

MEETING OF THE
TENDRING DISTRICT COUNCIL

26 MAY 2015

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

In Attendance:- Chief Executive (Ian Davidson), Corporate Director (Public Experience) (June Clare), Corporate Director (Life Opportunities) (Paul Price), Legal Services Manager and Monitoring Officer (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Democratic Services Manager (Colin Sweeney), Management and Members' Support Manager (Karen Neath), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford), Democratic Services Officers (Janey Nice and Michael Pingram) and Management and Members' Support Officer (Ashley Wood).

(7.30 p.m. - 8.24 p.m.)

1.. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL ELECTIONS – 7 MAY 2015

The Chief Executive, in his capacity as Returning Officer, reported that at the District Council Elections held on 7 May 2015 that the persons listed in the Schedule had been duly elected and that all had since made the Statutory Declaration of Acceptance of Office.

The Chairman congratulated all Members on their election to the Council.

2. APOLOGIES FOR ABSENCE

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

An apology for absence was submitted on behalf of Councillor Whitmore.

3. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The Chairman's and Vice-Chairman's engagements for the period 25 March 2015 to 26 May 2015 were tabled at the meeting.

The Chairman stated how much she had enjoyed her year as Chairman and how she had been pleased to have had TeenTalk as her chosen Charity.

4. TO ELECT THE CHAIRMAN OF THE COUNCIL FOR THE 2015/2016 MUNICIPAL YEAR

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

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Nicholls be elected Chairman of the Council for the 2015/2016 municipal year.

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

After thanking the Council for the honour and privilege they had bestowed upon him, the Chairman paid tribute to his predecessor in office, Councillor V E Guglielmi. He also thanked his Wife, the Chief Executive and Officers and former Councillor Mick Page for all their support during his term as Vice-Chairman of the Council. The Chairman also announced that his chosen Charity for the year would be The Mayflower Project.

Councillor V E Guglielmi echoed the Chairman's comments and thanked Officers for their support during her year in office.

5. TO ELECT THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2015/2016 MUNICIPAL YEAR

It was moved by Councillor Talbot and seconded by Councillor Stock that Councillor Chapman be elected Vice-Chairman of the Council.

It was then moved by Councillor Raby and seconded by Councillor Watson that Councillor Newton be elected Vice-Chairman of the Council.

The vote on the election of the Vice-Chairman of the Council resulted as follows:-

Councillors Voting for Councillor Chapman

Amos
Baker
B E Brown
M Brown
Callender
Chapman
Chittock
Coley
Cossens
Davis
Fairley
Ferguson
Griffiths
G V Guglielmi
V E Guglielmi
Heaney
Honeywood
Howard
Hughes
Land
Massey
McWilliams
Miles
Nicholls
Platt
Poonian
Scott
Sibbald
M J Skeels

M J D Skeels
Steady
Stock
Talbot
Turner
Watling
White
Yallop

Councillors Voting for Councillor Newton

Bennison
Broderick
J A Brown
Bucke
Cawthron
Hones
Khan
King
Mooney
Newton
Pemberton
Porter
Raby
Stephenson
Watson
Winfield

Councillors Abstaining

Bray
Calver
Fowler
Gray
I Henderson
J Henderson

Councillors Absent

Whitmore

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Chapman be elected Vice-Chairman of the Council for the 2015/2016 municipal year.

Councillor Chapman was thereupon invested with the Vice-Chairman's Badge of Office, made a Statutory Declaration of Acceptance of Office, expressed her thanks to the Council for their support. Councillor Chapman paid tribute to her predecessor in office Councillor Nicholls and his Wife and pledged that she and her husband would do their utmost to support the Chairman during his year in office.

6. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman informed Members that he would inform Council at its next meeting of his theme for his year in office and his Chaplain. He was also pleased to announce that he had accepted an invitation to be a Patron of the Colchester and Tendring Grass Roots charity.

The Chairman informed Members of the following dates for their diaries:

(1) Aviva Women's Cycle Tour – Braintree to Clacton Stage on Thursday 18 June 2015; and

(2) Clacton Air Show on Thursday 27 and Friday 28 August 2015.

Finally, the Chairman invited Members and Officers to join him in the Chairman's Parlour after the meeting for refreshments.

7. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

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

The Council had before it a report of the Management and Members' Support Manager, which informed Members that the Independent Remuneration Panel had recently completed a review of Members' Allowances for a scheme commencing 1 May 2015 and that the Panel's recommendations had been published in accordance with legislation. However, given the recent District Council Elections there had been limited time for Members to consider the recommendations of the Panel. It was therefore recommended by Officers that Members agreed an interim scheme whereby the current Allowances continued to be paid and that Members considered the recommendations of the Panel and approved a new scheme at the meeting of Council on 7 July 2015. It was further proposed by Officers that once agreed the new scheme would apply with effect from 1 May 2015.

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

RESOLVED:

(a) that the Members' Allowances Scheme recommended by the Independent Remuneration Panel be considered at the Council meeting on 7 July 2015 and that, at that meeting, a scheme be approved to be paid with effect from 1 May 2015; and

(b) that, in the interim, the current Scheme of Members' Allowances continues to apply.

9. ELECTION OF LEADER OF THE COUNCIL

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

RESOLVED that, in accordance with the Council's executive arrangements pursuant to Section 9I of the Local Government Act 2000, Councillor Stock be elected Leader of the Council for a term of office ending on the day of the next post-election annual meeting (i.e. the Annual Meeting of the Council in May 2019).

Councillor Stock made a Statutory Declaration of Acceptance of Office and thanked Members for their support.

10. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock) announced that he would appoint a Deputy Leader of the Council in due course.

The Council noted the foregoing.

11. APPOINTMENT OF THE MEMBERS OF THE CABINET

The Leader of the Council (Councillor Stock) announced that he would formally appoint the members of the Cabinet and allocate Portfolios to them in due course.

The Council noted the foregoing.

12. APPOINTMENT OF MEMBERSHIP OF COMMITTEES ETC.

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

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

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

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Widdicombe Rules be, and are, hereby appointed for the 2015/2016 municipal year and that their membership be as set out hereunder, subject to the remaining vacancies being decided by Group Leaders in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution:

Audit Committee

Councillors Coley, Griffiths, Sibbald and Talbot plus one Member to be appointed.

Community Leadership and Partnerships Scrutiny Committee

Councillors Baker, Gray, I J Henderson, Howard, Land, Miles and two Members to be appointed.

Corporate Management Committee

Councillors Baker, Bucke, Chittock, Massey, Platt, Steady and two Members to be appointed.

Council Tax Committee

Councillors Bray, Chapman, Miles, Nicholls and one Member to be appointed.

Education and Skills Committee

Councillors Calver, Cossens, Fairley, McWilliams, Scott, Sibbald and two Members to be appointed.

Human Resources Committee

Councillors Baker, Callender, Calver, Cossens, Chapman, Davis, Ferguson, King, Massey, Poonian, Scott and three Members to be appointed.

Licensing and Registration Committee

Councillors Amos, B E Brown, M Brown, Callender, V E Guglielmi, J Henderson, Platt, M J Skeels, M J D Skeels, White, Winfield and four Members to be appointed.

Local Plan Committee

Councillors Baker, Bray, Broderick, Bucke, Gray, G V Guglielmi, Howard, Land, McWilliams, Stock, Turner and four Members to be appointed.

Planning Committee

Councillors Davis, Fairley, Fowler, Heaney, Nicholls, Platt, Poonian, White and three Members to be appointed.

Service Development and Delivery Scrutiny Committee

Councillors Ferguson, Fowler, Griffiths, Hughes, Miles, Yallop and two Members to be appointed.

Standards Committee

Councillors Heaney, Honeywood, Nicholls, Poonian, Steady, Whitmore and one Member to be appointed.

General Purposes Sub-Committee

Councillors Amos, V E Guglielmi, J Henderson, Platt, M J Skeels, White and two Members to be appointed.

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

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

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

RESOLVED that the Premises/Personal Licences Sub-Committees be, and are, hereby appointed for the 2015/2016 municipal year and that their membership be as set out hereunder, subject to the remaining vacancies being decided by the relevant Group Leader and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution:

Premises/Personal Licences Sub-Committee 'A'

Councillors Amos, V E Guglielmi and one Member to be appointed.

Premises/Personal Licences Sub-Committee 'B'

Councillors Callender, White and one Member to be appointed.

Premises/Personal Licences Sub-Committee 'C'

Councillors J Henderson, Platt and M J Skeels.

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

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

RESOLVED that the Town and Parish Councils Standards Sub-Committee be, and is,

hereby appointed for the 2015/2016 municipal year and that its membership be as set out hereunder:

Councillors Heaney, Nicholls and Steady.

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

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

RESOLVED that the Chairmen and, where appropriate, the Vice-Chairmen of the following Committees and Sub-Committees be elected respectively for the 2015/2016 municipal year as set in the Schedules.

13. PETITION: CLACTON POLICE STATION

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of a petition submitted by Teresa-Maria O'Hara, as lead petitioner. The petition had been signed by, in excess of, 800 checked and confirmed local residents and stated:

"Say NO to closing Clacton Police Station".

The Chief Executive informed Members 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.

Members were reminded that the next ordinary meeting of the Council would be held on 7 July 2015.

The Chief Executive advised Council that, at that meeting, and in accordance with the Council's procedure, Teresa-Maria O'Hara, 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. Ms O'Hara would then be informed, in writing, of the Council's decision and the decision would be published on the Council's website.

RESOLVED that the receipt of the Petition and the contents of the report be noted.

14. THE COUNCIL'S CONSTITUTION

Members were informed that, in accordance with Council Procedure Rule 1.1 (viii), it was normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution. The Constitution which Members were being asked to reaffirm had been recently updated and revised.

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

RESOLVED that the Council's Constitution be reaffirmed.

15. PROGRAMME OF MEETINGS: 2015/2016 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Education and Skills Committee, the Licensing and Registration Committee, the Local Plan Committee, the Planning

Committee, the Service Development and Delivery Committee and the Standards Committee for the 2015/2016 municipal year.

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

RESOLVED that the programme of meetings of the Council and the Committees, as set out in the Appendix to item A.4 of the Reference from Cabinet, be approved, subject to the cancellation of the meeting of the Community Leadership and Partnerships Committee due to be held on Monday 8 June 2015 and its replacement with an all Member Briefing on the role of overview and scrutiny.

16. OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2015/2016 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2014 TO APRIL 2015

The Council considered a report which sought its approval to a proposed work programme for the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Education and Skills Committee and the Service Development and Delivery Committee for the 2015/2016 municipal year and which reviewed the work carried out by those Committees during the period May 2014 to April 2015.

It was moved by Councillor Miles, seconded by Councillor Platt and:

RESOLVED that the proposed work programmes for the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Education and Skills Committee and the Service Development and Delivery Committee for the 2015/2016 municipal year and the review of the work carried out by those four Committees in the period May 2014 to April 2015, as set out in Appendices A5A and A5B to item A.5 of the References from Committees, be approved.

17. 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, Councillor Nicholls had been removed from membership of the Local Plan Committee as it was incompatible with Councillor Nicholls' membership of the Planning Committee. No replacement for Councillor Nicholls had been made at this time.

Council noted the foregoing.

18. PAY POLICY STATEMENT 2015/16

Further to minute 9 (A.1) of the meeting of the Human Resources Committee held on 26 February 2015 the Council gave consideration to a proposed Pay Policy Statement for 2015/16 which would meet the requirements of the Localism Act 2011 (Section 38).

The Chief Executive declared a pecuniary interest in this item and left the meeting during the consideration thereof and the voting thereon.

Councillor Patten praised the Chief Executive for his kind gesture to part-fund the cost of the introduction of the Living Wage. Members showed their appreciation with a round of applause.

It was moved by Councillor R Callender, seconded by Councillor Turner and:-

RESOLVED that

(a) the Pay Policy Statement 2015/16, as set out in the Appendix to item A.3 of the Report of the Corporate Director (Corporate Services), be adopted with immediate effect;

(b) costs be met from existing salary/vacancy provision within budgets; and

(c) the Chief Executive's gesture be acknowledged and he be thanked but that the full cost of the introduction of the Living Wage be funded from the General Fund budget.

19. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 2 FEBRUARY 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.

20. URGENT MATTERS FOR DEBATE

There were none on this occasion.

21. 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.

22. 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.

23. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.2

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).

Chairman