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**MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 1 JULY 2014 AT 7.30PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors V E Guglielmi (Chairman), Nicholls (Vice-Chairman), Aldis, Amos, Brown, Bucke, Caines, C Callender, R Callender, Calver, Casey, Challinor, Chapman, Colbourne, Cossens, De-Vaux Balbirnie MBE, Fawcett, Goggin, Griffiths, G V Guglielmi, Hawkins, Heaney, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, Howard, Johnson, D R Mayzes, McWilliams, Miles, Mitchell, D Oxley, P J Oxley, Page, Platt, Powell, Pugh, Richardson, Sambridge, Steady, Stock, Talbot, Turner, Tracey, 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), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Janey Nice)

**29. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Broderick, King, S S Mayzes, McLeod, Patten, Scott, Shearing, Simons, D C Skeels and M J D Skeels.

**30. MINUTES**

**RESOLVED**, that the minutes of the meeting of the Council, held on Tuesday 3 June 2014, be approved as a correct record and signed by the Chairman.

**31. DECLARATIONS OF INTEREST**

There were none made at this time.

**32. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman's and Vice-Chairman's engagements for the period 7 May to 1 July 2014 were tabled at the meeting.

**33. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

**34. STATEMENTS BY THE LEADER OF THE COUNCIL**

There were none on this occasion.

**35. STATEMENTS BY MEMBERS OF THE CABINET**

The Tourism, Culture, Leisure and Events Portfolio Holder (Councillor Platt) circulated to Members an information pack containing details of the many events that would be taking place within the District over the summer period. He then went on to make statements on the following matters:

(1) Women's Cycle Tour 2014

Councillor Platt reminded Members that earlier this year the District had had the privilege of hosting two stages of this world class sporting event that had involved national, international and Olympic champion cyclists racing through the District. He stated that international coverage across all media types (print, radio, TV and social media) had seen the District portrayed in a very positive light around the world. He thanked all those Officers from across the Council who had put a great amount of effort into ensuring the event had been a success.

Following that event Councillor Platt informed Members that an action plan (including further engagement with schools) was being drawn up to maximise this achievement and to drive forward tourism and cycling networks in the District. A cost-benefit analysis of potential 'added value' to the District of hosting the Tour was also being conducted.

(2) Tour de Tendring 2014

Councillor Platt was pleased to inform Council that, despite inclement weather, around 1,200 cyclists had participated in the 21<sup>st</sup> running of the Tour de Tendring. He thanked Officers for another well-run event and he thanked those Members who had sponsored him in a 20 mile team tandem ride. Over £300 had been raised for Talking Tendring Times and the Romanian Guide Dog charity.

(3) 23<sup>rd</sup> Clacton Air Show – 21st and 22nd August 2014

Councillor Platt confirmed with great delight that the 23<sup>rd</sup> Clacton Air Show would take place on 21st and 22nd August 2014 and would be the only serious air show on the East Coast. Participating attractions would include a Royal Canadian Air Force Lancaster, the Red Arrows in their 50<sup>th</sup> season, Sea King helicopter, the RAF Tutor and the Avro Vulcan.

Council was then shown a short promotional video for the Air Show and Members thanked Councillor Platt for his presentation with a round of applause.

**36. PETITIONS**

There were none on this occasion.

**37. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9**

There were none on this occasion.

**38. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2**

The Council had received questions from Members in relation to:

1. Enquiries made of the Council by Colchester Hospital University Foundation Trust as to anticipated level of population as a result of the emerging Local Plan;
2. Survey to determine how much time Dog Wardens patrol in each of the District's communities;
3. Potential for housing development at Sladbury's Lane, Holland-on-Sea; and
4. Maintenance of public footpaths.

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

Question 1

Councillor Calver put the following question to the Portfolio Holder for Planning and Corporate Services (Councillor G V Guglielmi):

*“Will the Portfolio Holder please advise the Council of any enquiries made of Tendring District Council in 2014 by Colchester Hospital University Foundation Trust (CHUFT) as to what increase in the level of population is anticipated as a result of Tendring’s emerging Local Plan and, if such enquiries have been made, what the responses have been?”*

In response, Councillor Guglielmi thanked Councillor Calver for his question and informed him that no such enquiry had been made as they had no say in future health provision. However, he went on to say that contract managers at NHS England were being kept fully aware of the Council’s new objectively assessed housing needs.

Councillor Calver then asked a supplementary question and requested that if any such enquiry was submitted by CHUFT in the future that all Members were informed of both the enquiry and the response. Councillor Calver explained his request by stating that he was concerned that CHUFT were progressing towards a pre-determined reduction in maternity services at Clacton and Harwich Hospitals.

In response, Councillor Guglielmi assured Councillor Calver that CHUFT had no say in the Council’s plan making process and that he shared his concerns. He gave a further assurance that when the Local Plan Committee considered the provision and distribution of housing across the District it would demand a formal response from NHS England.

## Question 2

Councillor J Henderson put the following question to the Portfolio Holder for Environment and Coast Protection (Councillor Turner):

*“Will the Portfolio Holder for Environmental Services please agree to undertake a survey to determine how many hours per week TDC’s Dog Wardens patrol in each of the District’s communities?”*

*Along with a Harwich Town Council colleague I recently met with the dog wardens and was extremely impressed by their commitment and dedication. I believe, however, that public expectation far outreaches the resources available and a survey of this nature would address this.”*

In response, Councillor Turner thanked Councillor Henderson for her question and her kind comments about the dog wardens commitment and dedication. He reminded Members that the Council had 2 dog wardens covering an area of 130 square miles. He stated the wardens split the District between them in order to maximise coverage and spent five hours a day patrolling areas highlighted as dog fouling ‘hotspots’ and beach ban areas. In addition, the wardens attended roadshows, parish council meetings and had micro-chipped free of charge to owners over 1,000 dogs. They had also won RSPCA awards for stray dog rescues, enhancing the Council’s reputation. Councillor Turner stated that because of their varied duties of both a pro-active and a reactive nature it was not practicable to determine specific times to patrol set areas of the District.

Councillor Henderson then asked a supplementary question and requested Councillor Turner to consider providing the Wardens with folding bikes which would assist them in covering a greater area; would improve detection and enforcement; and help prevent dog fouling by raising their visibility.

In response, Councillor Turner said that he would happily take up this suggestion with Officers and respond to Councillor Henderson as soon as possible. In addition, as the Wardens could not be everywhere at once he urged all Members and the public to report offences and enable the Council to prosecute.

### Question 3

Councillor P J Oxley put the following question to the Portfolio Holder for Planning and Corporate Services (Councillor G V Guglielmi):

*“With the push to build more homes in Tendring, is Sladburys Lane in Holland-on-Sea still being considered for housing development?”*

In response, Councillor Guglielmi thanked Councillor Oxley for his question and for reminding him of this particular site. He stated that he would ensure that this site, along with all other potential sites, would be considered by the Officers when reporting to the Local Plan Committee.

### Question 4

Councillor Hawkins put the following question to the Portfolio Holder for Environment and Coast Protection (Councillor Turner):

*“In a recent response to Harwich Town Council, Essex County Council has stated that, due to budget reductions, the vegetation at the side of public footpaths will only be cut once this year and that the cut will not occur until July or August. As this response confirms that Essex County Council will no longer ensure that well used footpaths are passable, will the Portfolio Holder use the Highway Rangers service to ensure that vegetation is cleared to keep public footpaths open and safe?”*

In response, Councillor Turner thanked Councillor Hawkins for his question and reminded Members that the responsibility for maintaining public footpaths rested with Essex County Council (ECC) and that the Highway Rangers service provided by this Council (TDC) was funded by ECC. He further stated that ECC had asked TDC’s officers to refer all works to its Highways maintenance team for ECC authorisation. He requested Members to provide him with details of any specific highways’ rights of way issues that they had and he would forward them on to ECC for consideration.

Councillor Hawkins then asked a supplementary question and suggested that this showed that TDC was impotent in dealing with a priority issue for its residents. He recalled that TDC used to act as ECC’s agent for highways matters and he suggested that now was the time for Councillor Turner to explore with ECC reinstating that arrangement in order that such local problems were dealt with at a local level and resolved.

In response, Councillor Turner agreed that this would be ideal but that this was not the world TDC was living in. However, he stated that if the good weather continued then TDC’s own officers who were currently fully engaged on maintaining TDC’s footpaths would get on top of the situation and would then be able to do extra maintenance on ECC footpaths. If the ‘winds changed’ Councillor Turner stated that he would happily pursue this with ECC but until that day TDC would have to make the best of the situation it found itself in.

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

There was no report on this occasion.

## **40. MINUTES OF COMMITTEES**

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

- (a) Standards Committee of Tuesday 18 March 2014;
- (b) Local Plan Committee of Tuesday 13 May 2014; and
- (c) Education and Skills Committee of Monday 9 June 2014.

Further to minutes 5 and 7 of the meeting of the Education and Skills Committee held on 9 June 2014, Councillor Hawkins urged the Chairman of that Committee, Councillor Watling, to ensure that the Committee set itself challenging targets. Councillor Watling responded by agreeing that he did not want the Committee to be a 'talking shop' and that though education was not in the Council's remit the Committee could look at and examine education provision and could apply pressure by setting tough positive targets.

#### 41. MOTIONS TO COUNCIL

The Council had received Motions from Members in relation to:

1. Part Night Street Lighting; and
2. The Meals-on-Wheels Service.

Notice of the motions had been given in accordance with Council Procedure Rule 11.

Insofar as they were also serving Essex County Councillors, Councillors G V Guglielmi, I J Henderson, P B Honeywood, P J Oxley, Page and Wood each declared a non-pecuniary interest in relation to the two motions set out below:

##### 1. Part Night Street Lighting

Councillor I J Henderson moved and Councillor Tracey seconded:

*"This Council informs Essex County Council (ECC) that it was wrong to impose part night street lighting on the residents of the Tendring District without having first carried out a full public consultation and full risk assessment. It now calls upon ECC to abandon the failed scheme and restore full night street lighting as, since part night street lighting has been introduced, criminal activity has been made easier, the fear of crime has increased, accidents due to poor visibility have increased and the ability of the Emergency Services to function effectively has been seriously reduced."*

Councillor Wood then moved and Councillor D R Mayzes seconded that Councillor Henderson's motion be amended to read as follows:

*"This Council informs Essex County Council (ECC) that it was wrong to impose part night street lighting on the residents of the Tendring District without having first carried out a full public consultation and full risk assessment.*

*It now calls upon ECC to provide full and separate static and dynamic risk assessments for each area of Tendring and for these to be continuously updated where required.*

*It also calls upon ECC to provide us with a full report of the scheme so far in regards to its implementation across the Tendring District. This will include consultation with the Police and Crime Commissioner for Essex on the effects of crime and disorder, and consultation with emergency services to seek their professional opinion on their ability to function appropriately with PNL.*

*The report will also provide this Council with a financial account of savings to date and a projection of what budgetary effects PNL will have across our District over the next five years, and how this District will benefit from such savings (if any).*

*This report will allow this Council to make a conscious and informed decision as to whether to call upon ECC to reverse their decision on PNL."*

Councillor I J Henderson requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Wood's amendment being put to the vote, which vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Griffiths D R Mayzes Richardson Wood	Aldis Amos Brown Bucke Caines C Callender R Callender Calver Casey Challinor Chapman Colbourne Cossens De-Vaux Balbirnie Fawcett Goggin G V Guglielmi V E Guglielmi Hawkins Heaney I J Henderson J Henderson P B Honeywood S A Honeywood Howard Johnson McWilliams Miles Mitchell Nicholls D Oxley P J Oxley Page Platt Powell Pugh Sambridge Steady Stock Talbot Tracey Turner Watling White Winfield	None	Broderick King S S Mayzes McLeod Patten Scott Shearing Simons D C Skeels M J D Skeels

Councillor Wood's amendment was thereupon declared LOST.

Councillor I J Henderson then requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his motion being put to the vote, which vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Aldis	Amos	Cossens	Broderick

Brown	C Callender	King
Bucke	R Callender	S S Mayzes
Caines	Challinor	McLeod
Calver	Colbourne	Patten
Casey	Fawcett	Scott
Chapman	Goggin	Shearing
De-Vaux Balbirnie	G V Guglielmi	Simons
Griffiths	V E Guglielmi	D C Skeels
Hawkins	Heaney	M J D Skeels
I J Henderson	P B Honeywood	
J Henderson	S A Honeywood	
Howard	McWilliams	
Johnson	Miles	
D R Mayzes	Mitchell	
D Oxley	Nicholls	
P J Oxley	Page	
Powell	Platt	
Steady	Pugh	
Talbot	Richardson	
Tracey	Sambridge	
White	Stock	
Winfield	Turner	
Wood	Watling	

Councillor Henderson's motion was thereupon declared LOST on the Chairman's casting vote.

## 2. Meals-on-Wheels Service

Councillor P J Oxley moved and Councillor D Oxley seconded:

*"That this Council believes Essex County Council (ECC) is wrong to propose massive increases on the Meals on Wheels service which will affect Tendring Residents and urges ECC to scrap the proposed increase that will see elderly residents having to choose between eating a hot meal or heating their house."*

Councillor P J Oxley requisitioned, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his motion being put to the vote, which vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Aldis	Amos	Challinor	Broderick
Brown	C Callender		Heaney
Bucke	R Callender		King
Caines	Colbourne		S S Mayzes
Calver	Cossens		McLeod
Casey	Fawcett		Patten
Chapman	Goggin		Scott
De-Vaux Balbirnie	G V Guglielmi		Shearing
Griffiths	V E Guglielmi		Simons
Hawkins	P B Honeywood		D C Skeels
I J Henderson	S A Honeywood		M J D Skeels
J Henderson	McWilliams		
Howard	Miles		
Johnson	Mitchell		
D R Mayzes	Nicholls		
D Oxley	Page		

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P J Oxley	Platt
Powell	Pugh
Steady	Richardson
Talbot	Sambridge
Tracey	Stock
White	Turner
Winfield	Watling
Wood	

Councillor Oxley's motion was thereupon declared CARRIED.

**42. TO CONSIDER RECOMMENDATIONS FROM THE EXECUTIVE**

There were none on this occasion.

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

There were none on this occasion.

**44. MEMBERSHIP OF THE PLANNING AND REGULATORY COMMITTEES**

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

Planning Committee

Councillor G G I Scott had been appointed to serve in place of Councillor J A Broderick.

Regulatory Committee

Councillor J A Broderick had been appointed to serve in place of the Councillor G G I Scott.

Council noted the foregoing.

**45. CLOSURE OF TENDRING REGENERATION LIMITED**

Insofar as they were also serving Directors of Tendring Regeneration Limited, Councillors R Callender, Goggin, McWilliams and Sambridge each declared a non-pecuniary interest in relation to this matter. Councillor Page declared a non-pecuniary interest in this matter insofar as he was the appointed Sole Member Representative of Tendring Regeneration Limited.

The Council's formal authority was sought for the closure of Tendring Regeneration Limited ("the Company").

Members were aware that the Company had been inactive since its last Directors' Board meeting on 23 May 2013 and that keeping the Company in existence cost the Council approximately £2,500 a year for Directors' insurance, auditors' charges and the fees for filing statutory returns at the Companies' Registry. It was reported that the Company was solvent and had bank balances of £43,459 as at 31 March 2014. The Company had agreed to pay up to £10,000 to Essex County Council (ECC) for road traffic regulation orders if proposals for the Dovercourt Market site proceeded.

It was felt that there was no current need for the Company and that if it was closed down and dissolved, there would be savings to the Council of about £2,500 a year. In the event



that the need for such a company arose in the future, a new one could be formed relatively quickly and cheaply.

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

**RESOLVED** that

- (a) the decisions set out below are made by the Council acting as full Council and also as sole member of Tendring Regeneration Limited (“the Company”) as appropriate;
- (b) pursuant to Section 307 of the Companies Act 2006 and Article 21 of the Company’s Articles of Association, this meeting also constituted a duly convened extraordinary general meeting of the Company as sole member and that the provisions requiring any longer notice were duly waived;
- (c) subject as mentioned below, the Company was no longer required and should be dissolved as soon as reasonably possible;
- (d) after paying any of the Company’s known debts, arranging (and paying for) run-off insurance for the Directors, holding the Company’s Annual General Meeting and attending to any applicable statutory requirements, the Company would close its bank accounts and return any surplus assets held by it to the Council;
- (e) subject to (d) above, the Council would be responsible for the Company’s financial liability (if any, and not exceeding £10,000 in any case) to Essex County Council for road traffic regulation orders at Dovercourt should such liability arise;
- (f) any surplus assets transferred by the Company to the Council be reallocated to the Business Investment and Growth Budget;
- (g) subject as mentioned above, the Directors were authorised to sign and lodge with the Registrar of Companies form DS1 (pursuant to Section 1003 of the Companies Act 2006) requesting that the Company be struck off the register;
- (h) the Directors were authorised to take such other steps as were reasonably necessary to give effect to the above; and
- (i) the Chief Executive of the Council (and/or such other person(s) as are authorised by him) and the Council’s Regeneration Manager were each authorised to take whatever steps were necessary to give effect to the above.

**46. URGENT MATTERS FOR DEBATE**

With the Chairman’s permission, Councillor D R Mayzes tabled the following letter of apology to the Council:

“Dear Members

I am writing with regard to the complaint made against me by the Chief Executive and the Monitoring Officer about an incident that occurred on 8 October 2013 on Twitter.

As you will be aware I was suspended by the Conservative Group following the tweet and this suspension came to an end on 31 December 2013. I completely accept the decision of the Conservative Group regarding my suspension and served this suspension with full co-operation including disabling my Twitter account and accepting a suspension of my Council Committee activities. I also sent a written apology to the Chief Executive of the Council, the Chairman of the Clacton Conservative Association and the Leader of the Council and Conservative Group expressing my regret for my action.

The Investigating Officer's report concludes that I breached the Members' Code of Conduct when sending the tweet. I accept this finding and wish to apologise to the Chairman of the Council, its Members and to Officers for this breach of the Code.

I have voluntarily suggested undertaking media training (including social media) and hope to complete this training as soon as the Council can facilitate it. I have also written to the Chief Executive asking for all Members to be offered this training.

I will continue to represent the Council, and my residents, to the best of my ability and with the success that I have done so up until now.

Yours sincerely

Councillor D R Mayzes"

The meeting was declared closed at 10.09 p.m.

**Chairman**