

**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 24 NOVEMBER 2015 AT 7.30PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**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, Everett, Fairley, Ferguson, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, I J Henderson, J Henderson, Hones, Honeywood, Howard, Hughes, Khan, King, Land, Massey, McWilliams, Miles, Mooney, Newton, Pemberton, Platt, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, Watson, White, Whitmore, Winfield and Yallop.

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Democratic Services Manager (Colin Sweeney), Management and Members' Support Manager (Karen Neath) Communications Manager (Nigel Brown) and Democratic Services Officer (Janey Nice)

**65. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Heaney.

**66. MINUTES**

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 8 September 2015, be approved as a correct record and signed by the Chairman.

**67. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members at this time.

**68. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman's and Vice-Chairman's engagements for the period 8 September 2015 to 23 November 2015 were tabled at the meeting. In addition, the Chairman extended a warm invitation to all Members to join him in the Chairman's Parlour after the meeting to enjoy mince pies.

**69. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

The Chief Executive reminded all present that anything printed on blue pages was exempt and not for public circulation.

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

The Leader of the Council, Councillor Stock, made a statement in respect of the Government Spending Review Statement, which was due on 25 November 2015. He urged Members to pay close attention to it and the potential implications of it upon the services provided by local government. He further informed Council that the Cabinet was having an 'Away Day' on 27 November 2015 to digest the implications for this Council and that an email would be circulated to Members with a summary of its contents.

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

There were none on this occasion.

**72. PETITIONS TO COUNCIL**

There were none on this occasion.

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

There were none on this occasion.

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

The Council had received questions from Members in relation to:

1. Unauthorised Camping at Martello Bay Beach Clacton-on-Sea; and
2. Coastal regeneration at Walton, Jaywick and Brightlingsea..

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

**Question 1**

From Councillor C Griffiths to Councillor N Turner, Coast Protection Portfolio Holder:

*“Some Martello Bay residents have expressed concern over an unauthorised camp site that appeared on the beach in front of the Martello Tower near to Clacton Golf Course at the end of the summer season. Some tents were erected on the beach for a considerable period, and residents raised concern over the lack of toilet provision and general mess that this encampment was generating. Can the Portfolio Holder clarify the following points:*

- (a) *What action was taken to remove the offending tents from the beach? and*
- (b) *What provision has been made to stop the situation happening again next year?”*

In response to (a) above, Councillor Turner said that, when this matter had first come to his attention, on 23 September 2015, the Council had sought the immediate assistance of the Police for the removal of the campsite on the grounds of public safety and antisocial behaviour. He added that the Police response had been that the behaviour arising from the campsite did not fit the criteria necessary for their intervention. He said that there were new powers of dispersal available to the Police if an Officer had reasonable grounds to suspect that the behaviour of the person had contributed to, or was likely to contribute to members of the public in the vicinity being harassed, alarmed, distressed or the occurrence of crime and disorder. Councillor Turner went on to say that, in this instance, and over a period of several days, the Police and Officers of the Council had not been able to find evidence to support the criminal antisocial behaviour at this campsite. He added that, whilst it was clear that the occupants had been those very same who had occupied the doorways in the Town Centre, or had been sleeping rough elsewhere in the District, photographs and notes taken by Officers indicated that little, if any litter had been deposited and no evidence in respect of the lack of toilet provision could be found. However, he said, it was accepted that the reason for this was that it was most likely because it was easy to conceal evidence in such a location. Councillor Turner said it should be noted that, whilst these individuals presented themselves as being homeless, it was understood that they were well known to the Housing Service and did have accommodation elsewhere within the District, but had chosen not to occupy it whilst camping on the beach. It was, he said, unfortunate that the presence of an unauthorised camp on the beach was not in itself a reason for direct Police intervention. Councillor Turner added that information provided by Council Officers was that members of the public who had highlighted the situation and complained of witnessing behaviour,

which had not met the necessary criteria for the Police to become involved, were either unable to identify a specific perpetrator or had not been willing to do so. In addition to seeking assistance from the Police, the Council, he said, had also sought legal advice in respect of commencing civil proceedings with regard to this matter. However, he said, while in the process of collecting and recording evidence to support an application or an injunction, or other available civil remedy, the campsite moved on. It was, he added, his understanding that the campsite was in existence at this location for six days in total and he hoped that the regular presence of the Council's staff asking occupants to move on and recording all activity had helped in some way to contributing to the decision of the campsite to move.

In response to (b) above, Councillor Turner said that, with regard to the prevention of the reoccurrence, the Council was currently taking steps to use the latest legislation available to deal with antisocial behaviour and that this process had begun at the time of the unauthorised site this year. He said that, under Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014, a local authority could introduce a public space protection order if it was deemed necessary to prevent persistent or continuing activities, which had a detrimental effect on the quality of life within that locality. He added that it was the intention of the Police to seek such an order in relation to seafront areas currently affected by such behaviour. Councillor Turner went on to say that any breach of these orders carried options for the issue of fixed penalty notices, whereas constituting a criminal offence, which would, in turn, enable the Police to take more direct action. In addition to this, the Council, he said, retained the same options that were available and in operation this year, prior to when the unauthorised campsite departed from TDC land, such as civil injunctions. In conclusion, Councillor Turner said that the Council would be prepared to take this action and similar legal options if necessary and, in thanking Councillor Griffiths for taking the time and the trouble to highlight the concerns of his residents, he hoped he was able to offer sufficient assurances that this matter, and other areas of concern, were being addressed by this Council.

## Question 2

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

*"Firstly, I would like to congratulate everybody involved in the regeneration of the beaches.*

*Now that the main work has been completed, can the Portfolio Holder responsible for our coastal regeneration give me the exact dates and amount of monies being made available for the rest of our coastal towns, such as Walton, Jaywick and Brightlingsea as this is our quiet time of year giving the opportunity to prepare for next summer?"*

In response, Councillor Turner said that the protecting of the 5km stretch of the seafront was an absolute necessity and would protect 3,000 homes and businesses over the next 100 years as there really was not a "do nothing" option. He went on to say that the Council's efforts in achieving the funding for this scheme were a hard one and he was especially grateful to the Environment Agency, who had awarded the Council around £28m towards the Scheme. Routine coastal maintenance, he said, as well as general sea-frontage expenditure for other seafront infrastructure, were operational matters and budgets were agreed accordingly, and annually, by this Council and were based upon where the funds were most needed. He added that the Council's focus was, firstly, public safety and then to where general improvement or enhancement works where these were considered to be most effective. In conclusion, Councillor Turner said that there were no specific monies allocated to coastal protection projects in any areas of the District at this moment, other than those previously reported to the Cabinet along the Clacton to Holland-on-Sea coast where essential works were required to stabilise the cliffs.

Supplementary Question from Councillor Gray

"I would like to be supplied by the Finance Department, all expenditure from public funds over £1,000, over the last four years, broken down into actual figures spent on each ward."

The Chairman, in questioning whom the supplementary question had been directed to, advised Councillor Gray that any supplementary question must relate directly to the answer given to the original question put.

In response, Councillor Turner said that he would pick up the question afterwards and would supply a written answer, which would also be supplied to all those who would like to see it.

**75. REPORT OF THE LEADER OF THE COUNCIL: A.1 - EXECUTIVE DECISION TAKEN AS A MATTER OF URGENCY**

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

It was reported that the decision in question had been taken by the Leader of the Council in his capacity as the Portfolio Holder for Planning and which related to a joint bid with other Local Authorities for Government funding for North Essex Garden Settlements.

Prior to moving the recommendation, as contained within Page 14 to the report, Councillor Stock highlighted an error in the report, that, on Page 15, the following sentence was not relevant to this report and should be deleted:

*"To agree that the Council's National Non-Domestic Rates Return (NDR1) for 2015/2016 be submitted to the Government."*

It was moved by Councillor Stock and **RESOLVED** that the contents of the report be noted.

**76. MINUTES OF COMMITTEES**

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

- (a) Corporate Management Committee of Monday 14 September 2015;
- (b) Local Plan Committee of Thursday 17 September 2015;
- (c) Education and Skills Committee of Monday 21 September 2015;
- (d) Audit Committee of Thursday 24 September 2015;
- (e) Corporate Management Committee of Monday 28 September 2015;
- (f) Human Resources Committee of Tuesday 29 September 2015;
- (g) Service Development and Delivery Committee of Monday 5 October 2015;
- (h) Standards Committee of Wednesday 14 October 2015; and
- (i) Local Plan Committee of Thursday 12 November 2015.

### Corporate Management Committee of Monday 28 September 2015

In respect of the meeting of the Corporate Management Committee held on 28 September 2015, Councillor I J Henderson asked the Chairman of that Committee, Councillor Steady, on the serious issue affecting local Councils, where the Government had introduced a one percent reduction in social rents over the next four years. Can I ask Councillor Steady what will the impact of this policy have on this Council?

In response, Councillor Steady replied that the role of Corporate Management Committee was something which would again be addressed. Since the last meeting, he said, there had been an informal meeting of the Committee, at which, clarification was sought as to the status of the Committee, which had been received from the Monitoring Officer to confirm what its role would actually be. He added that a further, formal meeting of the Committee was to be held on 3 December 2015 when it would be considering different revenue streams and also for specific items to be covered in the Budget and also going forward. In conclusion, Councillor Steady stated that influencing and improving services, which residents received was the remit under which Councillor Henderson's question could be considered.

The Chief Executive clarified that the actual legislation to reduce social rents by one percent had not yet come in but when it did, he estimated the impact of it upon this Council to be in the region of £5m over four years.

### Service Development and Delivery Committee of Monday 5 October 2015

The Chairman of the Service Development and Delivery Committee (Councillor Griffiths) acknowledged a typographical error in the heading of the minutes of the meeting held on 5 October 2015 which erroneously referred to 27 July 2015. This would be corrected for the next meeting of that Committee.

### Corporate Management Committee of Monday 14 September 2015

With reference to Minute No.13 (Grant of a Lease of 14A Waddesdon Road, Harwich) to the meeting of the Corporate Management Committee held on Monday 14 September 2015, Councillor Calver asked Councillor Steady that, in spite of the unanimous decision of the Committee to ask the Portfolio Holder to reconsider his decision, the Portfolio Holder immediately declined to do so before leaving the meeting room. Councillor Calver asked Councillor Steady's opinion as to whether or not he (Councillor Steady) agreed that this completely undermined the credibility of the scrutiny of decisions and actually called into question whether or not the Cabinet system under this Administration could be effective.

In response, Councillor Steady said that he believed that Councillor Calver had questioned this with the Council's Monitoring Officer and accordingly referred Councillor Calver to the answer given to him by the Monitoring Officer at that time.

In response to Councillor Calver's question, Councillor G V Guglielmi said that he had offered the callers-in of the original decision a mediation meeting, in accordance with the Council's Constitution, prior to the decision being scrutinised but that the callers-in had declined to attend such a meeting to discuss the merits of the original decision taken. He said that the call-in had been properly conducted in accordance with the rules of call-in and that his decision stood since there were no other factors were forthcoming.

### Local Plan Committee of Thursday 12 November 2015

It was then moved by Councillor Stock and seconded by Councillor G V Guglielmi, that the recommendation to Council, as contained in Minute No.25 of the Local Plan Committee of 12 November 2015, be approved and that motion, on being put to the vote, was declared **CARRIED.**

**77. MOTION TO COUNCIL – PROPOSED CHANGE TO THE COUNCIL’S GOVERNANCE ARRANGEMENTS**

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

*“Following the 7<sup>th</sup> May elections and the change of proportionality of the absolute majority of one party to one of no overall control in its own right, this Council recognises:*

- (1) that the Cabinet system of governance creates a democratic deficit in Local Government with key decisions being made by very few elected Members; and*
- (2) that a Committee system operated successfully at Tendring District Council prior to the 2001 introduction of the Leader/Cabinet arrangement;*
- (3) that other Councils have reverted to a Committee system which has ensured both democracy and accountability for all Councillors and therefore all electors.*

*Therefore, this Council resolves to investigate changing this Council’s form of governance to a Committee system as provided in Section 9B(1)(b) and in accordance with Sections 9K and 9KC of the Local Government Act 2000 as implemented by the Localism Act 2011. This Council requests Officers to bring a report back to a future meeting of Council to enable Council to make an informed decision and with a view to enabling new governance arrangements to be introduced from the 2017 Annual Council if agreed.”*

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

The Chairman informed Council that, pursuant to Council Procedure Rule 11.4, he was referring the motion to the Cabinet and therefore Councillor Newton’s motion stood referred without speeches or discussion to the Cabinet for consideration and report.

**78. RECOMMENDATIONS FROM THE CABINET – THE LOCAL COUNCIL TAX SUPPORT SCHEME; COUNCIL TAX EXEMPTIONS FOR 2016/2017; AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2016/2017**

The Council had before it the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme – Council Tax Exemptions for 2016/2017 and the Annual Minimum Revenue Provision Policy Statement 2016/2017.

It was moved by Councillor Stock, seconded by Councillor Hughes and **RESOLVED** that:

- (a) The Local Council Tax Support Scheme (LCTS) remains the same as the current year and that therefore:
  - i) the LCTS be approved with the maximum LCTS award being 80% for working age claimants; and
  - ii) delegation be given to the Corporate Director (Life Opportunities), in consultation with the Revenues and Benefits Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2016.
- (b) The proposed Council Tax exemptions and discounts be approved and that delegation is given to the Corporate Director (Life Opportunities), in consultation with the Revenues and Benefits Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts for 2016/2017.
- (c) The proposed Annual Minimum Revenue Provision (MRP) Policy Statement for

2016/17 be approved.

**79. RECOMMENDATIONS FROM THE CABINET – OUTCOME OF REVIEW OF PART NIGHT STREET LIGHTING IN THE DISTRICT**

The Council had before it the recommendation submitted to it by the Cabinet in respect of the outcome of the review of Part Night Street Lighting in the District.

It was moved by Councillor Stock and seconded by Councillor Turner that the recommendations of the Part Night Street Lighting Working Party of the areas to remain lit at night be submitted to Essex County Council, in response to the letter from Councillor Finch.

Councillor I J Henderson moved and Councillor Calver seconded that Councillor Stock's motion be amended by the addition of the following paragraph:

"In the event of ECC refusing to implement all night street lighting in only parts of the Tendring District, the Council instructs the Leader and Chief Executive of Tendring District Council to implement the unanimous decision of the Council taken on 24th March 2015."

Pursuant to the provisions of Council Procedure Rule 15.6, Councillor Stock, with the consent of both the meeting and the seconder, altered his motion to incorporate Councillor Henderson's proposed amendment.

Councillor Stock's motion, as so altered, became the substantive motion, which on being put to the vote, was declared **CARRIED**.

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

There were none on this occasion.

**81. RECOMMENDATIONS FROM THE LICENSING AND REGISTRATION COMMITTEE – REPORT OF THE CORPORATE DIRECTOR (LIFE OPPORTUNITIES) – A.2: STATEMENT OF GAMBLING POLICY**

The Council had before it the recommendation submitted to it by the Licensing and Registration Committee in respect of the adoption of the Council's Statement of Gambling Policy.

It was moved by Councillor Platt and **RESOLVED** that:

- (a) The Council's proposed Statement of Gambling Policy is agreed and adopted;
- (b) The Council's revised Statement of Gambling Policy is published via the Council's web site and by way of a public notice in the local newspaper by 2 January 2016; and
- (c) The Council's revised Statement of Gambling Policy will come into force as from 31 January 2016.

**82. MEMBERSHIP OF COMMITTEES ETC.**

The Chief Executive formally reported that, in accordance with the wishes of the Leaders of the UKIP Group and the Conservative Group and the authority delegated to him, the following appointments had been made since the last meeting of the Council:

Audit Committee

Councillor Stephenson had been appointed to fill the vacant seat.

Human Resources Committee

Councillor Stephenson had been appointed to serve in place of Councillor Gray.

Planning Committee

Councillor Everett had been appointed to serve in place of Councillor Davis..

Standards Committee

Following an error in the report being highlighted, Councillor J A Brown (and not Councillor M Stephenson) had been appointed to serve in place of Councillor Gray.

Licensing (General Purposes) Sub-Committee

Councillor Massey had been appointed to serve in place of Councillor Amos.

Council noted the foregoing.

**83. COUNCILLOR LAURIE GRAY**

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Laurie Gray on 11 September 2015, had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Council noted the foregoing.

**84. VACANT SEAT ON THE LOCAL PLAN COMMITTEE**

Council recalled that, at its meeting held on 7 July 2015 (Minute 34 referred), the Chief Executive had reported, amongst other things that, on 8 June 2015, Councillor Bucke had formally submitted his resignation as a member of the Local Plan Committee. As Councillor Bucke was not a member of any political group, it had been a matter for Council to fill the vacancy on that Committee.

Having considered the matter, it had been moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

***“RESOLVED that:***

- (b) As the seat previously occupied by Councillor Bucke had been given to Councillor Bucke by the Labour Group, the Leader of the Labour Group be requested to nominate a member of his Group to fill the vacancy on the Local Plan Committee.”*

It was reported that, following the Council meeting, the Council's Senior Democratic Services Officer had contacted the Leader of the Labour Group, Councillor Ivan Henderson, to seek that nomination.

Councillor Henderson had then informed the Council's Corporate Director (Corporate Services), by email on 10 July 2015, that the Labour Group did not wish to take up the vacancy on the Local Plan Committee on the grounds set out in his email, namely that the Labour Group had met its commitments under the Widdicombe Rules and, as such, was not required to fill any additional committee places.



In light of the decision taken by the Leader of the Labour Group, Council had reconsidered this matter at its last meeting held on 8 September 2015 (Minute 60 referred) and had decided: *“that the seat remain vacant whilst Group Leaders decide the appropriate allocation for the seat and, once agreement had been reached, to report back to Council.”*

Group Leaders (with the exception of the Leader of the UKIP Group) had met to discuss this matter on 23 October 2015 and it had been agreed that to maintain the political proportionality and allocation of seats in accordance with the Widdicombe review, the seat should revert back to a non-aligned Member and that this was recommended to Council.

Accordingly, it was moved by Councillor Stock, seconded by Councillor Turner and **RESOLVED** (a) that a non-aligned Member be appointed to fill the vacancy on the Local Plan Committee.

It was then moved by Councillor G V Guglielmi, seconded by Councillor Ferguson and **RESOLVED** (b) that Councillor Scott be appointed to fill the vacancy on the Local Plan Committee for the remainder of the municipal year.

**85. ANNUAL REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL**

Further to minute 37 (8.9.15), the Council considered the outcome of the annual review of the Scheme of Members' allowances undertaken by the Independent Remuneration Panel (IRP).

The Leader of the Council thanked the IRP for all its work on preparing the Scheme.

Councillor Stock moved and Councillor Howard seconded, that:

- (a) The allowances recommended by the IRP, as set out in its report to the Council, be approved;
- (b) In the event that Council adopts alternative allowances to those recommended in the IRP's report, reasons for the variations are given and minuted;
- (c) The approved scheme be implemented with effect from 1 November 2015 in respect of allowances due for November 2015 to be paid in December 2015;
- (d) The IRP undertakes a further review for 2016/17 and makes recommendations to Annual Council in May 2016; and
- (e) The Appendix 2 to the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses.

Councillor Bray moved and Councillor Everett seconded that paragraph (c) of Councillor Stock's motion be amended to read:

*“(c) that the approved scheme be implemented with effect from 26 May 2015 and that any overpayment be recovered by the next Annual Meeting of the Council in April 2016;”*

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

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Bennison	Amos	None	Heaney
Bray	Baker		
Broderick	B E Brown		
J A Brown	M Brown		
Bucke	Callender		
Calver	Chapman		
Cawthorn	Chittock		
Davis	Coley		
Everett	Cossens		
Fowler	Fairley		
Gray	Ferguson		
I J Henderson	Griffiths		
J Henderson	G V Guglielmi		
Hones	V E Guglielmi		
Khan	Honeywood		
King	Howard		
Mooney	Hughes		
Newton	Land		
Pemberton	Massey		
Porter	McWilliams		
Raby	Miles		
Scott	Nicholls		
Stephenson	Platt		
Watson	Poonian		
Whitmore	M J Skeels		
Winfield	M J D Skeels		
	Steady		
	Stock		
	Talbot		
	Turner		
	Watling		
	White		
	Yallop		

Councillor Bray's amendment was thereupon declared **LOST**.

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

**86. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The meeting was declared closed at 9.02pm.

Chairman

