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**MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 10 FEBRUARY 2015 AT 7.30PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors V E Guglielmi (Chairman), Nicholls (Vice-Chairman), Aldis, Amos, Broderick, 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, King, D R Mayzes, McLeod, McWilliams, Miles, Mitchell, D Oxley, P J Oxley, Page, Patten, Platt, Powell, Pugh, Richardson, Sambridge, Scott, Shearing, Simons, D C Skeels, M J D Skeels, Steady, Stock, Talbot, Tracey, Turner, Watling, White, Winfield and Wood

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Public Experience) (June Clare), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager and Monitoring Officer (Lisa Hastings), Democratic Services Manager (Colin Sweeney), Finance and Procurement Manager (Richard Barrett), Management and Member Support Manager (Karen Neath), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford) and Democratic Services Officer (Michael Pingram)

**93. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Coley and S S Mayzes.

**94. MINUTES**

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 25 November 2014, and the minutes of the extraordinary meeting of the Council, held on Thursday 8 January 2015, be approved as correct records and signed by the Chairman.

**95. DECLARATIONS OF INTEREST**

There were none on this occasion.

**96. CABINET'S PROPOSALS – GENERAL FUND BUDGET AND COUNCIL TAX 2015/2016**

The Council gave consideration to the Cabinet's budget proposals for 2015/16 and the amount of Council Tax for District and Town and Parish Council services for the financial year 2015/16, for each category of dwellings within the District of Tendring, to support the proposed level of expenditure.

Members were aware from Minute 113 (A.6) of the meeting of the Cabinet held on 23 January 2015, that the Corporate Director (Corporate Services), in consultation with the Leader of the Council and Finance and Asset Management Portfolio Holder, had been authorised to submit a report to this meeting in respect of the formal draft resolutions necessary to implement the Cabinet's budget proposals, together with any late information or notifications received from the Department for Communities and Local Government, as may necessarily affect the budget.

The Council was advised of all the resolutions made by the Cabinet on 23 January 2015 (Minute 113 [A.6]), together with the additional recommendations necessary to set the Council Tax levy. Those resolutions and recommendations were before the Council, as contained within item A.1 of the Report of the Cabinet.

The Council was informed that the Cabinet's proposed budget had been subject to the full scrutiny process of the Council's Budget and Policy Framework Procedure Rules, which had included scrutiny by the Council's Corporate Management Scrutiny Committee.

Members were aware that the Town and Parish Councils within the District had met to set their precepts and those precepts were contained within Appendix E to item A.1 of the Report of the Cabinet, which detailed the Precepts on the Collection Fund. The Council was also aware from Appendix E, that the average District and Parish Council Tax for a Band D property would increase to £178.34.

The Leader of the Council (Councillor Page) made the following statement on the Council's estimates and financial arrangements for the year ending 31 March 2016:

*"Last year when I stood here to present the budget, I had just been elected Leader.*

*I made a number of commitments at that time and am pleased to be able to follow them up this evening and to present a balanced budget to the Council for 2015/16.*

*In such a short space of time, I can look back and say I have used my time as Leader to deliver for our residents and businesses.*

*Since that last budget speech:*

- the promise of new sea defences for Holland on Sea and Clacton has become a reality;*
- the promise of improvements to Dovercourt Pool has been fulfilled with the opening of the new Dovercourt Lifestyles;*
- the funds have been allocated to improve facilities at Frinton and Walton Pool and the scheme is out to Tender;*
- once again our residents and Town Centre businesses have benefitted from extensive free car parking;*
- the Clacton Air Show was the best ever;*
- Tendring featured prominently in the first ever Women's Cycling Tour of Britain with two stages in the District;*
- And, at last, we have been able to take the first real steps towards addressing the severe issues of Jaywick and to act as community leader in bringing other partners to the table and pressing them to join us in our endeavours.*

*I could go on – but I won't, because the real issue for this evening is to consider the Council's budget for 2015/16, which is before us and to consider how it can enable us to continue to deliver benefits to the District in the coming year.*

*You will have heard me, Alan (Councillor A Goggin - Portfolio Holder for Finance and Transformation) and our predecessors mention the tough financial position we face.*

*I could start off by revisiting this issue and how difficult the next few years will be due to funding cuts we have had to face and the scale of funding cuts we still have to face. However, I will not go into detail on a subject you already know well and the difficulties that will be faced by the Administration that will be sitting this side of the chamber after May.*

*Suffice to say, the challenge is real and it will be difficult, but the Council is in a good state of financial health, despite the difficult circumstances.*

*Maintaining a solid and stable financial position must remain as the foundation in everything we do and I am pleased to introduce a balanced budget for 2015/16 with prudent economic management being at the heart of our proposals.*

*During the year, as part of the budget monitoring process, we took the new approach of 'banking' savings as they arose to support the Council, not only in 2015/16, but going forward into 2016/17 and beyond. This is an approach, which I want to see continue into 2015/16.*

*As each year passes, we move closer and closer to having a self-sufficient budget. By that, I mean it is highly probable that within the four-year term of the next Council administration, this Council will reach the point where it receives no funding at all by way of central government grant.*

*Regardless of what the Government announces as part of future spending plans, or if there is a change of mind at a national level, influenced by a change in Government, I genuinely believe self-sufficiency should be our local aspiration in any case. We would really be able to throw off the shackles and the trepidation that waiting for annual financial settlement announcements bring. We can drive ahead with our own local plans using locally-raised funding but we will need to be able to live with the local accountability that this will inevitably bring, which I for one would welcome.*

*When we discussed the budget at the Cabinet meeting on 23 January, Councillor Ivan Henderson spoke about the budgets the Council has for regeneration, which reminded me just how broad and varied our investment in the regeneration of Tendring is.*

*Regeneration is a 'whole Council' activity and the scope of what we are doing is far from illustrated by the budgets in the section of the budget book carrying the title regeneration and economic development.*

*Where do I start?*

- The £36million investment in sea defences and spectacular new beaches for Clacton and Holland on Sea restores the area's single most important economic asset – its coastline and beaches.*
- The acquisition of land in Jaywick by TDC opens up the prospect of new investment and development in a chronically deprived area.*
- Investment in our sports facilities – Dovercourt Lifestyles is open for business and improvements at Frinton and Walton are funded and designed and out to Tender – means better all year round facilities for residents and visitors alike.*
- Massive national events in Tendring like the air show and the Women's Cycling Tour put our name on the map and pictures of our coast, countryside and towns on television.*
- Free Residents' Car Parking is once again part of the budget and is a direct support for our local businesses and town centres, which are bucking the trend with lower retail vacancies than in many other parts of the Country.*

*Although by no means exhaustive, taking just the above into account, we have found funding of £7.6m from within our own budgets to deliver on these commitments all in a time of reducing budgets. The Council has therefore ably demonstrated that it can balance the books and invest in its priorities and the district. The Council also looks to maximise all opportunities of bringing additional funding into the District, such as working with our partners, with this approach leveraging in an amount that is in excess of £50m to date.*

*The budget before you tonight continues these commitments and this whole Council approach to regenerating the District.*

So what are the **headlines** in this budget?

**Once again we propose to freeze the Council Tax**

*We need to remain alert to the cost of living, and other financial challenges, faced by our residents and businesses. Residents will again see no increase in their Council Tax bills for Tendring District Council Services.*

**We are not using the New Homes Bonus to underpin our base budgets**

*Unlike many Councils, we are not relying on the annually-assessed New Homes Bonus to fund basic services. This is because we want to reinvest that money in the economic health of the District - another regeneration initiative.*

**We have restricted many increases in fees and charges**

*We have reviewed them on an individual basis rather than imposing a blanket inflationary increase across the board.*

*Many have been frozen at the same rate as last year, while others – such as fees at the Crematorium, where very significant new investment is currently underway – have above-inflation increases proposed with the additional income supporting the new investment.*

*We have sought to strike a balance to make sure our residents are protected from increases, where possible, and charged a fair amount but also to reflect real costs and to support investment to maintain the quality of service people rightly expect.*

**We are working with other Councils to maximise our resources**

*We are participating in business rate pooling and Council Tax sharing arrangements involving several Essex Councils to maximise the funds available to the District.*

*We need to remain proactive and play an influencing role and be at the frontline wherever we can when such opportunities arise and be a risk-aware and not a risk-averse organisation. The two initiatives I have just mentioned aim to deliver additional income for this Council in 2015/16 and beyond.*

**The budget for 2015/16 is balanced – with no need for support from the Austerity reserve**

*The budget has changed since Cabinet met on the 23 January, which Councillor Goggin highlighted would be the case when he introduced the budget at that meeting. An additional £1.100m of income from Business Rates has now been included in the budget across 2014/15 and 2015/16 with adjustments made to the Austerity Reserve and NNDR Resilience Reserve as set out in the report.*

*The outcome from this amendment is that the budget has been balanced with in-year net savings rather than being supported by Reserves. This provides a good foundation to move into 2016/17 and an enviable position for whoever forms the administration after May – a position of financial health and resilience, which we must continue to maintain.*

*It is worth emphasising that the budget set out does not propose to call any money down from our valuable reserves, which lay the foundation against which to keep delivering excellent quality services along with a balanced and sustainable budget in the future.*

*I am proud and honoured to conclude this term with delivering a balanced budget which is ready to take us forward for the next four years.*

### **Turning now to some specific proposals**

*By managing our finances strongly, through prudent economic management, it provides us with opportunities to invest and put money into important issues and activities. I am therefore, pleased to announce a number of additional items over and above those already set out in the budget as follows:*

- **Firstly, the living wage**

*In the Pay Policy, which the Council adopted earlier in 2014, we made a commitment to working towards implementing the living wage for TDC.*

*I now propose to move this from aspiration to reality and I have asked officers to bring forward proposals to the meeting of the Human Resources Committee later this month with a view to implementing the Living Wage for TDC staff and for Cabinet to be provided with the costings for doing so with a view to allocating the necessary budget of approximately £30,000 on an annual ongoing basis.*

- **The 2015 Women's Cycle Tour**

*Following its huge success last year I was delighted to be able to announce that the Women's Tour will return to Tendring in 2015. I have therefore asked officers to identify the necessary funding of £62,000, which will again bring huge economic benefit to the area and put Tendring on the map and the nations TVs.*

- **Regeneration Support**

*I mentioned earlier that we have taken the decision to set aside the income the Council receives from the New Homes Bonus rather than use it to support our core services. The sum of £1million has already been allocated to support regeneration initiatives and I am pleased to announce further commitments against the New Homes Bonus as follows:.*

- *Half a million pounds for an SME Growth Fund in the District. This will provide direct grant funding to Small and Medium Sized businesses in the area covered by Assisted Area Status.*
- *And another half a million pounds for a Development Growth Fund which will enable the Council to acquire assets which will facilitate the Council's growth agenda.*

*I also wish to see an additional £30,000 made available within the regeneration budgets to enable support to be given to the establishment of new apprenticeships across Tendring.*

*I have asked officers to work up proposals to establish the detail of these three regeneration initiatives which will be brought to the Cabinet for approval.*

*And while on the subject of support for regeneration I am looking forward to the launch of a Growth Hub in April 2015 which will enable businesses in the Assisted Area and across Tendring to be signposted to sources of help and speak to a real human being for advice and support. We want a seamless service to facilitate business growth and help to attract new investors to the district working with our regeneration and inward investment team and our planners.*

- *And finally, following on the improvements to Dovercourt Lifestyles and Frinton and Walton Pool we should turn our attention to Brightlingsea and I propose to allocate funds for the refurbishment of Brightlingsea paddling pool. Again, officers will bring proposals forward to the Cabinet to assess the works required and the firm estimated cost.*

*For all of the above additional proposals, where funding over and above that which is already allocated is required I propose that the cost should be met from the Fit for Purpose budget and where there is an ongoing revenue requirement that it be incorporated into the budget forecast for future years.*

*I now turn to the issue of street lights. This has been a real issue for our residents, both in favour of putting them back on or in keeping them off. I have an open mind on this issue and so I am going to set aside £160,000 from the Fit for Purpose Budget. After the results of the consultation have been received the review will be reported back to this Council on 24<sup>th</sup> March and we will then decide whether or not to spend this allocation.*

*Before I finish I would also like to mention the commitment I made to funding three PCSO's last year. Unfortunately, due to restrictions arising from their own restructuring process, the Police, despite two internal advertisements have been unable to make appointments to the posts.*

*So I now propose to press on with seeking to get one of the three PCSO posts appointed which can be funded on an ongoing basis from the HRA, and to use the funds already allocated in the budget to directly appoint two Community Wardens for a period of two years with the necessary enforcement powers to carry out many of the functions which would have been carried out by the proposed PCSO's.*

*The detailed arrangements to get the maximum benefit from these two new roles and the detailed costing proposals will be reported to Cabinet shortly.*

*Before I finish I would like to take this opportunity to thank the Corporate Management Committee and all those Members who took part in the Member Workshop organised by the Committee for the proactive approach they have been taking to support the Council in the delivery of a sustainable and balanced budget for the coming year and beyond and the working across political divides that they have brought to the budget setting process.*

*I would also like to thank Richard Barrett and his excellent team for the tremendous job they have done once again in bringing this budget together in an ever changing and challenging set of circumstances.*

*The delivery of this budget will be overseen by a new Council. And I for one hope we will remain committed to not only working together for the benefit of the whole district but also to continue to work with all our partners in living up to the expectations and demands of our residents, business and various local organisations. This includes delivering against our key priorities and being a Community Leader - both listening to our residents and businesses and having a genuine understanding of what they need from their local Council.*

*To echo what I said last year, we must be confident and brave enough to 'go it alone' if we feel something is important enough to our residents and businesses, or alternatively take the lead when projects demand the involvement of a range of providers to bring about successful outcomes to everything we strive to do.*

*In respect of the additional commitments I have set out tonight, I will be asking officers to present to Cabinet the necessary reports to formally reflect these in the budget as soon as possible.*

*I would also like to thank my Group and also all Councillors in this Council Chamber for the excellent working together this year. I have been really amazed by the amount of work that we have done together this year and I thank you all for what you have done."*

It was moved by Councillor Page and seconded by Councillor Goggin, that having had regard to the Chief Finance Officer's (S151 Officer) report on the Robustness of Estimates and Adequacy of Reserves in accordance with the requirements under Section 25 of the Local Government Act 2003, and having taken account of the responses to the budget consultation process the Council approves the budget proposals (based on a 0% Band D Council Tax increase for District Services) and agrees:

- i) That the total General Fund net revenue budget for 2015/16 be set at £14.835m and revised net budget for 2014/15 of £15.898m (a council tax requirement of £6.539m and £6.419m respectively excluding parish precepts);
- ii) That the General Fund capital programme be approved totalling £27.151m in 2015/16;
- iii) That the detailed General Fund budgets be as per the Cabinet's budget proposals of 23 January 2015, updated to reflect the changes set out in the report;
- iv) The calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts, as set out at Appendix C to item A.1 of the Report of the Cabinet;
- v) The Council Tax for District and Parish/Town Councils' services be as at Appendix F to item A.1 of the Report of the Cabinet and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands; and
- vi) That, subject to the above, if budget adjustments are required following the late notification of external / grant funding, then in consultation with the Finance and Transformation Portfolio Holder, budgets are adjusted accordingly with no net impact on the overall budget or capital programme set out above.

Councillors I J Henderson, P J Oxley, De-Vaux Balbirnie, Hawkins, Shearing, Calver, Broderick, Stock, Howard, Cossens, Talbot and Goggin all addressed the Council during the debate on the Budget.

It was moved by Councillor Calver, seconded by Councillor McLeod and **RESOLVED** that Councillor Hawkins be granted an extra two minutes for his speech.

It was moved by Councillor Mitchell, seconded by Councillor Simons and **RESOLVED** that Councillor Goggin be granted an extra two minutes for his speech.

The Chief Executive, Ian Davidson, reminded the Council that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 required local authorities to hold a named vote on the Budget motion and all amendments thereto.

In respect of Councillor Page's motion the vote resulted as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Aldis Amos Broderick Brown Bucke Caines C Callender R Callender Calver Casey	None	None	Coley S S Mayzes

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

Councillor Page's motion was declared CARRIED.

**97. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman's and Vice-Chairman's engagements for the period 26 November 2014 to 10 February 2015 were tabled at the meeting.

The Chairman made the following announcements:



### Pride of Tendring Awards

The Chairman thanked all those who had attended the Pride of Tendring Awards night for helping to make it such a great evening.

### Civic Dinner – Friday 13 March 2015

The Chairman reminded Members that this year's Civic Dinner, in aid of her chosen charity, TeenTalk, would be held on Friday 13 March 2015 and she encouraged all Members to attend.

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

There were no announcements by the Chief Executive.

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

The Leader of the Council, Councillor Page, made a statement in respect of Devolved Powers to Local Authorities in Essex.

Councillor Page said that he wanted to take this opportunity to ensure that all Councillors were aware of the latest discussions regarding the possible devolution of powers. He said that, at a recent meeting of Essex Leaders and Chief Executives, the issue of devolution had been discussed and it had been felt by all Essex Local Authorities that the potential for some form of devolved powers to Councils should be explored. Councillor Page said that this would be on the basis that all Councils were equal partners in the discussions and that there were many aspects that could be explored such as Highways, Skills and shared back office functions. Councillor Page reiterated that the issue of individual Council's sovereignty was not up for discussion. He felt that one potentially important issue for Tendring was transport and highways infrastructure and maintenance. Councillor Page further reiterated that no commitments had been entered into and the discussions were open. He said that he had asked the Chief Executive to arrange for a presentation and an open discussion of this topic to be held at the all Member Briefing on 18 February 2015. Councillor Page stated that it had been suggested that Essex Local Authorities contribute £5,000 to a joint fund in order to commission work to develop proposals for devolved powers across Essex and he said that he had requested Officers to submit a funding allocation proposal to Cabinet via the next Corporate Budget Quarterly Monitoring report.

Councillor Page then responded to questions and points raised by Councillors I J Henderson, Patten, Stock, Calver, P J Oxley, Broderick and Scott.

Councillor Calver sought clarification in the light of the fact that Councillor Page had several times in his statement and response stated that he had 'made a decision' on this devolution issue which was in apparent conflict with the Monitoring Officer's advice to the Labour Group that no decision had been taken. In addition, Councillor Calver said that Councillor Page had stated that he had taken 'the decision' in consultation with the Chief Executive which was also in conflict with the advice that the Chief Executive had given the Labour Group.

The Monitoring Officer confirmed that it was her categorical advice that no decision had been taken by the Leader of the Council with regard to entering into discussions with the other Essex Local Authorities on devolution. In addition, the Monitoring Officer stated that no other Essex Local Authority had made a formal decision on this matter either.

The Chief Executive advised Council that he had not had a discussion with the Leader of the Council on his initial response to Essex County Council's devolution initiative though he had had a number of discussions with the Leader subsequently as this matter had progressed.

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

There were none on this occasion.

**101. PETITIONS****Report of the Chief Executive - A.2 – Petition: Proposed Housing and Employment Development at Weeley**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported in writing the receipt of a petition submitted by Carol Bannister, Vice-Chairman of Weeley Parish Council, as lead petitioner. The petition had been signed by over 700 local residents and stated:

*"No' to 1,100 Further Homes in Weeley:*

*We, the undersigned object to such a huge increase in housing for our village over the next 17 years on the grounds that it will destroy our community, ruin the character of our rural environment and take up agricultural land in a farming area."*

The Chief Executive further reported in writing that, in accordance with the Council's approved scheme for dealing with petitions, this matter would now be investigated and a report would be prepared and presented to Council together with the petition.

The Council was reminded that the Council's petition scheme specifically stated that: *"in the period immediately before an election or referendum, the Council may need to deal with petitions differently. If this is the case, the Council will explain the reasons and discuss the revised timescale that will apply"*.

Members were aware from the Chief Executive's report that the next ordinary meeting of the Council was due to be held on 24 March 2015 and that therefore this date fell within the 'Purdah' period for the forthcoming District Council elections.

Council was reminded in the Chief Executive's report that the Local Plan Committee had acknowledged, at its meeting in November 2014, that the allocation of sites within the draft local plan was becoming an election issue and had therefore:

***"RESOLVED*, that the Local Plan Committee considers the content of the Draft Local Plan, as soon as possible after the elections in May 2015, to enable it to be then agreed for publication for formal consultation."**

The Chief Executive advised Council in his written report that in accordance with the Council's Pre-Election Guidance issued by him, decisions, meetings, public consultation exercises and publicity campaigns on issues which were considered to have the potential to be politically contentious could be rescheduled until after the election. It was for those reasons that Officers' advice was that consideration of the petition be reported back to the next ordinary meeting of Council following the Annual Meeting of the Council.

Members were informed in the report that, at that meeting, and in accordance with the Council's procedure, Carol Bannister, as the lead petitioner, would be invited to address the Council, present the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Mrs Bannister would subsequently be informed, in writing, of the Council's decision and the decision would be published on the Council's website.

Councillor G V Guglielmi moved and Councillor McWilliams seconded by that:

- (a) the receipt of the Petition and the contents of the report be noted; and

- (b) in accordance with the 'Purdah' provisions of the Council's Petition Scheme and the Council's Pre-Election Guidance, the Petition be investigated and considered at the first ordinary meeting of the Council following the Annual Meeting of the Council.

Councillor Stock questioned why the Petition was not being referred to the Cabinet for consideration and report. The Monitoring Officer responded by stating that the Council's approved Petitions Scheme set out that once a petition had it been received, Council was formally notified of its receipt and then a report was prepared and submitted to the next ordinary meeting of the Council when the Council would decide what action it would take which could include referring the petition to the Cabinet and/or a Committee.

In response to further questions from Councillors Stock, Howard and Shearing as to why the Petition could not be considered at the March meeting of the Council, the Monitoring Officer referred to the relevant section of the Petitions Scheme relation to periods of elections; the Pre-Election Guidance issued by the Chief Executive and the decision taken by the Local Plan Committee to defer consideration of the draft Local Plan until after the elections which was set out in the Chief Executive's report (and detailed above), in the light of which it was Officers' advice that consideration of the Petition be deferred until after the elections. The Monitoring Officer confirmed that Members were not obliged to follow that advice.

Councillor Shearing moved and Councillor P J Oxley seconded that Councillor G V Guglielmi's motion be amended to read as follows:

- (a) that the receipt of the Petition and the contents of the report be noted; and
- (b) that the Petition be investigated and considered at the ordinary meeting of the Council to be held on 24 March 2015.

Councillor Stock suggested that Councillor Shearing's amendment be amended to read as follows:

- (a) that the receipt of the Petition and the contents of the report be noted; and
- (b) that Council asks the Local Plan Committee to consider the Petition as part of its work.

The Chief Executive advised Council that the Petitions Scheme stated that the Petitioner had the right to speak at a Council meeting and therefore the Petition would have to come back to Council before it could be referred to the Local Plan Committee if that was the Council's decision.

The Chief Executive spoke to the Petitioner, Carol Bannister, who was present in the public gallery, to ascertain her views as to whether she would prefer the Petition to be discussed at Council or the Local Plan Committee. The Chief Executive informed Members that Mrs Bannister had stated that she wanted the Petition to be discussed at Council.

Councillor Shearing and Councillor P J Oxley agreed to reword their amendment in accordance with Councillor Stock's suggestion.

Councillor Shearing's amendment on being put to the vote was declared LOST.

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

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

There were none on this occasion.

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

The Council had received questions from Members in relation to:

1. Checks on businesses setting up in the District; and
2. Lack of Cabinet consideration or Member involvement and knowledge in decision to support Essex County Council's request to Government on future devolution.

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

**Question 1**

From Councillor Colin Winfield to Councillor Mick Page, Leader of the Council:

"For many years, I was a shop proprietor in Dagenham where, in order to become a shopkeeper, I had to register with the local council. Following which, the proprietor could acquire a bank account for the business. This system was designed to ensure that the Applicant and the business they were proposing to conduct would:

- be of benefit to the local community by ensuring that the Applicant has the necessary qualifications to run that particular business;
- ensure that the Applicant was of suitable character to conduct, in particular, a personal service such as hair dressing; and
- establish that, unless the Applicant was purchasing a like-for-like business, they had to prove that an additional shop was justified (competition is fine but too much of it can result in the smaller retailers being forced out of business. The result of this would be detrimental to local communities and result in rows of empty shops);

I would like to ask the Leader to confirm whether this Council undertakes similar checks before new publicly used businesses are set up."

The Leader of the Council replied by confirming that the Council did not undertake checks of this nature, and that it had no jurisdiction to do so.

Councillor Winfield started to ask a supplementary question, but on the advice of the Monitoring Officer that the terminology being used was not appropriate, Councillor Winfield ceased to continue.

**Question 2**

From Councillor Ivan Henderson to Councillor Mick Page, Leader of the Council:

"Is the Leader of the Council aware that, in order to ensure that there was evidence of the exact position being adopted, Colchester Borough Council responded in writing to the letter sent to its leader by the Leader of Essex County Council (ECC), Councillor David Finch, requesting Colchester Borough Council's support for ECC's request to the Government on future devolution? Is he further aware that this written response was sent after Executive Board debate and Cabinet consideration?"

This being the case, will he please advise Members why he considered it appropriate to give Tendring District Council's support on this matter verbally and without obtaining Officer advice and without it having received Cabinet consideration?"

Will he also please explain why he withheld the fact that he had signed up to this request by not informing Members of his action at the meeting of the Council held on 25<sup>th</sup> November?"

In the light of Councillor Page's statement made under Minute 99 above and his answers to questions raised thereon by Councillor I J Henderson and other Members, Councillor I J Henderson formally withdrew his question.

**104. REPORT OF THE LEADER OF THE COUNCIL**

In accordance with the requirements of Procedure Rule 17.4 of the Access to Information Procedure Rules and Procedure Rule 16(i) of the Overview and Scrutiny Procedure Rules, Council had before it, a report, which notified Members of an Executive Decision taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, as follows:

Council Tax Base 2015/2016

Decision by the Finance and Transformation Portfolio Holder, to agree the Council Tax Base for 2015/2016.

Council noted the foregoing.

**105. MINUTES OF COMMITTEES**

**RESOLVED** that, with the exception of the minutes of the meeting of the Standards Committee held on Wednesday 17 December 2014, the minutes of the following Committees, as circulated, be received and noted:

1. Community Leadership and Partnerships Committee of Monday 17 November 2014;
2. Education and Skills Committee of Wednesday 26 November 2014;
3. Local Plan Committee of Thursday 27 November 2014;
4. Corporate Management Committee of Tuesday 2 December 2014;
5. Community Leadership and Partnerships Committee of Monday 8 December 2014;
6. Service Development and Delivery Committee of Monday 15 December 2014;
7. Audit Committee of Thursday 18 December 2014;
8. Corporate Management Committee of Monday 5 January 2015;
9. Community Leadership and Partnerships Committee of Monday 19 January 2015;  
and
10. Standards Committee of Monday 26 January 2015.

Standards Committee of Wednesday 17 December 2014

The Leader of the Council, Councillor Page moved and the Chairman of the Standards Committee, Councillor Stock, seconded that the minutes of the meeting of the Standards Committee, held on 29 September 2014, be received and noted and that the LLG Model Council Members' Planning Protocol, be included within Part 6 (Codes and Protocols) of the Council's Constitution, which motion on being put to the vote was declared **CARRIED**.

**106. MOTIONS TO COUNCIL**

The Council noted that, on this occasion, no Motions, on notice, from Members had been given in accordance with Council Procedure Rule 11.

**107. TO CONSIDER RECOMMENDATIONS FROM THE CABINET**

The Council noted that, on this occasion, there were no recommendations from Cabinet to determine.

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

There were none on this occasion.

**109. MEMBERSHIP OF COMMITTEES AND SUB-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:

Human Resources Committee

Councillor Miles had been appointed to serve in place of Councillor Colbourne.

Licensing Committee

Councillor S A Honeywood had been appointed to serve in place of Councillor Colbourne.

Planning Committee

Councillor Nicholls had been appointed to serve in place of Councillor Watling.

Regulatory Committee

Councillor Heaney had been appointed to serve in place of Councillor Colbourne.

Service Development and Delivery Committee

Councillor Nicholls had been appointed to serve in place of Councillor Colbourne.

Council noted the foregoing.

**110. REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS**

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Colbourne, on 16 December 2014, had served formal notice on the Council that he no longer wished to be treated as a member of the Conservative political group.

In addition, Councillor Colbourne, pursuant to Regulation (9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the United Kingdom Independence Party [UKIP] political group. That notice had been counter-signed by the Leader of the UKIP Group (Councillor M J D Skeels).

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 had then been carried out. Following that review, and in accordance with the wishes of the relevant Group Leaders and the authority delegated to me, the following appointments had been made:

Council Tax Committee

Councillor Colbourne to serve in place of Councillor Bucke.

Regulatory Committee

Councillor Winfield to serve in place of Councillor Steady.

Council noted the foregoing.

**111. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 26 JANUARY 2015 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.

**112. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

**113. SILENT TRIBUTE**

All persons present stood in silent tribute to the memory of the late former Councillor and Chairman of the Council, Frank Baker.

Councillors Casey and Page each paid a personal tribute to Frank Baker.

The meeting was declared closed at 9.56 p.m.

**Chairman**

