility within a realistic budget. He was delighted to inform Council that the feasibility study had suggested that the cost of delivering such an enhanced facility was comparatively realistic. As such, he would be discussing with Officers on how the Council could best progress the development of a business plan to evaluate that enhanced facility project in tandem with the refurbishment and modernisation of the changing rooms. Councillor Page stated that he would update Members on the work as it progressed

Councillor Page again thanked the Building Services team for their fast response to his request to bring this project forward and he was sure that the Council would bring about about improvements to the pool to ensure that the delivery of first class facilities in line with what local residents, as well as visitors to the area, deserved.

## **110. STATEMENTS BY MEMBERS OF THE CABINET**

### Opening of Tenders – Coast Protection Scheme: Holland Haven to Clacton Pier

The Environment and Coast Protection Portfolio Holder (Councillor Turner), with great pleasure, informed Council that he had, the previous day, witnessed the opening of the tenders for the Council's sea defence scheme from Holland Haven to Clacton Pier. He was pleased to announce that all three tenders had come in under budget and within the Council's time constraints.

He reported that the tender evaluation process would be completed as soon as possible at which point he would inform Members, residents, the media and the successful company of the Council's intention to award the contract.

Councillor Turner then responded to a question put to him by Councillor P J Oxley.

### Special meeting of the Tendring Health and Well-being Board

Further to the announcement by the Leader of the Council at the Cabinet meeting held on 21 March 2014, the Well-being and Partnerships Portfolio Holder (Councillor McWilliams) confirmed that she had called a special meeting of the Tendring Health and Well-being Board to consider the temporary closure of the Clacton and Harwich Maternity Units. The meeting was to be held at 10.00 a.m. on Tuesday 1 April 2014 in the Council Chamber, at the Council Offices, Weeley.

Councillor McWilliams stated that the meeting would be attended by Amanda Hallums, Divisional Director of Women's and Children's Services at the Colchester Hospitals University Foundation Trust and also by Dr Shane Gordon, the Clinical Chief Officer of the Clinical Commissioning Group. She extended an invitation to any Councillor who wished to come along to the meeting to do so. Written notification of the meeting and the invitation to attend would be sent to all Members.

### Women's Cycle Tour 2014

The Tourism, Events and Leisure Services Portfolio Holder (Councillor Platt) informed Council that this was an unique opportunity for the District to participate in a pioneering high profile world class international cycling event. He reported that following the success of the London 2012 Olympics Great Britain had been chosen to host the first international women's cycle road race. The Tendring District had been chosen to host two of the five stages of the race.

He stated that this would be a truly District-wide event as the race would travel through over half of the District's Wards touching towns and villages including Clacton-on-Sea, Dovercourt, Great Holland, Manningtree, Thorpe-le-Soken and Wrabness. There would be daily television highlights featuring extensive coverage of the host areas, primetime broadcasts on ITV4 and broadcasts to over 80 countries. This was therefore a wonderful opportunity for the District to showcase itself to a global audience.

Councillor Platt reassured Members that he had contacted Essex County Council, as the responsible authority, to request their assistance in ensuring that the relevant roads were up to a good standard. He also requested Ward Members to report any concerns that they had to him as soon as possible.

He informed Members that residents and visitors, in addition to Great Britain's elite riders, would watch in action teams from Austria, Belgium, Holland, Italy, Mexico, Norway, Spain, Switzerland and Unites States of America.

Councillor Platt stated that this was a unique opportunity for the community to benefit: in the short-term by an increased spend for retail and accommodation providers; in the longer term to showcase to visitors from the rest of the United Kingdom and around the world the physical attractions of the District and as a great place for outdoor activities such as walking, water sports and cycling. He also believed that this was an opportunity to encourage local people to become involved in sport through the inspiration provided by the best female cyclists in the world. It was also an opportunity to engage in this event, pupils at local schools by schools adopting one of the teams and by meeting some of the athletes and by lining the route as the race passed by their school and for residents to witness a world class sporting event from their doorstep. He concluded that it was also an opportunity to bring a 'feel good' factor and pride to the District as it came together as a community.

Councillor Platt then responded to questions put to him by Councillors Broderick, Hawkins, I J Henderson, Patten and Scott.

## **111. PETITION – POTENTIAL LEASE OF THE NAZE**

### Report of the Corporate Director (Corporate Services) – A.1 – Petition regarding the potential lease of The Naze, Walton

Further to minute 106 above, Councillor Miles had declared a Disclosable Pecuniary Interest in respect of this item and had informed Council that she had been granted a dispensation. In addition, Councillors Cossens, I J Henderson, Talbot and White had each declared a non-pecuniary interest in respect of this item.

Members were aware that the Council was engaged in discussions with Essex Wildlife Trust over proposals for The Naze including a new visitor centre, improved management and educational provision and a lease of the land.

Members were further aware that the Council had received a petition entitled 'Petition of Objection to the Leasing of The Naze' containing 1129 signatures and that the Council's Constitution and Petitions Policy provided that the Council would consider petitions of more than 250 signatures and that the Cabinet would determine land transactions. To that

end the Cabinet were due to consider responses to the statutory notice of those plans and whether to grant the lease at its meeting to be held on 11 April 2014.

Councillor Miles requested that she be allowed, at this juncture, to put her question to the Leader of the Council submitted under Council Procedure Rule 15.2 (Agenda Item 13(8)) as it was relevant to the consideration of this item. The Chairman (Councillor Stock) acquiesced to that request.

Councillor Miles thereupon asked the Leader of the Council (Councillor Page):

1. *“As far back as last summer, I arranged a meeting between residents and the Chief Executive and other officers, and the then Leader insisted on attending. The residents raised their grave concerns over some of the findings that they had unearthed through the freedom of information channel. Out of courtesy to everyone, I will not go in to detail. However, I consider it important to seek an answer to the one particular issue raised. TDC has a signed agreement with EWT to manage the John Western Nature Reserve on the Naze and the agreement states categorically that the EWT:*
  - *Must not exclude the general public from the nature reserve.*
  - *The site is to be accessible to the public as dictated in the terms of the management agreement*
  - *Must ensure that all footpaths, styles etc. are not hazardous or blocked.*
  - *It should replace the Eastern five bar gate with a “kissing gate” structure and maintain thereafter.*
  - *Maintain clear path network.*
  - *Install and maintain interpretation board at Eastern End Reserve.*

*In the event of any breach of this agreement by the Trust, the Council shall be entitled to determine this agreement forthwith.*

*The Officers and then Leader expressed their surprise at this breach of agreement. Approximately, nine months on, nothing has been done and the site continues to be inaccessible and in an appalling state of maintenance. Photographs taken in January of this year have been forwarded to Officers.*

*Given the above, the residents are amazed and deeply concerned that the Council is still negotiating a further lease with EWT for the Naze? Given that no action has been taken, please can the Leader explain what appears to be totally unacceptable and an abuse of taxpayers’ assets?*

2. *Can the Leader please respond to the following?:*
  - (a) *Did EWT make any financial contribution towards Crag Walk?*
  - (b) *Will the leasing of any land be subject to a tender process?*
  - (c) *Will there be a valuation of the land so that correct fees are charged for any land leased?*
  - (d) *Will the Council’s car park or any other revenue be used to pay for wardens and for the maintenance of the new building?”*

The Leader of the Council responded by thanking Councillor Miles for her question and accepted that some of the terms of the agreement with Essex Wildlife Trust in relation to the John Weston Nature Reserve were not being fully adhered to. He stated that he had asked Officers to draw this to the attention of the Trust and this he had been done. He further stated that he would ensure the situation was monitored regardless whether the lease was entered into.

In relation to Councillor Miles' specific questions (a) to (d) Councillor Page replied:

- (a) No – Essex Wildlife Trust had not contributed financially to the Crag Walk Project but had been an important part of the fundraising bid and fundraising efforts;
- (b) No – the lease would not be subject to a tender process;
- (c) Yes – a formal land valuation would be carried out by the Council's valuers if the Council decided to grant the lease; and
- (d) The position regarding revenue funding was still under consideration so it was inappropriate to comment at this time but the situation would be clearly set out for Members' consideration in the report to Cabinet.

Councillor Miles asked, by way of a supplementary question, why was the Council spending tax payers' money discussing a lease with the Essex Wildlife Trust considering the Council's experiences with that organisation and why in that case did the Council consider Essex Wildlife Trust an appropriate lessee of the land?

The Leader of the Council responded by stating that the Council was working through a process on this matter and with the petition now submitted it would go back to Cabinet for decision.

Councillor Bucke asked that it be recorded that he objected to, in his opinion, Councillor Miles' attempts to discredit the Essex Wildlife Trust and that he also objected to the Leader of the Council's failure, in his opinion, to refute her comments.

The lead petitioner, Mr David Evans, then presented the petition and addressed the reasons for submission of the petition and what action the petitioners wanted the Council to take.

The Council also had before it a report of the Corporate Director (Corporate Services) which set out the background to this matter and which addressed some significant inaccuracies in the cover and text of the petition, together with letters received from the Chairman and the Chief Executive of The Essex Wildlife Trust and a local resident, Mr Terry Norman.

The Leader of the Council read out the following statement which he had previously made at the meeting of the Cabinet held on 21 March 2014:

*“Tendring District Council has been working for a long time with the Essex Wildlife Trust and other partners to protect and promote the fantastic open space at The Naze. The news that the Essex Wildlife Trust has been successful in obtaining funding for the provision of a new Visitors Centre at The Naze comes just at the time when the Council is due to consider the Trust's request for a 60 year lease on The Naze. We will carefully consider the results of the public consultation and the petition from residents who are opposed to the idea and the Cabinet will make a formal decision on whether to grant the lease.*”

*As a local Councillor I am well aware of the range of local feeling and I know a recurring theme is that whilst many people would be pleased to see the facilities at The Naze improved they are concerned about the ongoing management of the land and particularly issues of free access to The Naze. I have given this issue very careful thought since I became Leader of the Council on 11 February. The well-being of The Naze and the protection of the rights of everybody to walk there freely and to exercise their dogs is important to me and I will ensure those rights are protected for the future. However, given the possibility of the visitor centre at The Naze run by the Essex Wildlife Trust which will make the most of the superb educational and quiet recreation facilities The Naze can offer all year round, we need to carefully consider the options. With this in mind I have asked Officers to develop an alternate proposal for Cabinet to consider. It will allow the*

*Trust to lease enough land to build their visitor centre but the Council will retain total ownership of the rest of the land at The Naze. The two organisations would manage the land in accordance with the management agreement and under the control of a Naze Management Board and the Board will include representatives from Frinton and Walton Town Council, Tendring District Council, Essex County Council, Essex Wildlife Trust and other local partners.*

*The final decision on this issue will be taken by the Cabinet when it meets on 11 April but I believe that this alternate approach should be developed for Cabinet to consider at that time."*

Having considered the petition, letters and the Officer's report it was moved by Councillor Stock, seconded by Councillor Page and:

**RESOLVED**, that the petitioners be thanked for their petition and that Cabinet has regard to the petition, and the outcome of the public consultation, when determining whether to grant a lease to the Essex Wildlife Trust, and the terms of any such lease.

**The remaining business was considered in the order recorded in these minutes.**

#### **112. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

Members were informed that, following a recent announcement by Colchester Hospital University Foundation Trust that it had closed for deliveries both Clacton and Harwich maternity units with immediate effect until at least June 2014, Councillor I J Henderson had requested that the following motion be considered as a matter of urgency at this meeting:

*"That Colchester Hospital University Foundation Trust [CHUFT] be advised that Tendring District Council expects CHUFT to respect the unanimously stated position of the Council in that all existing maternity services be retained at both Clacton and Harwich hospitals and furthermore advises CHUFT that Tendring District Council insists that no review or consultation regarding the future of local maternity services is undertaken until both units are again fully functioning as midwife led units."*

The Chairman of the Council, Councillor Stock, informed the meeting that he would allow the motion to be considered as a matter of urgency in view of its significant impact on affected residents of the District and particularly as CHUFT had announced an intention to begin such a review before the end of the month.

Councillor I J Henderson formally moved and explained the motion and Councillor McWilliams seconded the motion.

The motion, on being put to the vote, was declared unanimously **CARRIED**.

#### **113. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL**

The Council received the Annual State of the Tendring District Statement from the Leader of the Council (Councillor Page) as follows:-

*"Mr Chairman, Councillors, members of the public, I am proud to present to you this year's state of Tendring statement. Whilst this statement is intended to be a positive view of where we are I will not attempt to gloss over the issues we face.*

*It has been a challenging year for the Council but we can have pride in what we have achieved. This success continues despite the real financial challenges and local circumstances which continue to impact on our communities.*

*We are showing strong community leadership. We are tackling challenges head on. Here are a few examples:-*

- We are addressing inward migration by limiting access to council tax benefits and housing for our residents.*
- We are supporting the improvement of education and skills by establishing an education Overview and Scrutiny Committee*
- We are focusing on the opportunities for Regeneration - especially in Harwich*
- We are investing in community safety including three new PCSOs*
- We established a local Health and wellbeing board to look at issues for our residents*
- Our Big Society approach continues to evolve. We have already attracted £3 for every £1 we have contributed and as I said in my previous speech I am changing it to be more inclusive and transparent.*

*I believe this is what 'community leadership' is about. Even where we are not directly responsible we are working to get the best for Tendring.*

*We are recognised as a Council with ambition. Our work with troubled families resulted in the previous Leader and Chief Executive giving evidence to a Parliamentary Select Committee in June 2013.*

*We continue to work for those that need help the most, for example we secured external funding to be a Community Builder pilot. This is all about enabling communities to help themselves. I want to develop our work with partners and to break down barriers so that we improve public services for all.*

*With all the initiatives going on we have not forgotten to deliver excellent services for the public.*

- Last August the Clacton Air Show celebrated its 21st birthday. This was the only airshow on the east coast and it saw 145,000 visitors pour into Tendring over 2 days and brought about 4 million pounds worth of spend to the district.*
- Our theatre has had its most successful year ever and the panto broke all box office records*
- We have delivered free car parking for our residents which has seen footfall increase in the towns.*
- We were reminded only too clearly in December how our coastline, which provides such great opportunity, can also be a danger. The Council worked superbly with partners to protect residents from the tidal surge including evacuating Jaywick.*
- We have built and acquired the first Tendring council houses in 30 years – only a few but there are more to come.*

*So now let's look forward. We aim to continue to deliver excellent services and give opportunities for our residents.*

- We are on track to start the coastal defences work this year. An unprecedented £36 million scheme which will not only restore beaches and protect our coastline but will create great economic opportunities. And our project appraisal report has been recognised as the best in the country by the Environment Agency.*
- We are looking to build new council housing in Jaywick as a catalyst to help regenerate the area.*
- We have secured the prestigious women's cycle tour which comes to Tendring in the summer – and not just for one day, but two!*
- I have committed to improvements at both Dovercourt and Walton pools.*
- We are giving our residents the opportunity to have one free session at any one of our leisure facilities.*
- We need to work more closely and more effectively with the Voluntary Sector organisations across Tendring.*
- And finally I commit now that we will have the Air Show again this year.*



*We are looking at rationalising our office requirements and working in partnership, becoming a more flexible and responsive organisation whilst saving money. We will continue to take every opportunity to become a leaner Council. This means delivering more for less and working wherever possible with partners to provide high quality services.*

*And of course this means that our staff are working harder than ever to deliver the same or more for less. The Surveys which were carried out last year have shown how committed our staff are and the Investors in People assessment has seen us retain the Bronze award and now we are looking to raise our game still further and go for Gold. With fewer staff and increasing demand it means we must invest time and resources in developing their professional, managerial and leadership skills and support them with good working conditions, IT and office systems.*

*Turning now to the economic health of the District, I have made no secret of the fact that I see the regeneration of the Tendring economy as a central priority. There is so much to do, but the priorities I want us to strive for are:*

- Maximising the potential of Harwich and renewable energy opportunities*
- Exploiting the opportunities of the A120 growth corridor. These corridors are identified by government as key for employment and we know this is the only road linking an international port to international airport.*
- Supporting Coastal projects both as part of our coastal protection project and developing other opportunities*
- Inward investment to support and expand our existing businesses and facilitate the creation of new businesses.*
- And finally strategic influencing to continue to enhance the reputation of Tendring and raise awareness of the opportunities.*

*What a list!*

*And we start the new Financial Year with the Council on a sound financial footing despite unprecedented cuts to our budget from government, increasing demand for services, freezing the Council Tax and commitment to delivering an ambitious range of projects.*

#### **SO WHAT ARE THE BIG CHALLENGES FACING US IN THE YEAR AHEAD?**

*The Budget - We must continue our track record of finding efficiency savings including another £3.3 million savings over the next 2 years. This will be tough given the savings already made.*

*We need to become increasingly self-sufficient – increasing the income from the New Homes Bonus and Business rates and relying less and less on the shrinking central government grant.*

*Which brings me to the next two big challenges – The Local Plan and Delivering Regeneration.*

*We are developing a Local Plan to address housing needs and support our communities which will meet the tough requirements of national policy. We will need all members to work together to achieve the plan otherwise we will not be protected from uncontrolled development. So later on tonight I am proposing the establishment of a cross party local plan committee.*

*The Economic Development Strategy gives us the evidence to make the case for Tendring. And the allocation of New Homes Bonus funding to Inward Investment and Growth provides resources.*

*The challenge for 2014 is to start to use that evidence and those resources to deliver tangible improvements which will bring new businesses, growing businesses and more jobs for local residents.*

*And finally 2014 is the year when we will start to deliver the major projects:*

- o The Clacton Coast Protection scheme*
- o Improvements to Dovercourt and Walton Pools*
- o Completing Council houses and starting to build more*

*And so to conclude.*

*All of the challenges facing us must be addressed in a pre-election year which will bring its own tensions. But the challenges are bigger than one year or any single political administration and we all owe it to the people of Tendring to work together to face up to them through this year and the next.*

*So I urge all Members to contribute positively to the work the Council faces in this coming year – FOR THE GOOD OF ALL.*

The Leader of the Council responded to a question from Councillor I J Henderson on his Statement.

#### **114. ANNUAL STATEMENT OF PERFORMANCE OF TENDRING REGENERATION LIMITED**

The Council received an oral report of the Representative of the Sole Member of Tendring Regeneration Limited (Councillor Page) which set out the annual performance of the company as follows:-

*“Thank you Chairman. Here is the Annual Statement of Performance of Tendring Regeneration Limited. During the year ending 31 March 2014, the company has been inactive. It has no paid staff and no operational capacity.*

*The bank balances are currently at £43,459. The company’s accountants will soon prepare the accounts and statutory returns for the year ended 31 March 2014 so that these can be signed and filed at Companies House.*

*The company has provision within its budget to cover its annual running costs, currently estimated at £2,500 including VAT. These costs cover directors insurance, accountancy fees and the cost of filing statutory returns. That is the report Mr Chairman.”*

The Leader of the Council responded to a question from Councillor Patten on his Statement.

#### **115. REPORT OF THE LEADER OF THE COUNCIL**

There was no report on this occasion.

#### **116. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 14**

There were none.

#### **117. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE**

(1) Annual Treasury Strategy 2014/15 (including Prudential and Treasury Indicators)

The Council had before it the Cabinet minute of 28 February 2014, as set out in the Council agenda, and considered whether to approve the Annual Treasury Strategy for 2014/2015.

It was moved by Councillor P J Oxley, seconded by Councillor Patten and:

**RESOLVED** that the Annual Treasury Strategy for 2014/15 (including Prudential and Treasury Indicators) be approved.

(2) Establishing an Education and Skills Overview and Scrutiny Committee

The Council had before it the Cabinet minute of 28 February 2014, as set out in the Council agenda, and considered whether to approve the establishment of an Education and Skills Overview and Scrutiny Committee.

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

**RESOLVED** that

- (a) A dedicated Overview and Scrutiny Committee for Education and Skills, be established;
- (b) The Terms of Reference for this new Committee be agreed as set out in the Report of the Planning and Corporate Services Portfolio Holder submitted to Cabinet on 28 February 2014;
- (c) The membership of the Committee be as set out below, including the Chairman and Vice-Chairman and that the option to include two non-voting Co-opted Members of the Committee, to be drawn from the Education community be approved:

Councillor Giles Watling (Chairman)  
Councillor Delyth Miles (Vice-Chairman)  
Councillor Delia Aldis  
Councillor Claire Callender  
Councillor Val Guglielmi  
Councillor Sara Richardson  
Councillor Irene Tracey  
One Independent Group Member to be appointed later

- (d) Amendment to the Constitution be approved to allow a dedicated Overview and Scrutiny Committee for Education and Skills to be established;
- (e) The Chairman of the Overview and Scrutiny Committee for Education and Skills be paid the same Special Responsibility Allowance as the Chairs of the Council's other Overview and Scrutiny Committees; and
- (e) Members of the Committee have appropriate CRB checks and safeguarding training.

#### 118. MINUTES OF COMMITTEES

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

- (a) Corporate Management Committee of Wednesday 12 February 2014;
- (b) Community Leadership and Partnerships Committee of Monday 24 February 2014;
- (c) Human Resources Committee of Tuesday 25 February 2014; and
- (d) Service Development and Delivery Committee of Monday 3 March 2014.

#### 119. MOTIONS TO COUNCIL

There were none.

## 120. REFERENCE FROM THE CABINET

### A.2 Progressing the Local Plan and establishing a Local Plan Committee

The Council considered a comprehensive reference report from the Cabinet that:

- (a) Reported to the Council that objections to the Council's emerging Local Plan had been received from Essex County Council and Colchester Borough Council which identified fundamental issues that would need to be addressed before the Plan could be submitted to the Secretary of State to be examined by a Planning Inspector; and
- (b) Sought Council's agreement to set up a dedicated 'Local Plan Committee' through a change to the Council's Constitution, to oversee the remaining stages of preparing the Local Plan, address the fundamental issues raised by objectors and deal with other aspects of planning policy work.

It was moved by Councillor G V Guglielmi and seconded by Councillor Page that:

- (a) The Council notes that the 'Local Plan: Pre-Submission Focussed Changes' have attracted fundamental objections from Essex County Council and Colchester Borough Council questioning the Plan's conformity with the legal 'duty to cooperate' and the requirements of national planning policy; and
- (b) The Council agrees the establishment of a new Local Plan Committee, through changes to the Council's Constitution, with the terms of reference and composition as set out in the Reference from Cabinet report and that Councillor G V Guglielmi be elected Chairman of the Committee and that Councillor R Callender be elected Vice-Chairman of the Committee.

Councillor P J Oxley proposed that the size of the Committee be increased from 8 Members to 13 Members and that, in accordance with the rules of political proportionality, the composition of the Committee be 7 Conservative Group members, 1 Holland-on-Sea Resident Group member, 1 Independent Group member, 2 Labour Group members, 1 Liberal Democrat Group member and 1 Tendring First Group member.

The mover and seconder of the motion agreed to incorporate that proposal into the motion.

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

## 121. REPORT OF THE PLANNING AND CORPORATE SERVICES PORTFOLIO HOLDER

### A.3 Amendments to the Council's Constitution – Phase 1: Review of the Council's Procurement Rules; Property Dealing Procedure; Executive Procedure Rules and Delegated Powers Authorising Emergency Planning Enforcement to Officers

The Council considered a comprehensive report of the Planning and Corporate Services Portfolio Holder that sought its approval for proposed amendments to the Constitution in relation to the Procurement Rules, the Executive Procedure Rules, the Property Dealing Procedure and delegated powers authorising emergency planning enforcement to Officers.

It was moved by Councillor G V Guglielmi and seconded by Councillor Page that

- (a) The adoption of the proposed changes to the Council's Procurement Rules, Property Dealing Policy and Executive Procedure Rules, as detailed at Appendices A, B and C respectively to the report of the Planning and Corporate Services Portfolio Holder be approved;

(b) Service of any Stop Notice or Temporary Stop Notice or any application for an injunction under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and any associated matters be delegated to the Head of Planning, in consultation with the Legal Services Manager; and

(c) The Council's Constitution be amended accordingly to reflect the above changes.

Councillor Shearing moved and Councillor Howard seconded that Councillor Guglielmi's motion be amended by the addition of the following paragraph (d):

(d) The Council's Property Dealing Policy incorporate the following: "That for substantial disposals (over £50,000) at least two valuations be sought as part of the process and that consideration also be given to a similar report on re-allocations of use."

The amendment, on being put to the vote, was declared **CARRIED**.

The motion, as amended, on being put to the vote as a substantive motion was declared **CARRIED**.

## **122. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE**

There were none.

## **123. REPORT OF THE CHIEF EXECUTIVE**

### A.4 Membership of Committees

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

#### Corporate Management Committee

Councillor R Callender had been appointed to serve in place of Councillor M Platt.

#### Human Resources Committee

Councillor S Richardson had been appointed to serve in place of the late Councillor A J Mitchell.

#### Licensing Committee

Councillor M Skeels had been appointed to serve in place of the late Councillor A J Mitchell.

Councillor A Wood had been appointed to serve in place of Councillor M Platt.

#### Regulatory Committee

Councillor S Richardson had been appointed to serve in place of the late Councillor G Downing.

Councillor M Skeels had been appointed to serve in place of Councillor M Platt.

#### Appeals Sub-Committee

Councillor M Skeels had been appointed to serve in place of Councillor M Platt.

Licensing (General Purposes) Sub-Committee

Councillor G Mitchell had been appointed to serve in place of Councillor M Platt.

The Council noted the foregoing.

**A.5 Formation of a new Political Group of the Council**

The Chief Executive reported that, on 11 March 2014, he had received a formal notice pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 and signed by Councillors Joy Broderick, K T King and Colin Winfield stating that they wished to be treated as a political group for the purposes of the Local Government and Housing Act 1989. The notice had further stated that the name of the group was to be the Holland-on-Sea Residents' Group and that the Leader of the Group was to be Councillor Joy Broderick.

Pursuant to Regulation 17(b) of the aforementioned Regulations a review of the allocation of seats to political groups would be carried out and, in accordance with the wishes of the Leader of the Holland-on-Sea Residents' Group and the Leader of the Independent Group and the authority delegated to him the appropriate changes to Committee etc. memberships would be made.

The Council noted the foregoing.

**124. PAY POLICY STATEMENT 2014/15**

Further to minute 21 (A.2) of the meeting of the Human Resources Committee held on 25 February 2014 the Council gave consideration to a proposed Pay Policy Statement for 2014/15 which would meet the requirements of the Localism Act 2011 (Section 38).

The Chief Executive declared a disclosable pecuniary interest in this item.

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

**RESOLVED** that

- (a) the Pay Policy Statement 2014/15, as set out in the Appendix to item A.6 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect; and
- (b) costs be met from existing salary/vacancy provision within budgets.

**125. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE****(3) Retail Relief Scheme for 2014/2015 and 2015/2016**

Further to Minute 106 above, Councillors Cossens, De-Vaux Balbirnie, Goggin, G V Guglielmi, V E Guglielmi, Johnson, King, McLeod, Platt, Patten, Sambridge, D C Skeels, M J D Skeels, Stock and Winfield each declared a Disclosable Pecuniary Interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon. Councillor Hawkins declared a non-pecuniary interest in respect of this item and withdrew from the meeting during the consideration thereof and the voting thereon.

Also further to Minute 106 above Councillors Aldis, Scott, Shearing and Tracey each declared a non-pecuniary interest in respect of this item.

As the Chairman and the Vice-Chairman had both withdrawn, it was moved by Councillor Page, seconded by Councillor Watling and:

**RESOLVED** that Councillor Talbot chair the meeting for this item.

The Council had before it the Cabinet minute of 28 February 2014, as set out in the Council agenda, and considered whether to approve the introduction of a local Business Rates Retail Rate Relief Scheme for 2014/2015 and 2015/2016.

It was moved by Councillor P J Oxley, seconded by Councillor Page and:

**RESOLVED** that

- (a) The retail rate relief scheme be introduced in accordance with the guidance outlined in the Department for Communities and Local Government guidance document, issued in January 2014; and
- (b) In respect of the Government's Flood Support Scheme, delegation be given to the Corporate Director (Life Opportunities) in consultation with the Portfolio Holder for Housing, Benefits and Revenues to develop and implement the scheme.

**126. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15**

The Council had received questions from Members in relation to:

1. Control of Dogs;
2. Lighting of the High Street Car Park, Clacton-on-Sea;
3. Insurance for Members whilst on Council business;
4. Windblown sand on the Martello Bay Estate, Clacton-on-Sea;
5. The Council's input into the South East Local Enterprise Partnership's Growth Deal and Strategic Economic Plan;
6. Prosecutions and fixed penalty notices relating to Dog Fouling; and
7. Public meeting request in respect of Part Night Lighting.

Notice of the questions had been given in accordance with Council Procedure Rule 15.4(a).

The meeting was declared closed at 10.59 p.m.

**Chairman**