

# Public Document Pack

## TENDRING DISTRICT COUNCIL

### AGENDA

For the meeting to be held on Tuesday, 23 January 2018

#### **Prayers**

**1 Summons to Council (Pages 1 - 2)**

**2 Apologies for Absence**

The Council is asked to note any apologies for absence received from Members.

**3 Minutes of the Last Meeting of the Council (Pages 3 - 22)**

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 21 November 2017.

**4 Declarations of Interest**

Councillors are invited to declare any disclosable pecuniary interests, or other interest, and the nature of it, in relation to any item on the agenda.

**5 Announcements by the Chairman of the Council**

The Council is asked to note any announcements made by the Chairman of the Council.

**6 Announcements by the Chief Executive**

The Council is asked to note any announcements made by the Chief Executive.

**7 Statements by the Leader of the Council**

The Council is asked to note any statements made by the Leader of the Council.

*Councillors may then ask questions of the Leader on his statements.*

**8 Statements by Members of the Cabinet**

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

*Councillors may then ask questions of the Portfolio Holders on their statements.*

**9 Petitions to Council**

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

There are none on this occasion.

**10 Questions Pursuant to Council Procedure Rule 10.1**

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to half an hour.

There are none on this occasion.

**11 Questions Pursuant to Council Procedure Rule 11.2**

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees or Sub-Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members unless withdrawn by the questioner.

There are none on this occasion.

**12 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions (Pages 23 - 24)**

The Council will receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

**13 Minutes of Committees (Pages 25 - 44)**

The Council will receive the minutes of the following Committees:

- (a) Community Leadership and Partnerships of Monday 13 November 2017;
- (b) Local Plan of Monday 20 November 2017;
- (c) Corporate Management of Monday 4 December 2017; and
- (d) Corporate Management of Monday 18 December 2017.

**NOTE:** The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.

**14 Motions to Council - Proposed Speed Limits outside Schools and in Villages and Towns in the District of Tendring (Pages 45 - 46)**

The Council will consider a motion, notice of which has been given, pursuant to Council Procedure Rule 12, by Councillor Fred Nicholls.

**15 Recommendations from the Cabinet**

The Council is asked to consider any recommendations submitted to it by the Cabinet.

There are none on this occasion.

**16 Reports Submitted to the Council by an Overview and Scrutiny Committee**

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are none on this occasion.

**17 Report of the Chief Executive - A.2 - Resignation of Councillor J E Parsons (Pages 47 - 48)**

To report formally that Councillor J E Parsons has resigned as a Member of Tendring District Council.

**18 Report of the Monitoring Officer - A.3 - Review of the Members' Code of Conduct (Pages 49 - 64)**

To enable Council to adopt a revised Members' Code of Conduct, with a commencement date of April 2018.

**19 Report of the Corporate Director (Corporate Services) - A.4 - Pay Policy Statement 2018/19 (Pages 65 - 78)**

Council's approval is sought in respect of the Pay Policy Statement for 2018/19.

**20 Report of the Head of Leadership Support and Community - A.5 - Community Governance Review (Pages 79 - 84)**

Council is requested to agree the terms of reference for a Community Governance Review in relation to the number of seats on Harwich Town Council.

**21 Report of the Head of Governance and Legal Services - A.6 - Committee Structure Review (Pages 85 - 96)**

Council is requested to agree the new committee structure and the terms of reference etc. of the new committees, with a commencement date of April 2018.

**22 Urgent Matters for Debate**

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xvi), 11.3(b) and/or 13(q).

**Date of the Next Scheduled Meeting of the Council**

Tuesday, 6 February 2018 at 7.30 pm - Princes Theatre, Town Hall, Clacton-on-Sea, CO15 1SE

## **INFORMATION FOR VISITORS**

**PRINCES THEATRE FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

## **PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS**

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

### **Rights of members of the public to film and record meetings**

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

### **Public Behaviour**

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

# Agenda Item 1

## TENDRING DISTRICT COUNCIL

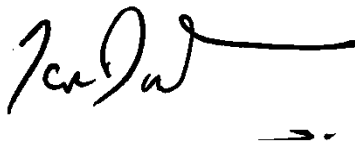
Committee Services  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex  
CO15 1SE

15 January 2018

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 23 January 2018 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson  
Chief Executive

To: All members of the  
Tendring District Council

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**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 21 NOVEMBER 2017 AT 7.33 PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bray, Broderick, B E Brown, J A Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, Heaney, I J Henderson, J Henderson, Hones, Honeywood, King, Land, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady (except items 74 – 79 (part)), Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Planning and Regeneration) (Ewan Green), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Leadership Support and Community (Karen Neath), Head of Planning (Catherine Bicknell) (except items 80 – 96), Committee Services Manager (Ian Ford) and Communications and Public Relations Manager (Nigel Brown)

**74. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bennison, Coley, G V Guglielmi, V E Guglielmi, Khan, Poonian and Watling MP.

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

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 September 2017, be approved as a correct record and signed by the Chairman.

**76. DECLARATIONS OF INTEREST**

Councillor I J Henderson declared an interest in relation to Agenda Item 21 (Report of the Head of Leadership Support and Community – A.5 – Community Governance Review) insofar as he was also a member of Harwich Town Council.

Councillor Miles declared an interest in relation to Agenda Item 10 (Questions pursuant to Council Procedure 10.1) insofar as she supported Mr S Walker in his campaign against the closure of public conveniences and she was a local Ward Member for Walton.

**77. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman welcomed back to Council the Committee Services Manager (Ian Ford) following his prolonged absence from his duties caused by a broken leg.

In addition, the Chairman extended a warm invitation to all Members and Officers to join him in the Chairman's Parlour after the meeting to enjoy seasonal refreshments.

**78. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

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

The Leader of the Council made the following statements –

**Disability Confident 'Leader' Status**

*"I am delighted this evening to be able to inform Councillors that the Council has achieved Disability Confident 'Leader' status, for the Council's recruitment practices and support for disabled employees, in the workplace.*

*This is the highest accolade for an employer that is positive about employing disabled people. The assessment process was rigorous and thoroughly tested by disabled people throughout. A number of recommendations were made and implemented, including an updated accessibility section on the website which allows adjustments to be made including audio, font size and colour.*

*Council Officers have been working towards this accreditation for the past 12 months. Tendring is the only Council to have achieved 'Leader' status across Essex."*

Councillor Stock responded to a question put by Councillor Miles.

**Sport England Initiatives**

*"I have got some really exciting news which I want to share with Council.*

*Last month I was involved in what can only be described as a very unusual but incredibly exciting bidding process aimed at changing people's lives.*

*Sport England is currently looking to pilot and test some new initiatives aimed at addressing inactivity across the country's population. Across Essex 22% of the adult population does less than 30 minutes of physical activity a week and in Tendring that rises to 37% of the adult population who are inactive. Similar issues apply in parts of Basildon and Colchester.*

*Inactivity leads to a variety of health conditions and is certainly contributing to the chronic obesity and diabetes crisis sweeping the country.*

*Sport England want to explore new ways of getting people more active as the current systems just don't work for everyone. There doesn't seem to be a magic bullet and Sport England recognise that some of the new approaches they want to try will fail but they want to work with willing and engaged partners who are up for the challenge of working with them to pilot new approaches. They don't know how this will work and I suppose that is the point which makes this unusual as we are bidding for a huge slice of funding but don't as yet know how it will be used.*

*Working in partnership with Basildon, Colchester and Essex County Council we have submitted a bid for a slice of the £130m which Sport England are prepared to put on the table to bring about a whole system change and they are particularly keen to focus on those living in circumstances of deprivation, poor mental health, old age, social and*



*financial hardship. Unfortunately we seem to tick a lot of these boxes!*

*Given the size of the prize it is not surprising that community and system Leaders from across the four Councils are supporting the bidding process and I am pleased to say that we already have got down to the last 19 from the 100 plus who applied.*

*The outcome of the bidding process will be announced very shortly and could mean significant funding being made available to see how we can make a real difference to residents' health and well-being but even if we are not successful the work which has been undertaken as part of the bid shows how strong community engagement is across Tendring and the quality of the bid is a credit to the team who worked on it. I will update Council when I have more news."*

Councillor Stock responded to a question put by Councillor I J Henderson.

#### Centenary Way, Clacton-on-Sea Judicial Review

*"Members will be aware that the Council lodged a High Court legal challenge against the decision of the Planning Inspector to grant the Centenary Way planning application.*

*The outcome of the challenge is that the Secretary of State has decided not to defend the case. In turn, the developer has also decided not to take it further.*

*The next step is for the Court to decide whether the Planning Inspectors' decision will be quashed, which will depend upon the Secretary of State's reasons. Should the court quash the decision, the matter would be remitted back for a further appeal.*

*At present there has only been a confirmation of the parties decisions not to defend the challenges but the reasons are still awaited. Members will be updated as soon as possible. It is an incredibly rare thing for a Council to do. I am not aware of this Council of ever having done it before nor am I aware of any other Council having taken out a challenge in the High Court against Her Majesty's Planning Inspectorate, effectively going head-to-head against the Secretary of State and especially not winning as effectively we have done. Now, it's only a 'battle' that we have won, we may yet lose the 'war' as we don't know how the next appeal will pan out."*

Councillor Stock responded to a question put by Councillor Broderick.

#### Housing Land Supply – Update

*"I would also like to update Members on the outcome of recent work undertaken to review the Districts' Housing Land Supply.*

*From previous briefings and reports Members will know that the Local Plan Committee requested that Officers undertake a review of the Housing Land Supply figure to ensure that this reflects an up to date position, taking into account:*

- *inclusion of sites being actively brought forward which are in the Local Plan;*
- *the impact of recent planning appeal decisions; and*
- *an analysis of how new statistical data on population change impacts on projected housing numbers which the Local Plan should accommodate annually.*

*The new data on population change, as published by the Office for National Statistics*

*(ONS) on 26 October this year, has had the most significant impact. The change identified is a lower than projected population increase across the District, resulting in a lower requirement for new houses per year.*

*Officers, working with the Council's appointed demographics expert, reported the outcome of this to the Local Plan Committee at its meeting last night. Following consideration of a report the Committee unanimously agreed to:*

- Note that the outcome of the revised population projections produced by the Office for National Statistics (ONS) in October 2017 had the effect of reducing the Objectively Assessed Needs from 550 to 510 per year; and*
- Endorse the report as evidence to demonstrate an up-to-date 5.6 year housing land supply (taking into account any changes arising from the latest demographic information).*

*This work was presented to Committee in order that it be used as the basis for the Council position in respect of forthcoming planning appeals and therefore also to inform the Examination in Public of the Local Plan in January 2018.*

*I trust that Members will appreciate that any Council submission to an appeal or Examination is the subject of final due diligence from Counsel. Further refinement of this today has resulted in changes to the figures reported to the Local Plan Committee last night.*

*This means that the new housing requirement, or the OAN, should be further reduced from 510 to 480 houses per year. As a consequence this therefore means that the Housing Land Supply figure is increased from 5.6 to 6.2 years.*

*These are the figures that will therefore be used by the Council in forthcoming planning appeals and put forward for the Local Plan Examination in Public.*

*The Local Plan Committee has asked Officers to carry out an assessment of the implications of the changed population and housing need figures for the Local Plan ,and more generally, and this will be reported back to Members in due course.*

*I appreciate that updating figures presented only last night is not normal practice but I trust Members recognise this further update is necessary following advice received today to ensure that the Council's position as Planning Authority is as robust as possible moving forward."*

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

There were no statements by members of the Cabinet on this occasion.

**81. PETITIONS TO COUNCIL**

There were none on this occasion.

**82. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1**

Councillor Miles had earlier declared an interest in relation to this item insofar as she supported Mr S Walker in his campaign against the closure of public conveniences and she was a local Ward Member for Walton.

Subject to the required notice being given, members of the public could ask questions of

the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The following question had been received, on notice, from a member of the public:

Question

From Mr S Walker to Councillor M Skeels Snr., Portfolio Holder for Leisure and Tourism:

*“The proposed closure of 10 public toilets by TDC has generated considerable public concern, anxiety and protest as evidenced by the submission of two large petitions and a third currently being promoted on the online petition site 38 degrees. There has not been a Cost-Benefit analysis or Economic Impact Assessment of the closures while the estimated cost savings have been calculated at £100,000 per annum.*

*Therefore, before any toilets are closed, will TDC carry out a Cost-Benefit Analysis and Economic Impact Assessment; and consult with Public Health England, Local GP surgeries and local Businesses via their local representatives, to ask what the impact of the toilet closures would be on Patient health and well-being and on Business revenue; and to bring the results of the Cost-Benefit Analysis and Economic Impact Assessment together with those consultations to a Full Council meeting, and publish the results?”*

Councillor Skeels replied as follows:

*“I would like to thank Mr Walker for his question and I can assure him that it is with great reluctance that the decision has been taken to rationalise any service provision.*

*I think that it would be very difficult to undertake any meaningful cost benefit analysis on this type of service given the number of variables and cross dependencies involved. By way of example it would be difficult to discount bias from some consultees as they would have a clear interest in a specific outcome, whether that be positive or negative such as was identified when we considered the toilets in Jaywick Sands where those near neighbours affected by antisocial behaviour associated with the toilets had a very different view as to closure than those who were not local to that provision.*

*What is important to consider is that we are looking at closing those toilets which generally have lower numbers of users, higher incidents of antisocial behaviour, higher operating costs, have alternative provision and are almost universally not suitable for refurbishment or enhancement. It is also true to say that we are looking to enhance some facilities as part of the new strategic approach.*

*We will explore with local businesses, both existing and new, options for the public to use their facilities and it is important that businesses recognise that they need to step up to the plate and play their part to both develop their own provision or work with Town and Parish Councils to take on services which they claim are vital but which the District Council can no longer afford to support.”*

**83. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2**

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees or Sub-Committees.

Four questions had been submitted as set out below:

### Question One

From Councillor Calver to Councillor M Skeels Snr., Portfolio Holder for Leisure and Tourism:

*“The Labour Group supports the £355,000 restoration of Clacton’s Venetian Bridge and agrees with the Portfolio Holder for Leisure and Tourism when he described the bridge as being an iconic focal point for visitors.*

*Will the Portfolio Holder agree with me that the Victorian lighthouses in Dovercourt Bay, both scheduled ancient monuments, represent an even greater iconic focal point for visitors to Harwich and Dovercourt and, therefore, will he advise the Council as to what action is being taken to restore them to their former glory and how long it is likely to be before they once again offer a positive visual impact on Dovercourt Bay’s Blue Flag beach rather than a negative one?”*

Councillor Skeels replied as follows:

*“I would like to thank Councillor Calver for his question and appreciate his support with the restoration of the Venetian Bridge. I concur completely on the subject of the Victorian Lighthouses in Dovercourt Bay, which are a key landmark for the District and an instantly recognisable feature for one of our Blue Flag Beaches. You may recall that a condition survey of the lighthouses was commissioned earlier on this year, to establish what it would take to bring the lighthouses back to their former glory. You will appreciate this is very specialist work and there have been a number of tasks to complete in advance to ensure the safety of contractors prior to any survey commencing.*

*Once the survey is complete, which is likely to be later on this year, we will have a clear picture of the condition the lighthouses are in and importantly what the cost will be to restore them. At that point, we will be able to consider how we go forward in possession of all the appropriate facts.”*

Councillor Calver then responded to Councillor Skeels’ reply with a supplementary question:

*“I thank the Portfolio Holder for that answer. I’m a little bit concerned that the Portfolio Holder has suggested that the survey will be completed later on this year as we are only five weeks from the end of the year. Can he be a little more specific on when this information is going to be available please?”*

Councillor Skeels responded to Councillor Calver’s supplementary question as follows:

*“Thank you Councillor Calver. I haven’t got an answer to that question but I can find out from the Officers and come back to you.*

### Question Two

From Councillor I J Henderson to Councillor Honeywood, Portfolio Holder for Housing:

*“Will the Portfolio Holder responsible for dealing with homelessness advise the Council of the annual number of people contacting TDC to declare themselves as ‘homeless’ but who fall outside of the council’s legal obligation for assistance?”*

*Would the Portfolio Holder further agree to introduce a location within Harwich and Dovercourt where a person requiring such assistance can present themselves as, at*

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*present, such individuals, often without the means to pay for transport, are required to get to Clacton or Colchester before they can be given support?"*

Councillor Honeywood replied as follows:

*"Thank you for your question Councillor Henderson. The legal obligations that the Council has towards the homeless are set out in government legislation and not policy adopted by the Council. The legislation defines homelessness, who is eligible to apply, who is owed a duty with accommodation and how that duty can end or be ended by the Council.*

*In 2016/17, 1397 households approached the Housing Options Team for advice or assistance with their housing. Of this figure, 270 were assessed as being homeless or threatened with homelessness as defined in the homelessness legislation set out in Part VII Housing Act 1996 (as amended). These households made formal homelessness applications to the Council.*

*Of this figure of 270 households, 92 were accepted as being owed a full housing duty. 107 were found to be not homeless following enquiries or alternative assistance being provided. 37 were found not to have a priority need as set out in the legislation and a further 34 were found to be intentionally homeless.*

*I can you advise you that such a provision did exist until fairly recently at the Harwich Job Centre one day a week but it was found that on a consistent basis only half of the booked appointments actually turned up. On this basis the arrangement was not proving to be an effective use of officer time so it was withdrawn. The Housing Benefits Team does however continue to have a presence at the Job Centre on Wednesday and Thursday each week and anyone presenting there with a homelessness problem is phoned through to the Housing Options team at the Town Hall."*

Councillor Henderson then responded to Councillor Honeywood's reply with a supplementary question:

*"I will give the Portfolio Holder an example of what I meant and perhaps he will come back again. Every Councillor dreads the phone call from a person who does not meet the priority need for the Council as there is currently nothing else out there at the moment to support them. Such a case came to me recently and I phoned up the office in the Town Hall and he was not one of those who met the criteria and he was told that his only option was to go to, possibly, the Colchester night shelter but that he should ring in advance as most of the time that's full. And if he could not get in there to, possibly, go to the Chelmsford but make sure he rang there first as he might not get in there either. But for him to get to any of those night shelters he needed money and I was told that he would need to come to Clacton to get a voucher to actually go into a night shelter so I would ask the Portfolio Holder if he would look at the whole situation again because the answer to that person that came to me was actually you are going to have to live on the street as there is no other provision for you if those other places are full.*

*Can I also, as well all know the impact of the roll-out of Universal Credit on people and families around the country and it will especially impact on the people of Tendring, have an assurance from the Portfolio Holder that if contacted by people who are threatened with eviction because of being forced into arrears by the Government's introduction of Universal Credit his officers and the Council will do all that they can to support those individuals at that hour of need?"*

Councillor Honeywood responded to Councillor Henderson's supplementary question as

follows:

*“Thank you Councillor Henderson for your supplementary question. In answer to your first part, yes, I am happy to look at that and if your resident still has issues if you would like to forward me the details I will be happy to see what we can do to help.*

*In answer to the future I am going to be frank there has been a slight increase in rent arrears in this Council, something that I have raised with housing officers. It is believed that the main issue is around Universal Credit where there is a delay in receiving the rent from the claimant and the delay in the money being paid to the claimant. However, I am told that the Universal Credit situation is likely to stabilise. But I would also like to say to Councillor Henderson and other councillors that we do have a hardship policy in place which is proving to be quite effective and, yes, we will do what we can to help our residents. It’s the right thing to do and as Councillor Henderson knows, if anything, I believe in putting local people first.”*

### Question Three

From Councillor Parsons to Councillor McWilliams, Portfolio Holder for Health and Education:

*“Could the Portfolio Holder for Health and Education, update this chamber on the work that has been carried out by this Council to raise awareness of, as well as the work to support, the services that deal with mental health within our District? In addition could she comment on the work that the Council has done to promote World Mental Health Day and the #helloyellow campaign?”*

Councillor McWilliams replied as follows:

*“I would like to thank Councillor Parsons for raising this issue as it is an area which the Council has been very proactive in driving forward in its community leadership and partnerships role and I would take this opportunity to thank all Councillors who have contributed to the different initiatives aimed at helping those with mental health problems.*

*Mental Health has been identified as a key priority for the Council’s local Health and Wellbeing Board which seeks to focus on key health issues that affect our area by bringing together partners and agencies to focus on health concerns, especially where we are not the lead authority.*

*A key project developed through the Board is the Mental Health Hub. This is operated by the Tendring Citizens Advice Bureau and seeks to provide mental health support and stop mental health issues escalating for individual clients. In addition support is offered around financial issues, housing, volunteering opportunities, isolation, parenting and physical health.*

*Over 130 new clients were seen in the second half of 2016/17 providing holistic assessments of their mental health need and where required signposting clients into the mental health caseworker service.*

*The Hub is based on Old Road [Clacton-on-Sea] in a very significant area of deprivation for those with mental health issues and so is ideally suited for clients to be able to pop in to share their struggles.*

*Funding is provided by a number of organisations including Tendring District Council, Essex County Council, The Clinical Commissioning Group and the Police and Crime*

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*Commissioner's Office. All these agencies understand the needs in this area and the impact those with mental health can have on the public sector and so are keen to develop ways to assist in terms of prevention.*

*This initiative is seen as providing significant support for those with mental health difficulties and wider partners are hoping to upscale this project into a county wide initiative*

*Another inspirational project the Council has been involved in is a wellbeing Hub pilot, which has also been explored through the local Health and Wellbeing Board and has been set up at Great Bentley Primary School. This has been supported by the Council's Executive Projects Officer who, following attendance at the Instructor Training for Youth Mental First Aid provided by Mental Health First Aid England, delivered training to the staff at Great Bentley Primary School to support them in the valuable work they are doing.*

*The Hub launched in April 2017 and is crucial in assisting young people as mental health affects all aspects of a child's development including cognitive abilities, social skills and emotional wellbeing. Following evaluation and subject to identifying additional funding the Wellbeing Hub model and training may be able to be cascaded through the clusters to enable other schools to be able to facilitate their own individual Wellbeing Hubs. This has also attracted county wide interest.*

*The Council is looking to sign up to the Time to Change campaign which would demonstrate the Council's commitment to change how it thinks and acts in terms of mental health in the workplace. This would include mental health first aid training for staff and support as well as developing staff focussed activities and events as part of an holistic plan of action to better prepare, inform and support staff.*

*The Council has also promoted information to staff on World Mental Health day via our on-line portal and the Human Resources Committee (on 1<sup>st</sup> November 2017) agreed to support the Council's commitment to the Time to Change agenda."*

Councillor Parsons then responded to Councillor McWilliams' reply with a supplementary question:

*"I'd like to thank Councillor McWilliams for that detailed response to my question. I do have a couple of questions that wasn't raised in your response. A number of documents have been sent through the Essex Health and Well-being Board with regards to mental health in particular the strategy for mental health and well-being for 2017-2021; the Southend, Essex and Thurrock Dementia Strategy report, the "Open Up, Reach Out" Children's Mental Health Local Transformation Plan as well as the prevention strategy for reducing the number of admissions into hospital and the suicide prevention strategy report. I just wondered what the Council was doing to assist with the implementation of these strategies."*

Councillor McWilliams responded to Councillor Parsons' supplementary question as follows:

*"We are already looking at one of the main strategies for our own benefit obviously. As far as the other ones are concerned I will look into those and come back to you."*

#### Question Four

From Councillor Winfield to Councillor M Skeels Snr., Portfolio Holder for Leisure and

Tourism:

*"The recent cycle Tour of Britain event enthused people to take up cycling. That is until they realise that they would have to share the road with a heavy traffic emitting pollutants, stealing their health enjoyment of the sport. The existing unsatisfactory system which forces cyclists and pedestrians to share the top promenade on Clacton seafront fails to please either group and is clearly just a token gesture. Sustrans is a national cycling organisation, funded by Government, to provide designated cycling paths for Towns like ours. This organisation has even allotted a token number of 150 which appears on their maps which are supposed to have cycling routes along.*

*I would like to ask the Portfolio Holder for Leisure and Tourism if he will do all he can to achieve safe designated cycle routes from Clacton Station and along our seafront from Holland Haven to the Town Centre."*

Councillor Skeels replied as follows:

*"I would like to thank Councillor Winfield for his question and I agree that cycling in our District appears to be growing rapidly. I am pleased to let you know that my Officers are working with county wide partners, including Sustrans and Essex County Council on the production of a cycling strategy programme. Although it's at an early stage, we will continue to influence this important piece of work for the benefit of our residents. I would also add that when we have the strategy in place we will also look at any physical changes which will be required to enable us to fully implement the strategy. I am sure that this will probably include a review of the use of the area raised by Councillor Winfield.*

*We will continue to work with all our partners to improve access to cycling right across the District; and if you would like to discuss this specific matter further, I would welcome the opportunity to meet with you and appropriate Council officers in the near future."*

**84. REPORT OF THE LEADER OF THE COUNCIL – URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

There was no such report on this occasion.

**85. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE - A.2 - PROPOSED COMMUNITY GOVERNANCE REVIEW REGARDING A TOWN COUNCIL FOR CLACTON-ON-SEA**

Members were aware that, due to an incident in the public gallery, this item had been deferred from the meeting of the Council held on 5 September 2017 (Minute 67 referred).

Council had before it a reference report (A.1) from the Community Leadership and Partnerships Committee which reported that, at the meeting of the Council held on 9 May 2017, the following motion had been moved by Councillor Parsons and seconded by Councillor Bucke and, in accordance with Council Procedure Rule 12.4, had stood referred to the Community Leadership and Partnerships Committee for consideration and report:

*"This Council, in accordance with Local Government and Public Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review following the conclusion of the LGBCE Ward Boundaries review,*



*with the view to creating a Clacton Town Council to come into effect in 2023. During this review the Council will consult with members of the public and other stakeholders as to the creation of a Clacton Town Council which will be intended to serve the areas of Clacton-on-Sea that are not currently being represented by a Town or a Parish Council. This will be inclusive of the following current wards:*

*Golf Green  
Rush Green  
Bockings Elm  
Peter Bruff  
Alton Park  
St James  
Pier  
St Mary's  
St John's  
Burrsville  
St Paul's  
St Bartholomews  
Haven*

*In addition, this Council will authorise Officers to, with regard to the aforementioned guidance and acts, draft potential boundaries within the specification above, potentially through a working party, for Full Council approval prior to public consultation."*

It was reported that, at its meeting held on 10 July 2017 the Community Leadership and Partnerships Committee had considered Councillor Parsons' motion. Councillor Parsons had attended that meeting and had explained the motion to the Committee. Members had then been given the opportunity to ask questions. The Council's Head of Governance and Legal Services (Lisa Hastings) had clarified what the Committee was being asked to make a decision on and the procedure that would be followed should they recommend to Council that the motion be supported or not.

Following discussion, the Community Leadership and Partnerships Committee had resolved that it would recommend to Council that it supports the motion as written except that the legislation referred to therein be amended to the *Local Government and Public Involvement in Health Act 2007 (as amended)*.

Councillor Baker moved that Council supports Councillor Parsons' motion as written except that the legislation referred to therein be amended to the *Local Government and Public Involvement in Health Act 2007 (as amended)*.

Councillors Parsons, Bucke, Everett, Griffiths, Honeywood, Miles, Stock, Bray, Calver, Talbot and Stephenson each addressed the Council on the subject matter of this item.

Councillor Baker's motion, on being put to the vote, was declared **LOST**.

#### **86. MINUTES OF COMMITTEES**

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

(a) Audit of Thursday 21 September 2017;

(b) Corporate Management of Monday 25 September 2017;

- (c) Standards of Wednesday 27 September 2017;
- (d) Community Leadership and Partnerships of Monday 2 October 2017;
- (e) Service Development and Delivery of Monday 9 October 2017;
- (f) Corporate Management of Monday 16 October 2017;
- (g) Human Resources of Wednesday 1 November 2017; and
- (h) Local Plan of Thursday 2 November 2017.

Council was advised that the recommendations to Council contained in the minutes of the Standards Committee and the Human Resources Committee would be presented for Members' consideration with a covering report to the meeting of the Council due to be held on 23 January 2018.

Corporate Management Committee – 16 October 2017 – Minute 34 – Assets Update

Councillor I J Henderson raised a question to the Chairman of the Corporate Management Committee (Councillor Steady) on this minute to which, Councillor Steady gave a response.

**87. MOTIONS TO COUNCIL**

There were no motions, notice of which had been given pursuant to Council Procedure Rule 12, on this occasion.

**88. RECOMMENDATIONS FROM THE CABINET – THE LOCAL COUNCIL TAX SUPPORT SCHEME 2018/2019 – COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2018/2019 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2018/2019**

The Council had before it the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2018/2019, Council Tax Exemptions/Discounts for 2018/2019 and the Annual Minimum Revenue Provision Policy Statement 2018/2019.

Councillors Parsons, I J Henderson, Talbot, Scott and Broderick each addressed the Council on the subject matter of this item.

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

- (a) the Local Council Tax Support Scheme (LCTS) remains the same as the current year, as set out as Appendix A to item A.15 of the Report of the Housing Portfolio Holder (which was submitted to the meeting of the Cabinet held on 10 November 2017 and is contained within the Council Book) 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 (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2018.

- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforesaid report, be approved.
- (c) the proposed Council Tax exemptions and discounts (which remain unchanged), as set out in Appendix C to the aforementioned report, be approved and that delegation is given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2018.
- (d) the Annual Minimum Revenue Provision Policy Statement for 2018/19, as set out in Appendix D to the above report, be approved.

**89. RECOMMENDATIONS FROM THE CABINET – AMENDMENTS TO THE COUNCIL’S CONSTITUTION – FINANCIAL AND PROCUREMENT MATTERS**

The Council had before it the recommendations submitted to it by the Cabinet in respect of proposed changes to the Financial and Procurement Procedure Rules contained within the Council’s Constitution.

It was moved by Councillor Stock OBE and **RESOLVED** that the Council’s Constitution be amended to reflect the proposed changes to the Financial and Procurement Procedure Rules as set out in the Appendix to item A.10 to the Joint Report of the Leader of the Council and the Portfolio Holder for Finance and Corporate Services (which was submitted to the meeting of the Cabinet held on 10 November 2017 and was contained within the Council Book).

**90. REPORT OF THE CHIEF EXECUTIVE – A.2 – MEMBERSHIP OF COMMITTEES ETC.**

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

Human Resources Committee

Councillor Bennison had been removed from this Committee.

Local Plan Committee

Councillor Ferguson had been appointed to serve in place of Councillor M J D Skeels.

Planning Committee

Councillor J A Brown had been appointed to serve in place of Councillor Bennison.

Council noted the foregoing.

**91. REPORT OF THE CHIEF EXECUTIVE – A.3 – CHANGE IN MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF MEMBERSHIP OF COMMITTEES**

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeff Bray and Richard Everett on 22 September 2017, had each served formal notice on the Council that they no longer wished to be treated as a member of the Independent Alliance political group.

He further formally reported that, also on 22 September 2017, Councillor Bray and Councillor Everett, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a member of the Conservative political group.

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Andrew Pemberton on 25 September 2017, had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

He further formally reported that, on 8 November 2017, Councillor Pemberton, 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 Non-Aligned political group.

In accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups had been carried out. The outcome of that review, as agreed by Group Leaders, was tabled at the meeting.

Councillor I J Henderson addressed the Council on the subject matter of this item.

It was moved by Councillor Stock OBE, seconded by Councillor Honeywood and –

**RESOLVED** that the Schedule of Appointments to Committees, (which had been agreed by Group Leaders and tabled at the meeting), be approved with immediate effect.

**92. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY – A.4 – PARLIAMENTARY CONSTITUENCIES BOUNDARY REVIEW**

Council was aware that, in February 2016, the Boundary Commission for England (BCE) had announced the start of a review of the Parliamentary Constituencies in England. On 13 September 2016 the BCE had published its initial proposals for new Parliamentary constituencies. Council had considered those initial proposals at its meeting held on 29 November 2016 (Minute 107 referred) and had agreed the following response to the BCE:

*“At present the Harwich and North Essex constituency surrounds the Colchester constituency at its north-west, north, east and south sides, taking in the port of Harwich to the east. We propose to modify this arrangement by pairing Harwich with Clacton-on-Sea in a Harwich and Clacton constituency. In addition, we propose a North East Essex constituency that completely surrounds the Colchester constituency. Our proposed North East Essex constituency comprises 13 wards from the Borough of Colchester and ten wards from the District of Tendring. As a result, the villages of Point Clear, St. Osyth, Seawick and Jaywick are no longer included in a constituency with Clacton. The entirety of our proposed Harwich and Clacton constituency falls within the District of Tendring.”*

It was reported that on 17 October 2017 the BCE had published revised recommendations which were out for consultation until 11 December 2017.

Council was informed that as far as the District of Tendring was concerned the BCE now proposed a Harwich and Clacton County Constituency (electorate 77,200) wholly within the Tendring District and a North East Essex County Constituency (electorate 77,481)

comprising ten wards within the Tendring District and thirteen wards of the Borough of Colchester. The two constituencies proposed would comprise the following wards:-

Harwich and Clacton County Constituency – Twenty five wards of the District of Tendring:-

Alton Park, Beaumont and Thorpe, Bockings Elm, Burrsville, Frinton, Golf Green, Great and Little Oakley, Hamford, Harwich East Central, Harwich East, Harwich West Central, Harwich West, Haven, Holland and Kirby, Homelands, Peter Bruff, Pier, Ramsey and Parkeston, Rush Green, St Bartholomews, St James, St Johns, St Marys, St Pauls and Walton.

North East Essex County Constituency - Thirteen wards of the Borough of Colchester:-

Birch and Winstree, Copford and West Stanway, Dedham and Langham, Fordham and Stour, Great Tey, Marks Tey, Pyefleet, Stanway, Tiptree, West Bergholt and Eight Ash Green, West Mersea, Wivenhoe Cross and Wivenhoe Quay; and

Ten wards of the District of Tendring:-

Alresford, Ardleigh and Little Bromley, Bradfield, Wrabness and Wix, Brightlingsea, Golf Green, Great Bentley, Lawford, Little Clacton and Weeley, Manningtree, Mistley, Little Bentley and Tendring, St Osyth and Point Clear and Thorrington, Frating, Elmstead and Great Bromley.

Council was advised that the changes from the initial proposals were that the Golf Green Ward had been moved from the North East Essex County Constituency to the Harwich and Clacton County Constituency whilst the Little Clacton and Weeley Ward had moved from the Harwich and Clacton County Constituency to the North East Essex County Constituency.

Councillors Bucke, I J Henderson, Parsons and Stock each addressed the Council on the subject matter of this item.

Having considered the BCE's revised proposals it was moved by Councillor Stock OBE, seconded by Councillor Honeywood and:

**RESOLVED** that Council –

- (a) notes the revised proposals on the Parliamentary Boundary Review; and
- (b) commends the decision of the Boundary Commission for England to restore the Golf Green Ward to the Harwich and Clacton County Constituency.

**93. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY – A.5 – COMMUNITY GOVERNANCE REVIEW**

Councillor I J Henderson had declared an interest in relation to this item insofar as he was also a member of Harwich Town Council.

Council recalled that, at its meeting held on 5 September 2017 (Minute 66 referred) it was agreed that:-

*“a Community Governance Review be undertaken in relation to the land in the St Osyth District Council area but not in the St Osyth Parish area.”*

Accordingly, the draft Terms of Reference for that review was attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community for Council's approval.

Council further recalled that it had also agreed that:-

*"in principle, a wider Community Governance Review of parished and unparished areas in the Tendring District be supported subject to specific terms of reference, having regard to the initial views which are currently being sought, coming to a future meeting of Council for agreement."*

Those initial views submitted had been considered by the Electoral Review Working Group at its meeting held on 7 November 2017 and could be summarized as follows:

- 16 Town / Parish Councils had responded and 11 had not.
- Of those that had responded only 1 (Harwich Town Council) would welcome a review of its number of councillors.
- Lawford, Manningtree and Mistley Parish Councils had discussed the idea of a joint parish but that did not yet appear to be fully decided.
- Clacton Town Partnership had responded and were fully supportive of a Clacton Town Council. No other comments in support of a Town Council for Clacton had been received but neither were any objections.
- 3 District Councillors and 3 Parish Councillors had replied.
- 5 residents had responded but of those 4 had expressed concerns about the running of the same Parish Council.

In discussing those initial responses the Working Group had also had in front of them a summary of the current position regarding the number of seats on each Town / Parish Council; the number of seats filled; the suggested number of seats and whether an election had been held in 2011 and / or 2015. Following discussion the Working Group had agreed that a review be carried out for those that had asked for it and that those that had had elections in 2011 and / or 2015 were not reviewed. Officers had been asked to provide further information on those which had not been contested in both 2011 and 2015 including functions, precept and the make-up of the Council. This would be considered at a future meeting of the Working Group to determine whether the group wished to make any further recommendations about Community Governance Reviews being undertaken.

In summary, the Working Group had concluded that :-

- a Community Governance Review of the number of seats on Harwich Town Council be undertaken;
- the suggested merger of Lawford, Manningtree and Mistley Parish Councils be kept under review and that a Community Governance Review be undertaken if all three Parish Councils ask for one;
- the position regarding a Town Council for Clacton be further considered following consideration of the related motion at Council;
- no Community Governance Reviews be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Harwich, Thorrington, Weeley and Wix; and
- further information be considered for other Town / Parish Councils in due course.

Councillors Calver and Parsons each addressed the Council on the subject matter of this item.

Having considered the Working Group's conclusions, it was moved by Councillor Honeywood, seconded by Councillor Stock OBE and:

**RESOLVED** that

- a) the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the land in the St Osyth District Council area but not in the St Osyth parish area, be agreed and that this Community Governance Review be now commenced;
- b) a Community Governance Review of the number of seats on Harwich Town Council be undertaken and that terms of reference be brought back to the next Council meeting for approval;
- c) no Community Governance Review be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Manningtree, Mistley, Thorrington, Weeley and Wix;
- d) a Community Governance Review to merge Lawford, Manningtree and Mistley Parish Councils be undertaken only if all three parish councils ask for one; and
- e) Community Governance Reviews for areas of the Tendring District not mentioned in a) to d) above be further considered by the Electoral Review Working Group following the receipt of further information and that their recommendations be brought to a future Council meeting.

**94. REPORT OF THE HEAD OF GOVERNANCE AND LEGAL SERVICES – A.6 – COMMITTEE STRUCTURE REVIEW**

Council recalled that, at its meeting held on 5 September 2017 (Minute 66 referred) it was agreed that:-

*“officers are authorised to commence a review of meeting arrangements, Cabinet and committee size, frequency and make-up in preparation for the reduction to 48 Councillors in 2019;”*

Council was informed that, at the meeting of the Electoral Review Working Group held on 7 November 2017, initial proposals had been submitted for discussion in relation to the review of Committees in preparation for the reduction in the total number of Councillors to 48 from 2019. The key proposals, in summary, were:-

- Two Overview and Scrutiny Committees - with task and finish groups focused on evidence based reviews.
- Presentations and providing information to all Members would remain through the all Member briefings (not formal meetings, but provided the ability to ask questions).
- A single Governance Committee incorporating the existing Audit and Standards Committees.
- Two Licensing sub-committees reduced from the current four.
- A combined Human Resources and Council Tax Committee able to consider senior management appointments and dismissals as well as the impact of emergency planning on staff.
- Titles were for working purposes and formal Committee titles would need to be decided in due course.

The following timetable had been proposed by the Working Group:-

- Consideration by Electoral Review Working Group – 7 November 2017;
- Consideration by Full Council and agreement to an “in principle” new committee structure – 21 November 2017;
- Consideration by Electoral Review Working Group of the proposed terms of reference, size and committee names etc. – Early January 2018;
- Consideration by Full Council of terms of reference etc. for the new committees – 23 January 2018;
- Implementation of new committee structure – Annual Council 24 April 2018 (seats to be allocated to new committees based on existing 60 Councillors);
- Operation of new Committees to be monitored during 2018;
- Any necessary amendments to terms of reference and appointments to committees based on new Council of 48 Councillors – Annual Council 2019.

It was reported that the Working Group had discussed issues including:-

- (i) whether to have a member of an “Opposition” Group as chairman of the “inward facing” overview and scrutiny committee;
- (ii) cross-membership of the Local Plan and Planning Committees;
- (iii) the number of meetings in a municipal year of the “inward facing” overview and scrutiny committee;
- (iv) the possibility of the Planning Committee meeting in the daytime;
- (v) the size of the committees and especially making sure that the overview and scrutiny committees were large enough to form a pool of potential members of the “task and finish” working groups;
- (vi) external input on the workings of the new committee structure;
- (vii) the importance of keeping a human resources committee (albeit with a smaller membership than at present); and
- (viii) how the overview and scrutiny “task and finish” working groups could operate.

Council was made aware that the Working Group had agreed that The Centre for Public Scrutiny and/or SOLACE be invited, in Summer 2018, to give their input on the Council’s new committee structure once it had been in operation for a few months.

Having considered the proposed committee structure the Working Group had decided to recommend to Council that –

- (a) the proposed new committee structure be approved, in principle; and
- (b) the proposed timetable for the implementation of the new committee structure be adopted.

Having considered the Working Group’s recommendations, it was moved by Councillor Honeywood, seconded by Councillor I J Henderson and:

**RESOLVED** that -

- a) the proposed committee structure, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved, in principle, subject to the Audit Committee and the Standards Committee not being merged; and
- b) the proposed timetable for the implementation of the new committee structure, as detailed in the Executive Summary to the aforementioned report, be adopted.



**STANDARDS COMMITTEE ON 27 SEPTEMBER 2017 IN RELATION TO ALLEGATIONS THAT MEMBERS OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT**

The Council formally received and noted the Decision Notices.

**96. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The Chairman informed Members that the meeting of the Council provisionally arranged for 28 November 2017 would now not be needed as all business in the agenda for this meeting had been dealt with and that therefore the next meeting of the Council would be held on 23 January 2018.

The meeting was declared closed at 9.25 p.m.

Chairman

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## COUNCIL

22 JANUARY 2018

### REPORT OF LEADER OF THE COUNCIL

#### A.1 EXECUTIVE DECISION TAKEN AS A MATTER OF URGENCY

##### PART 1 – KEY INFORMATION

###### **PURPOSE OF THE REPORT**

To notify Members of any recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency).

###### **EXECUTIVE SUMMARY**

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, this report notifies Members of any recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

###### **RECOMMENDATION**

**That the contents of the report be noted.**

##### PART 2 – SUPPORTING INFORMATION

###### **BACKGROUND**

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

###### **DECISION TAKEN AS A MATTER OF URGENCY**

###### **Phase 3 – Superfast Essex Broadband Programme**

On 29 November 2017, in view of the urgency of the issue concerned and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, I sought and subsequently obtained the Chairman of the

Corporate Management Committee's (Councillor Steady) consent that my decision relating to agreeing that the Council supports Phase 3 of the Superfast Essex Broadband programme should be taken under the Special Urgency procedure and also be exempt from the call-in procedure.

My decision was as follows:

*“(1) That the Council supports Phase 3 of the Superfast Essex Broadband programme to deliver superfast broadband coverage to around 98.5% of premises in the Tendring District;*

*(2) That the Council contributes £0.250m to the scheme (which will attract £9.050m of partner funding) to be funded from the £0.598m budget set aside for improved broadband in Tendring; and*

*(3) That, subsequent to the above, a Funding Agreement will be entered into with Essex County Council setting out the terms and conditions of the arrangement as agreed by the Corporate Director (Planning and Regeneration) in consultation with the Section 151 and Monitoring Officers.”*

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

*“To not proceed with a contribution would prevent significant third party funding into the District and would not support the delivery of key financial strands of the Council's long-term forecast, such as business and housing growth.”*

## **BACKGROUND PAPERS**

Letter dated 29 November 2017 from the Leader of the Council to the Chairman of the Corporate Management Committee.

Reply dated 20 November 2017 from the Chairman of the Corporate Management Committee signifying consent to allow the decision to be taken under the Special Urgency procedure and to be exempted from call-in.

Report from the Corporate Director (Planning and Regeneration) to the Leader of the Council.

Executive Decision dated 30 November 2017.

## **APPENDICES**

None.

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP AND  
PARTNERSHIPS COMMITTEE,  
HELD ON MONDAY 13 NOVEMBER 2017 AT 7.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors Land (Chairman), Baker (Vice-Chairman), Amos, Davis, Everett, I Henderson, King, Pemberton, Stephenson and Yallop
<b>Also Present:</b>	Councillors Bucke, McWilliams (Health and Education Portfolio Holder) and Scott
<b>In Attendance:</b>	Karen Neath (Head of Leadership Support and Community), Richard Eastwood (Safer Communities Officer), Charlotte Root (Safer Communities Assistant) and Katie Sullivan (Committee Services Officer)
<b>Also In Attendance:</b>	Roger Hirst (Police, Fire and Crime Commissioner for Essex), Julian Ashley (Assistant Director for Collaboration – Essex County Fire and Rescue), Inspector Darren Deex (Essex Police), Darren Horsman (Communications Officer – Office of the Police, Fire and Crime Commissioner), Pam Green (Director of Transformation and Strategy - North Essex Clinical Commissioning Group) and Lee Bailey (Lead for Partnership Delivery – Essex County Council)

**26. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were apologies for absence received from Councillor Broderick (with Councillor King substituting), Councillor Gray (with Councillor Davis substituting), Councillor Newton (with Councillor Stephenson substituting), Councillor Poonian (with Councillor Everett substituting) and Councillor Chittock (with no substitute).

**27. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Monday 2 October 2017, were approved as a correct record and signed by the Chairman.

**28. DECLARATIONS OF INTEREST**

There were none.

**29. POLICE, FIRE AND CRIME COMMISSIONER**

The Police, Fire and Crime Commissioner for Essex (Roger Hirst) and Communications Officer from the Office of the Police, Fire and Crime Commissioner (Darren Horsman) were in attendance. Roger Hirst provided a verbal update to the Committee which included information on the following:

- (1) Increasing demand on the Police Service;
- (2) Crime rates;
- (3) Statistics;
- (4) Increase of online fraud;
- (5) Investments in technology across the County;
- (6) Reporting crime online;

- (7) Control room improvements;
- (8) Restructure of Management;
- (9) Recruitment Campaign;
- (10) Funding;
- (11) New Partners; and
- (12) Working together.

Following on from the update, the Committee was given the opportunity to ask questions which were responded to by Roger Hirst and Inspector Darren Deex (Essex Police) who was also in attendance.

The Director of Transformation and Strategy from North Essex Clinical Commissioning Group (Pam Green) was also in attendance and spoke about integration and how it had played into the health service as well but that one issue that still needed further work was information sharing.

### **30. ESSEX COUNTY FIRE AND RESCUE**

Essex County Fire and Rescue's Assistant Director for Collaboration (Julian Ashley) was in attendance and provided a verbal update to the Committee which included information on the following:

- (1) Collaboration;
- (2) Operational Delivery;
- (3) Support Services;
- (4) Work Streams;
- (5) Benefits of working together;
- (6) Volunteers;
- (7) Funding;
- (8) School Education Programme;
- (9) Delivery of messages; and
- (10) Volunteer Management System.

Later on during the meeting, the Committee was given the opportunity to ask questions.

### **31. COMMUNITY SAFETY PARTNERSHIP**

The Council's Head of Leadership, Support and Community (Karen Neath) was in attendance and introduced this item to the Committee.

The Council's Safer Communities Assistant (Charlotte Root) was also in attendance and provided the Committee with information on:

- Prevent training;
- DA Training;
- Crucial Crew; and
- Website and the new logo.

Inspector Darren Deex provided the Committee with information on:

- Police Statistics;

- Revamp of the hub;
- Daily Call Conference;
- Intelligence Sharing;
- Rogue Traders;
- Banger Racing Project;
- Operation Aident; and
- Problem Solving Group.

Karen Neath provided the Committee with information on:

- Task and Finish Groups;
- Stay Safe for Summer;
- Harwich Community Day;
- Domestic Homicide Reviews; and
- Public Spaces Protection Orders.

The Council's Community Safety Officer (Richard Eastwood) was also in attendance and discussed a case study with the Committee and then went on to provide information on:

- Street Action Days;
- Firebreak;
- Operation Valour / Cuckooing Training;
- Gangsline;
- Modern Slavery; and
- Operation Nazareth.

Following on from the information provided, the Committee were given the opportunity to ask questions.

The Council's Health and Education Portfolio Holder (Councillor Lynda McWilliams) expressed her thanks to the Community Safety Partnership.

The Chairman thanked everyone for attending the meeting.

The meeting was declared closed at 9.30 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,  
HELD ON MONDAY 20 NOVEMBER 2017 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors Stock OBE (Chairman), Turner (Vice-Chairman), Bray, Broderick, Bush, Ferguson, Land (except minute 24), Miles, Newton, Nicholls, Raby and Talbot
<b>Also Present:</b>	Councillors Bucke, Davis, Everett, Stephenson and White
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer) and Katie Sullivan (Committee Services Officer)
<b>Also In Attendance:</b>	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Nigel Brown (Communications Manager), Charlotte Parker (Solicitor – Property, Planning and Governance), Mary Foster (Senior Development Technician) and Ashley Wood (Development Technician)

**19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors G V Guglielmi (with no substitute), I J Henderson (with no substitute), Platt (with Councillor Miles substituting), Yallop (with Councillor Talbot substituting) and Porter (with no substitute).

**20. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 2 November 2017, be approved as a correct record and signed by the Chairman.

**21. DECLARATIONS OF INTEREST**

Councillor Bush declared a Disclosable Pecuniary Interest (DPI) in relation to agenda items 5, 6 and 7, by virtue of the fact that he owned a piece of land which had been granted outline planning permission in December 2016 (15/00987/OUT). Councillor Bush confirmed that he had spoken to the Council's Monitoring Officer (Lisa Hastings) and that she had granted him a dispensation for this meeting.

The Council's Monitoring Officer then confirmed that Councillor Bush had requested a dispensation from her and that it had been granted. The Monitoring Officer informed the Committee that it was reasonable to do so as his land ownership was the DPI. The land was referred to within the appendices to the reports as factual information in that it had been granted planning permission, but this actual fact was not the subject of any of the decisions that were before the Committee at the meeting.

**22. PUBLIC SPEAKING**

Councillor John Cutting, the Chairman of Little Clacton Parish Council, made a statement relating to item A.1 of the Report of the Corporate Director (Planning and Regeneration) in which he referred to Page 48 of the agenda, Appendix 1 (assessment of Little Clacton Local Plan housing allocations). Councillor Cutting requested that the Committee remove the draft proposal as the extended parcel of land had increased in

size from an agreed boundary, spreading into the Green Gap which was against Policy EN2.

The Council's Head of Planning (Cath Bicknell) responded to the statement made by Councillor Cutting, in which she confirmed that Appendix 1 was not a Policy Document and that it was in fact a record of all of the sites that had been flagged up as potential development sites by any land owners in the District and that an Officer's assessment had been provided for each one. The Council's Head of Planning also confirmed that the boundary Councillor Cutting had referred to had been agreed earlier on in the year by the Committee and then Council and that it had now been submitted to Government.

The Chairman of the Committee (Councillor Stock OBE) made a statement in relation to the Council's recent High Court Legal Challenge against the decision of the Planning Inspector to grant planning permission for Centenary Way, Clacton-on-Sea, and explained the next steps that would be taken. Councillor Stock OBE thanked Officers for their diligence and hard work.

**23. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - REVISED HOUSING LAND SUPPLY POSITION**

Further to Minute 13 (2.11.17) the Committee had before it a detailed report of the Corporate Director (Planning and Regeneration) (A.1), which laid out the revised housing supply position (the 'five-year' supply) following recent planning permissions, appeal decisions and latest demographic data.

The Committee also had before it an addendum report of the Corporate Director (Planning and Regeneration) (A.1), which was distributed to the Committee prior to the meeting and had provided further information, which had become available since the publication of the agenda.

Members were aware that the Government required Councils to maintain a five-year supply of deliverable housing sites otherwise its housing supply policies were considered to be out of date and planning applications for housing had then to be considered on their individual merits with a presumption in favour of sustainable development.

The Committee recalled that between the publication of the agenda for the Committee's last meeting held on 2 November 2017 and the night of the actual meeting, new information had been forthcoming which Officers felt could have a material impact on the Council's position.

Specifically:

- Officers had received fresh advice from Counsel;
- A number of sites had obtained planning permission; and
- New information had been published by the Office for National Statistics (ONS).

The resolution of the Committee had therefore been as follows:

*"That the Committee*

- 
- *Confirms that the Tendring District Council Methodology for calculating the Housing Land Supply as agreed by Members in January 2017 remains sound and should be relied upon and continue to be used by officers;*
  - *Confirms its strong support for the Council's challenge to the decision relating to Centenary Way;*
  - *Notes that Counsel's opinion is awaited regarding the decision relating to Sladbury's Lane;*
  - *Notes that there may be a significant change to the Council's Housing Supply position arising from new statistical data and from advice received today from Counsel relating to other appeals, and therefore,*
  - *Instructs officers to prepare a revised report, having regard to each of the above, to be considered at a further meeting of the Committee to be arranged as soon as practicable.*
  - *That the Leader of the Council and Chairman of the Committee writes to the Secretary of State for Housing regarding the concerns of the Committee on this issue and that both local MPs are copied in to the letter."*

The Council's Head of Planning (Cath Bicknell) went through the addendum report (A.1) with the Committee which had provided information on the following:

#### **Evidence on Objectively Assessed Housing Need (OAN)**

As indicated in the published report, the Council had appointed a demographics expert to help defend the Council's position on OAN in a forthcoming appeal and for next year's Local Plan examination. He had revisited the Council's figures in light of the most recent 2016-based national population projections produced by the Office for National Statistics (ONS) which had been released on 26 October 2017. Those revised projections had:

- i reduced the estimate of medium/long net migration into England from 170,000 people a year to 152,000; and
- ii reduced the projected increase in life expectancy (i.e. they increased mortality rates).

As Tendring had a relatively elderly population profile, the effect of the latter was significant. The consequence for Tendring was that the demographic figures upon which the starting point for calculating housing needs could be lowered.

The expert advice received was contained within a draft Proof of Evidence and this would be exchanged with the relevant parties within the next few days and used to provide evidence of the following conclusions:

- a. 50% to 65% of Tendring's Unattributable Population Change (UPC) is likely to be due to errors in the estimates of migration flows.
- b. Those errors appear to have continued throughout the period between the 2001 and 2011 census and beyond.
- c. There was no evidence that Tendring's UPC was the result of migration flows being allocated to the District that should have been allocated to Colchester or another authority in the housing market area.
- d. In addition to adjusting the latest official population and household projections for UPC, adjustments should also be made:

- i To reflect the ONS's latest views on future mortality rates and international migration flows as set out in their 2016-based National Population Projections.
- ii To recognise that over the last 15 year flows into Tendring from the rest of the UK had not grown in line with the population growth in the rest of the country. Indeed, the long term trend had been a reduction in inflows. It would therefore be inappropriate to assume (as did the official projections) that future internal migration inflows would grow in line with the population in the authorities from which migrant would come.

The advice from the demographic consultant was that as a result of making adjustments for those factors and testing a range of scenarios the demographically-based assessment of the need for housing in the area was shown to be in the range 410-470 homes a year and 440 homes a year was the figure that should be used in situations (such as the assessment of a 5-year housing land supply) in which a single number was required. Adding a 15% allowance for market signals gave a housing need (the Full OAN) of 510 homes a year over the period 2013-37.

This had a significant effect on the Council's housing supply calculation. This evidence would be presented to the Planning Inspectorate for the Examination in Public of the Local Plan in due course and therefore, the impact of a revised OAN on the draft Local Plan had to be considered in more detail and a further report would be presented to the Local Plan Committee in due course.

#### **Centenary Way legal challenge**

Officers had learnt that the Council's legal challenge against the Centenary Way appeal decision was not being contested by either the Secretary of State or the applicant. The decision was expected therefore to be quashed with the appeal needing to be re-run in 2018. Officers were awaiting official confirmation from the Courts. It was estimated that 60 dwellings from the Centenary Way site would be delivered within the five-year period, so the quashing of this decision required that the supply figures be reduced by 60.

#### **Minor corrections to the calculations**

The figures in the published report had contained a small error which had meant the total requirement for housing was 10 units higher than it should have been. The figures had been corrected to address this error.

Using the methodology previously agreed by the Committee and taking the latest information into account, Officers had revised the housing supply calculations for the Committee's consideration. The revised figures had indicated that the Council could now demonstrate a 5.6 years supply.

Having considered all of the information provided, Councillor Stock OBE moved the revised recommendations as printed in the addendum report (A.1) and read them out to the Committee. Those revised recommendations were then seconded by Councillor Turner.

It was thereupon unanimously **RESOLVED** that the Committee:

- a) notes the outcome of the revised population projections produced by the Office for National Statistics (ONS) in October 2017 and the effect of reducing the Objectively Assessed Needs from 550 to 510 per annum;
- b) endorses the content of the report as evidence to demonstrate an up-to-date 5.6 years housing land supply (taking into account any changes arising from the latest demographic information) and for the purposes of determining planning applications and contesting planning appeals;
- c) requests the implications of a reduced OAN on the draft Local Plan be reported back as soon as possible; and
- d) agrees that the Local Plan Committee members will be notified of any material changes to the housing land supply position that might be necessary for the purposes of determining planning applications and contesting planning appeals followed by formal reports being presented to the Committee.

**24. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - LOCAL PLAN EVIDENCE UPDATE**

The Committee had before it a detailed report of the Corporate Director (Planning and Regeneration) (A.2), which provided an update on the progress of the evidence that was necessary to underpin the content of the new Local Plan and Tendring Colchester Borders Garden Community Development Plan Document.

The report provided an update on ongoing evidence requirements including:

- (i) Infrastructure Delivery Plan – Braintree, Colchester, Chelmsford and Tendring;
- (ii) Tendring Water Cycle Study;
- (iii) Tendring Colchester Borders Garden Community Concept Framework; and
- (iv) Strategic Housing Land Availability Assessment.

Having discussed the information provided, it was moved by Councillor Stock OBE and seconded by Councillor Bray and:

Unanimously **RESOLVED** that the Local Plan Committee notes the latest progress on the evidence base to support the content of the Local Plan.

**25. TENDRING COLCHESTER BORDERS GARDEN COMMUNITY ISSUES AND OPTIONS DEVELOPMENT PLAN DOCUMENT CONSULTATION TIMESCALE**

The Committee received a verbal update from the Council's Head of Planning on the Tendring Colchester Borders Garden Community Issues and Options Development Plan Document Consultation Timescale.

The Committee was reminded that at its last meeting, held on 2 November 2017, it was agreed that the Development Plan Document be published for Consultation for an eight week period.

Members were informed that when Colchester Borough Council had considered this matter they had decided to add on an additional two weeks and so the end date for consultation would now be 22 January 2018.

It was moved by Councillor Stock OBE, seconded by Councillor Ferguson and unanimously **RESOLVED** that the Local Plan Committee notes the consultation end date for the Development Plan Document.

Councillor Ferguson then proposed, and it was agreed by the Committee, that their thanks and appreciation to Officers involved in preparing the reports for this meeting be formally recorded in the minutes.

The Chairman thanked the members of the Committee for their efforts and commitment, and, in turn, the members of the Committee thanked the Chairman.

The meeting was declared closed at 6.45 pm

**Chairman**

**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT COMMITTEE,  
HELD ON MONDAY 4 DECEMBER 2017 AT 7.30 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors Baker (Vice-Chairman, in the Chair), Alexander, Chittock, Pemberton, Skeels (Jnr), Stephenson and Watson
<b>In Attendance:</b>	Anastasia Simpson (Head of People, Performance and Projects), Richard Barrett (Head of Finance, Revenues and Benefits Services), Katie Wilkins (Human Resources and Business Manager) and Katie Sullivan (Committee Services Officer)

**36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Steady (with no substitute).

**37. MINUTES OF THE LAST MEETING**

The Minutes of the meeting of the Committee, held on 16 October 2017, were approved as a correct record and signed by the Chairman.

**38. DECLARATIONS OF INTEREST**

There were none.

**39. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) - A.1 - CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2017/18**

The Committee had before it a report of the Corporate Director (Corporate Services), which presented it with an overview of the Council's actual financial position against the budget as at the end of September 2017.

The Committee was aware that, at its meeting held on 10 November 2017, Cabinet had considered the Corporate Budget Monitoring Report and Appendices for the second quarter of 2017/18 and had resolved (minute 105 referred) that –

- (a) the financial position, as at the end of September 2017, be noted;*
- (b) in respect of the 2017/18 budget, the central agency staff budget be increased by £0.150m funded by a transfer from the associated vacancy savings accrued to the end of September 2017; and*
- (c) in respect of the Council's Treasury Management practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the Council Offices are closed over the Christmas break.*

The Cabinet report and appendices referred to above were attached as Appendix A and Appendix B respectively to item A.1 of the Report of the Corporate Director (Corporate Services) for the Committee's consideration.

Members raised questions and other matters that were responded to by Officers.

Having considered and discussed the budget monitoring report and appendices:-

It was **RESOLVED** that the contents of the report be noted.

It was also **AGREED** that the Committee **RECOMMENDS TO CABINET** that:

- (a) the Committee requests that Cabinet contacts the Department for Communities and Local Government to find out more about the proposed timetable for the revised fee schedule.

**40. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) - A.2 - PERFORMANCE REPORT - QUARTER TWO REPORT JULY 2017 - SEPTEMBER 2017**

The Committee had before it a report of the Corporate Director (Corporate Services) which presented the Performance Report for Quarter Two (July 2017 to September 2017), including the Corporate Plan and Priorities and Projects 2017/18. Appendix A to that report contained details of the 16 indicators and projects where performance was measured. Of those, 12 (75%) were on, or above, their expected target and 4 (25%) were not currently in line with the expected performance. Three of the indicators and projects highlighted in the report were deemed 'non-measurable' as this Council's role was that of influence only.

Members were informed that the performance report had been submitted to Cabinet at its meeting held 10 November 2017 (Minute 104 referred). Any feedback from the Committee would be presented to a future meeting of the Cabinet as a separate reference report.

The Committee recalled that, at its meeting held on 25 September 2017 (Minute 28 referred), it had been suggested by the Committee to Cabinet that the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report (*for the Corporate Management Committee*) due to the fact that those items were regularly reported to the Human Resources Committee and the Community Leadership and Partnerships Committee.

At the aforementioned Cabinet meeting held on 10 November the Finance and Corporate Services Portfolio Holder had thanked the Committee for their suggestion. However, Cabinet had decided that the full range of existing indicators should remain in the Performance Report for the benefit of Cabinet and that the Corporate Management Committee could choose not to scrutinise the indicators it had highlighted if they so wished.

The Human Resources and Business Manager gave a verbal update in respect of several indicators and projects.

Officers responded to questions raised by Members on various topics and where an answer was not immediately available, the Human Resources and Business Manager undertook to respond to Members as soon as possible after the meeting.

It was **RESOLVED** that the contents of the report be noted.



It was also **AGREED** that the Committee **COMMENTS TO CABINET** that:

- (a) the Committee recognises that this is an excellent report.

The meeting was declared closed at 8.31 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT  
SCRUTINY COMMITTEE HELD ON MONDAY 18 DECEMBER 2017 AT 9.30 A.M. IN THE  
CONNAUGHT ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

**Present:** Councillors Steady (Chairman), Baker (Vice-Chairman), Alexander, Amos, Bush (except item 41), Chittock, Pemberton and Watson

**Also Present:** Councillor G V Guglielmi (Portfolio Holder for Finance and Corporate Services)(except item 44 (part))

**In Attendance:** Head of Finance, Revenues & Benefits Services (Richard Barrett), Head of People, Performance and Projects (Anastasia Simpson) and Committee Services Manager (Ian Ford)

**41. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Skeels Jnr. (with Councillor Amos substituting) and Stephenson (with Councillor Bush substituting).

**42. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 4 DECEMBER 2017**

The Minutes of the meeting of the Committee, held on 4 December 2017, were approved as a correct record and signed by the Chairman.

**43. DECLARATIONS OF INTEREST**

There were none at this time.

**44. UPDATED FINANCIAL FORECAST/BUDGET 2018/19**

The Committee's comments were sought on the updated Financial Forecast/Budget 2018/19, which had been approved at the meeting of the Cabinet held on 15 December 2017 (minute 122 referred). The Committee was aware that an updated financial forecast for 2018/19 had been prepared which reflected changes since Members had considered the initial forecast in September 2017.

The Finance and Corporate Services Portfolio Holder (Councillor G V Guglielmi) attended the meeting and reminded the Committee that the approach this year to the forecast / setting of the budget was significantly different to previous years with estimates now being undertaken across a 10 year financial sustainability plan period in order to enable the Council to be more flexible. He informed Members that, at this stage of the budget process, there was a net surplus of £0.042m forecast in 2018/19, an overall change of £0.578m compared with the £0.536m deficit included in the initial forecast in September 2017. He also reported that any necessary changes emerging from the detailed Local Government Finance Settlement would be included in the figures that would be presented to Cabinet in January 2018 when it considered the final budget proposals.

The Head of Finance, Revenues & Benefits Services (Richard Barrett), informed the Committee that this new approach brought the opportunity to review how the budget was developed, including input from this Committee. The forecast had therefore focused on the 2018/19 budget and the changes required compared to the initial forecast along with the broad principles behind figures such as special expenses and fees and charges. He

stated that confidence needed to be built in the early years of the 10 year period through delivering against the forecast.

Mr Barrett's drew to the Committee's attention that the increased collection fund balance for 2018/19 accounted for £0.552m of the £0.578m change mentioned above. Although this was an on-going item in the budget it was reviewed each year based on in-year collection performance and could therefore only be deemed a one-off 'saving' in 2018/19. Although the amount was available to support the 2018/19 budget, if this was excluded from the forecast, there would be a budget deficit of £0.510m for 2018/19, which was broadly in-line with the initial forecast amount of £0.536m.

Members were reminded that, as set out in the initial forecast, £1.434m has been set aside from the outturn position for 2016/17 to underwrite the risks associated with the 10 year approach to the forecast. It was proposed to set this aside in a specific reserve named the Forecast Risk Fund. Although subject to potential changes to the forecast over the remaining budget setting period, the current forecasted surplus of £0.042m would be paid into the Forecast Risk Fund. In addition, once the final position for 2018/19 was determined, the remaining years of the 10 year forecast would be revised, set against the revised 2018/19 position and would be reported to Members later in the budget setting process.

The Committee was informed that, given the on-going favourable position against parking income, there was now the opportunity to build the cost of this scheme into the base budget on an ongoing basis and therefore remove the need to fund it on a temporary basis from the associated reserve.

Mr Barrett made the Members aware that the revised budget for 2017/18 was not included within this forecast but remained under review for reporting to Cabinet in January 2018 as part of the more detailed / technical budget setting processes.

Mr Barrett provided a commentary on the changes to the initial forecast (excluding items where there had been no change compared to the relevant line of the initial forecast) as set out in the following table -

Item in the Forecast	Change since initial forecast £	Comments
<b><i>Underlying Funding Growth</i></b>		
Council tax Increase by 1.99%	Increase in Income of <b>£0.003m</b>	A small increase due to the most up to date tax base being used in the calculations.
Council tax Increase by £5	Increase in Income of <b>£0.001m</b>	
Growth in business rates - Inflation	Increase in Income of <b>£0.044m</b>	This reflected the updated inflation forecast and also reflects the move to CPI from RPI as announced by the Government in the Autumn Budget.
Growth in business rates / council tax - general property growth	Increase in Income of <b>£0.132m</b>	Reflected the latest property base estimates for 2018/19.
Collection Fund	Increase in	This reflected the latest collection fund position for the

Surpluses b/fwd	Income of <b>£0.552m</b>	year. This was however a one-off increase as the collection fund surplus or deficit was updated each year based on actual collection performance etc.
<b>Net Cost of Services and Other Adjustments</b>		
Inflation - Employee Costs (including annual review adjustments)	Reduction in forecasted expenditure of <b>£0.057m</b>	This reflected the latest salary forecasts which include restructures implemented so far to date. However, this reduction would be severely negatively impacted by the National Joint Council's proposed 2% pay award with higher % increases at the lower pay bands for 2018/2019.
Inflation - Other	Reduction in forecasted expenditure of <b>£0.015m</b>	Similarly to the associated income position, this reflected the updated inflation forecast and also reflected the move to CPI from RPI as announced by the Governments in the Autumn Budget
LCTS Grant to Town and Parish Councils	Increase in forecasted Costs – <b>£0.041m</b>	This corrected an error in the initial forecast where it was agreed to reduce the grant at the same pace as the Council's RSG – the actual grant payable in 2018/19 was included in the initial forecast rather the change between years.
Specific Changes in Use of Reserves	Increase in forecasted Costs – <b>£0.224m</b>	This reflected two issues not included in the initial forecast: <ul style="list-style-type: none"> <li>• A contribution to the business rates resilience reserve of <b>£0.150m</b> given the strong position within the associated income lines above, which in effect paid back the <b>£0.150m</b> that was drawn down from this reserve in 2017/18.</li> <li>• Given the on-going favourable position against parking income, it was now possible to meet the cost of this scheme within the underlying base budget with no need to call-on the associated reserve to fund it. An adjustment to the use of reserves of <b>£0.074m</b> had therefore been made in 2018/19.</li> </ul> <p>So there was no overall net impact on the budget, the parking income budget had been increased by the same amount as set out below.</p>
On-going savings / increased income	Achieved savings / increases in income <b>£0.290m</b>  <b>(£0.010m</b> lower than the allowance of	The following savings / increases to income had been included in the budget: <ul style="list-style-type: none"> <li>• Commercial property rental income following the purchase of a property in Clacton earlier in the year - <b>£0.155m</b></li> <li>• Garden Waste Scheme - <b>£0.105m</b> (break-even position now being exceeded)</li> <li>• Review of all Council owned property rent income budgets - <b>£0.010m</b></li> <li>• Increased income from Street Naming and</li> </ul>

	<b>£0.300m</b> included in the initial forecast)	Numbering - <b>£0.020m</b>
Unmitigated Cost Pressures	Total cost pressures of <b>£0.172m</b>  (the total amount included in the budget is <b>£0.022m</b> more than the allowance of <b>£0.150m</b> included in the initial forecast)	The following cost pressures had been included within the updated forecast: <ul style="list-style-type: none"> <li>• <b>£0.072m</b> – this had been included in the revised forecast to respond to the risk that the final pay award agreed for 2018/19 could potentially be higher than the 1% included in the initial forecast. This amount would enable a total pay award of 1.5% to be accommodated within the budget.</li> <li>• <b>£0.040m</b> – to reflect the cost of cleaning the new beaches between Clacton and Holland on sea.</li> <li>• <b>£0.060m</b> - Additional summer cleaning of town centres and seafront areas</li> </ul>
Other Adjustments	Reduction in forecasted net expenditure of <b>£0.071m</b>	This was a new line in the forecast to recognise other changes that did not necessarily fit within other lines of the forecast.  Along with some minor budget amendments, the figure primarily reflected the necessary increase in parking income ( <b>£0.074m</b> ) to enable the scheme to be accommodated within the base budget on an-on-going basis.

The Finance and Corporate Services Portfolio Holder, the Head of Finance, Revenues & Benefits Services and the Head of People, Performance and Projects (Anastasia Simpson), as appropriate, responded to Members' questions throughout consideration of this item.

**RESOLVED** that the Committee submits the following comments and observations for the Cabinet's consideration:

- the Committee notes the potential adverse financial implications of the National Joint Council pay award for 2018/2019 but welcomes the fact that this is an early 'stress test' for the new ten year financial sustainability plan approach;
- the Committee suggests that the proposed contribution of £150,000 to the Business Rates resilience reserve be put instead towards funding the 2018/2019 Pay Award;
- the Committee supports including within the forecast the cost pressures for the cost of cleaning the new beaches between Clacton-on-Sea and Holland-on-Sea and the additional summer cleaning of town centres and seafront areas; and
- the Committee welcomes the income from the purchase of a retail property in Clacton town centre.

The Committee agreed that there would be no need to reconvene on 4 January 2019 in order to discuss the forecast with Portfolio Holders.

Members also agreed that, following the budget meeting of full Council in February 2019, an informal meeting of the Committee should be held in order to discuss ways in which the budget could be scrutinised within the proposed new committee structure.

The meeting was declared closed at 11.29 a.m.

Chairman

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COUNCILLOR FRED NICHOLLS' MOTION TO COUNCIL IN RELATION TO  
SPEED LIMITS OUTSIDE SCHOOLS AND IN TOWNS AND VILLAGES IN THE  
DISTRICT OF TENDRING

*“Essex Police have been openly stating that “Speed Kills” when speaking about road traffic collisions as a result of their enquiries. Concern has been expressed over the number of fatal collisions. We need a safer environment in the vicinity of our schools to prevent our children being involved in any collisions outside our schools.*

*This Council requests that the Essex County Council Cabinet Member responsible for the implementation of speed limits across the Tendring District undertakes a review of the current speed limits outside all schools in Tendring and takes appropriate action to ensure that they are reduced to a maximum of 20mph at certain times of the day as soon as possible.*

*Furthermore, this Council requests the County Council to implement a 30mph in ALL villages and towns throughout the Tendring District.”*

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## COUNCIL

23 JANUARY 2018

### REPORT OF CHIEF EXECUTIVE

#### A.2 RESIGNATION OF COUNCILLOR J E PARSONS

I formally report that, on 31 December 2017, Councillor Jack Parsons resigned as a Member of Tendring District Council. Notice of the vacancy in the St Pauls Ward has been given and requests to fill the vacancy have been received. The by-election will be held on Thursday 15 February 2018.

This item is submitted for INFORMATION ONLY.

**IAN DAVIDSON**  
**CHIEF EXECUTIVE**

**COUNCIL**

**23 JANUARY 2018**

**BACKGROUND PAPERS LIST FOR  
REPORT OF CHIEF EXECUTIVE**

**A.2 RESIGNATION OF COUNCILLOR J E PARSONS**

Resignation email dated 31 December 2017.

Requests for a By-Election in the St Pauls Ward dated 4 January 2018.

## COUNCIL

23 JANUARY 2017

### REPORT OF THE MONITORING OFFICER

#### A.3 REVIEW OF THE MEMBERS' CODE OF CONDUCT

(Report prepared by Lisa Hastings)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To report on the outcomes of the Standards Committee's review into the Members' Code of Conduct and to seek Council's approval of suggested revisions to the Code of Conduct for adoption, with a commencement date of April 2018, to allow training to be undertaken by all Councillors between adoption and implementation of the Code.

##### EXECUTIVE SUMMARY

As part of its annual work programme the Standards Committee commenced a review of the Members' Code of Conduct in 2016, with particular attention paid to the definitions of interests.

At its meeting held on 29 June 2016 the Committee was informed that there would be some merit in undertaking a "light touch" review of the Code of Conduct and to consider removing the distinction between "Other and Non Pecuniary Interests" by joining them together and reviewing the definitions. The three different types of interest had caused confusion with Members and the public and therefore, could be made simpler. In addition, since adoption of the current Code, both elected Members and the general public had questioned whether the provisions on declarations of interests had gone far enough and whether the Council should be retaining a register of interests, extending beyond Disclosable Pecuniary Interests. Matters such as membership of various groups or organisations had caused concerns with both elected Members and the public where these were not registered, and whilst this was not required on a statutory basis, provisions could be included within the local Code. The Committee have discussed the advantages of a register of interests, beyond the statutory minimum which is required by the legislation and they had welcomed further exploration in this area.

The Monitoring Officer had informed Members that, nationally, a number of Councils had reviewed their Codes since adoption; some in response to feedback on definitions, or areas which were missing, or due to the lack of sanctions available if the obligations were compromised. New ideas such as a voluntary acceptance of suspension and a recall scheme were emerging and information on those could be presented to the Committee for its information through the review of the Code.

At the subsequent meeting of the Committee held on 26 September 2016, potential changes and additions to the Code were discussed to provide clarity in relation to:

- Separating the Rules of Conduct and General Obligations from the introduction and interpretation part of the Code;

- Merging Other Pecuniary Interests with Non-Pecuniary Interests; and the
- Effect of Other or Non-Pecuniary Interests on participation.

The Monitoring Officer was requested to produce a revised draft Code of Conduct for further discussion to take place. The Committee also received information on both a voluntary acceptance of suspension and a recall scheme and whilst expressed an interest in these concepts, it felt that such changes should only be considered for introduction and implementation of a Code of Conduct at the start of a new term of office, rather than mid-term. The Committee would revisit this again in 2018 in readiness for 2019.

At its meeting held on 28 June 2017, the Committee continued with its review on the Members’ Code of Conduct and considered in detail the proposed changes made following the suggested revisions at its previous meeting. Further amendments were suggested by the Committee and consequently, although endorsing a revised Members’ Code of Conduct, requested a final draft of the Members’ Code of Conduct be presented to the next Committee meeting, before recommending the same to full Council.

Subsequently, at its meeting held on 27 September 2017 the Standards Committee agreed that following replacement of the use of the term ‘you’ to ‘*Member or Councillor*’, the revised draft Members’ Code of Conduct be recommended for adoption to Council with a commencement date of April 2018, in order to allow training to be undertaken by all Councillors between adoption and implementation of the Code.

The suggested revisions to the Members’ Code of Conduct, shown with highlighted changes, are shown in Appendix A.

**RECOMMENDATION**

**It is recommended that:**

- (a) the revised Members’ Code of Conduct, as set out in Appendix A, be approved for adoption with a commencement date of 1<sup>st</sup> April 2018;**
- (b) all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils; and**
- (c) all Tendring District Council members attend mandatory training on the new revised Code of Conduct, review their Declarations of Interests, and provide any updates to the Monitoring Officer in accordance with the new revised Code of Conduct in readiness for 1<sup>st</sup> April 2018.**

**LEGAL**

The Localism Act 2011 (“the Act”) places a statutory duty upon Councils to promote and maintain high standards of conduct amongst its own Elected Members and any co-opted Members. Strong ethical governance is critical to the corporate governance of the authority and also supports the Council’s decision making processes across the organisation.

The Act requires Councils to adopt a code dealing with the conduct which is expected of

Members and also have in place effective procedures to enable the investigation of any complaints or allegations that a Member has been in breach of the Code of Conduct.

The definition of Disclosable Pecuniary Interests (DPIs) is contained within the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Section 27(12) of the Act requires that the Council must publicise the adoption, revision or replacement of its Code of Conduct.

The standards provisions within the Act equally apply to Town and Parish Councils and the Monitoring Officer's role of contributing to the promotion of high standards extends to advising Town and Parish Councils in relation to conduct matters. Any new arrangements will be promoted to the Town and Parish Councils to adopt where necessary.

## **APPENDICES**

- Appendix A – Revised draft Members' Code of Conduct (Changes highlighted in yellow)

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# TENDRING DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT

## 1. INTRODUCTION TO THE CODE OF CONDUCT

1.1 Trust and confidence in public office-holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected office-holders. The Council has therefore adopted this Code of Conduct for elected Members (also referred to as "Councillors") to promote and maintain high standards of conduct in public life. It is each Member's responsibility to comply with the provisions of this Code.

1.2 The Code of Conduct applies to all elected Members, voting co-opted Members and appointed Members.

1.3 The Code covers three main areas:

- **Part 1** sets out some general obligations regarding the behaviour of elected and co-opted Members ("**Rules of Conduct**")
- **Part 2** explains how Members should behave if they have a personal/code interest in an item of Council business ("**Members' Interests**")
- **Part 3** sets out rules requiring registration of interests for public inspection ("**Register of Members' Interests**")

The Principles of Public Life are set out in the Appendix.

## 2. Interpretation of when the Code of Conduct applies?

2.1 In this Code "meeting" means any meeting of

- (a) Tendring District Council ("the Authority");
- (b) the Cabinet (also known as the Executive) of the Authority
- (c) any of the Authority's or Cabinet's committees, sub committees joint committees, joint sub-committees, or area committees (including working parties and panels); or
- (d) informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions.

2.2 The Code of Conduct applies—

- (a) whenever a Member conducts the business, or are present at a meeting, of the Authority; or
- (b) whenever a Member acts, claims to act or gives the impression they are acting in the role of Member to which they were elected or

- appointed; or
- (c) whenever a Member acts, claims to act or give the impression they are acting as a representative of the Authority (including representation on outside bodies); or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5; or
  - (e) in respect of any criminal offence for which they have been convicted during their term of office.
- 2.3 Where a Member is elected, appointed or nominated by the Authority to serve on any other authority or body they must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.
- 2.4 Where a Member is elected, appointed or nominated by the Authority to serve on any other body which does not have a code relating to the conduct of its members, they must, when acting for that other body, comply with this Code of Conduct, unless it conflicts with any other lawful obligations to which that other body may be subject.

### 3. Principles of Public Life

- 3.1 The Localism Act 2011 requires the Authority to have a code of conduct which is consistent with the 'Nolan Principles' determined by the Committee on Standards in Public Life. These Principles are set out in the Appendix A to this Code. The Code is consistent with the Nolan Principles but any breach of the principles is not by itself a breach of the Code.

Members of Tendring District Council shall have regard to the Seven Principles of Public Life as it is these principles which underpin the Rules of Conduct set out below.

## **PART 1** **RULES OF CONDUCT**

### 3.2 In fulfilling **Duties and Responsibilities**

**Members** must not:

- (a) breach their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) disrespect others;
- (c) bully or harass any person; or
- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

### 3.3 Information

**Members** must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

### 3.4 Conduct

**Members** must:

- (a) not conduct **them** self in a manner which could reasonably be regarded as bringing **their** office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the Authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

### 3.5 Use of the Position

**Members** must not:

- (a) in **their** official capacity or otherwise, use or attempt to use **their** position improperly to confer on or secure for **them** self, or any other person, an advantage or create or avoid for **them** self, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the Authority—
  - (i) imprudently;
  - (ii) in breach of the Authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which **they** have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

### 3.6 Registration of Interests

In accordance with and subject to Part 2 of the Code, Members are required to register details of their Disclosable Pecuniary Interests and their Personal Interests within 28 days of becoming a Member (or being re-elected or

reappointed) or a change in those details, in the Authority's Register of Interests.

### 3.7 Decision Making

**Members** must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by—
  - (i) the Authority's Head of Paid Service;
  - (ii) the Authority's s.151 Officer/ Chief Finance Officer;
  - (iii) the Authority's Monitoring Officer/ Chief Legal Officer;
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

### 3.8 Compliance with the Law and the Authority's Rules and Policies

**Members** must:

- (a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with **their** duties as a Member;
- (b) **comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued;**
- (c) comply with the provisions of the Bribery Act 2010 or similar;
- (d) comply with the Authority's Gifts and Hospitality Policy;
- (e) comply with any other policy (or part of policy) which sets out required conduct from Members, for example the Member/Officer Working Protocol and Planning Code for Members, or similar.

## PART 2 MEMBERS' INTERESTS

Holding the position of a District Councillor is NOT an interest which is required to be declared at any Council, Committee, Sub-Committee or Cabinet meetings, unless the Member is involved in the decision making affecting the ward they were elected to.

### 4. Disclosable Pecuniary Interests

4.1 Disclosable Pecuniary Interests (DPIs) are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are set out in Appendix B to this Code. It is important that Members understand what amounts to a DPI, that they identify carefully all DPIs relevant to them and that they take the necessary action required by law. Breach of the requirements related to DPIs is a criminal offence and are referred to the Police.

4.2 A Member will have a Disclosable Pecuniary Interest in any business of their Authority if it is of a description set out in Appendix B and is either:

- (a) their own interest,  
or that of a Relevant Person being:
- (b) an interest of their spouse,
- (c) an interest of their civil partner, or
- (d) an interest of a person with whom they are living with as a spouse or civil partner,

and in the case of paragraphs 4.2(b) – (d) the Member is aware that the Relevant Person has the interest.

### 5. Personal Interests

5.1 A Member will have a Personal Interest in any item of business of the Authority where it relates to or is likely to affect –

- (a) any person or body who employs or has appointed them;
- (b) any existing contract for goods, services or works, which has not been fully discharged or has expired within the last 2 years, and made between the Authority and
  - (i) the Member,
  - (ii) a Related Person;
  - (iii) a body in which the Member has a Disclosable Pecuniary Interest; or
- (iv) a person or body of the description specified in paragraphs 5.1 (c)-(d) below;

- (c) any body of which **the Councillor is** a member or **in which they hold** a position of general control or management **and** to which **they** are appointed or nominated by the Authority;
- (d) **any other body of which the Councillor is a member and in which they hold a position of general control or management –**
  - (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- (e) the interests of any person from whom **the Member has** received a gift or hospitality with an estimated value of at least £50;
- (f) a decision in relation to that business which might reasonably be regarded as affecting **the financial position or wellbeing of:**
  - (i) **the Member or**
  - (ii) **a Related Person (if the Member is aware of its existence)**

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, affected by the decision;

5.2 **Related Person is defined as:**

- **a member of the Councillor's family; or**
- **any person with whom the Councillor has a close business or personal association.**

**In the case of a Related Person, a Councillor is only required to declare those interests which they are aware or ought reasonably to be aware of the existence.**

**6. Declaration of Members' Interests**

- 6.1 Subject to sub-paragraphs 6.2 to 6.3, where **a Member has** a Disclosable Pecuniary or **Personal Interest** in any business of the Authority and **they** are present at a meeting of the Authority at which the business is considered, **they** must **declare** to that meeting the existence and nature of that interest whether or not such interest is registered on **their** Register of Interests or for which **they** have made a pending notification.
- 6.2 Sub-paragraph 6.1 only applies where **a Member is** aware or ought reasonably to be aware of the existence of the Relevant Person's (as defined

in 4.2 above) Interest or the Related Person's (as defined in 5.2 above) Interest.

- 6.3 Where a Member has an interest in any business of the Authority which would be declarable by virtue of paragraph 6.1 but by virtue of paragraph 11 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary or Personal Interest they do not need to declare the nature of the interest to the meeting.
- 6.4 Where a Member has an interest in any business of the Authority which would be declarable by virtue of paragraph 6.1 and they are acting as a Cabinet Member, making an executive decision in relation to that business they must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## 7. Declaration of Personal Interests generally

- 7.1 Subject to sub-paragraphs 7.2 & 7.3 below, a Member has a duty to declare any Personal Interest, as set out in paragraph 5 above, in considering any business of the Authority, where that interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.
- 7.2 Holding the position of a District Councillor is NOT an interest which is required to be declared at any Council, Committee, Sub-Committee or Cabinet meetings, unless the Member is involved in the decision making affecting the ward they were elected to.
- 7.3 A Member does not have a declarable interest in any business of the Authority where that business relates to the functions of the Authority in respect of:
- i. housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;
  - ii. school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or are entitled to the receipt of, such pay;
  - iv. an allowance, payment or indemnity given to Members;
  - v. any ceremonial honour given to Members; and
  - vi. setting Council Tax or a Precept under the Local Government Finance Act 1992

## 8. Effect of Disclosable Pecuniary Interests on participation

- (a) If a Member is present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and they have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and they are aware of that Interest:
- (i) the Member must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
  - (ii) the Member must withdraw from the room or chamber where the meeting considering the business is being held unless they have received a dispensation from the Authority's Monitoring Officer.
- (b) If a Member has a Disclosable Pecuniary Interest in any business of the Authority they must not:
- (i) exercise executive functions in relation to that business; and
  - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and they have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function they may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by them self).

## 9. Effect of Personal Interests on participation

- 9.1 If a Member has a Personal interest (not a Disclosable Pecuniary Interest) in any business of the Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and they are present at a meeting of the Authority at which such business is to be considered or is being considered the Member must:-
- (a) Declare the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)
  - (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making representations or in any other case when the business is under consideration, unless they have obtained a dispensation from the Authority's Monitoring Officer.



### PART 3

#### REGISTER OF MEMBERS' INTERESTS Registration of Members' Interests

- 10.1 Subject to paragraph 11, **Members must**, within 28 days of—
- a. this Code being adopted by or applied to the Authority; or
  - b. **their** election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the Authority,
- register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of Disclosable Pecuniary Interests as referred to in paragraph 4, **and defined in Appendix B**, that they, their spouse, civil partner or person with whom they live as if they were their spouse or civil partner in so far as they are aware of their interests at that time.
- 10.2 Subject to paragraph 11, **Members must**, within 28 days of becoming aware of any new **or amended** Disclosable Pecuniary Interest as referred to in paragraph 4, **and defined in Appendix B**, that they, their spouse, civil partner or person with whom they live as if they were their spouse or civil partner or change to any interest registered under paragraph 4 above by providing written notification to the Authority's Monitoring Officer.
- 10.3 **Subject to paragraphs 10.5 and 11, Members must, within 28 days of—**
- a. **this Code being adopted by or applied to the Authority; or**
  - b. **their election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the Authority,**
- register in the Authority's Register of Members' Personal Interests details of Personal Interests as referred to in paragraph 5, that the Member is aware of at that time.**
- 10.4 **Subject to paragraphs 10.5 and 11, Members must, within 28 days of becoming aware of any new or amended Personal Interest as referred to in paragraph 5 or change to any interest registered under paragraph 5 above by providing written notification to the Authority's Monitoring Officer.**
- 10.5 **The provisions of paragraphs 10.3 and 10.4 above, do not apply to any Personal Interest which concerns a Related Person, as these interests are not required to be registered in advance and only declared at a meeting of the Authority at which the business is considered and the Member is present.**

## 11. Sensitive Information

- 11.1 Where a Member has an interest referred to in paragraphs 4 or 5, and the nature of the interest is such that the Member and the Authority's Monitoring Officer consider that disclosure of details of the interest could lead to the Member or a person connected with them being subject to violence or intimidation if the interest is entered in the Authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that the Member has an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 11.2 Members must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Authority's Monitoring Officer.
- 11.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that the Member or a person who lives with them may be subject to violence or intimidation.

## APPENDIX A

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **The Nolan Principles**

***Selflessness*** Holders of public office should act solely in terms of the public interest.

***Integrity*** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

***Objectivity*** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

***Accountability*** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

***Openness*** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

***Honesty*** Holders of public office should be truthful.

***Leadership*** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **APPENDIX B**

“Disclosable Pecuniary Interests” are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are:-

### **Employment, office, trade, profession or vocation**

Any employment, office, trade, profession or vocation carried on for profit or gain.

### **Sponsorship**

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

### **Contracts**

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

### **Land**

Any beneficial interest in land which is within the area of the relevant Authority.

### **Licences**

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

### **Corporate tenancies**

Any tenancy where (to the Member’s knowledge)—

- (a) the landlord is the relevant Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

### **Securities**

Any beneficial interest in securities of a body where—

- (a) that body (to the Member’s knowledge) has a place of business or land in the area of the relevant Authority; and
- (b) either—
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## COUNCIL

23 JANUARY 2018

### REPORT OF CORPORATE DIRECTOR (CORPORATE SERVICES)

#### A.4 PAY POLICY STATEMENT 2018/19 (Report prepared by Anastasia Simpson)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To present a Pay Policy Statement for 2018/19.

##### **EXECUTIVE SUMMARY**

Section 38(1) of the Localism Act 2011 requires local authorities to produce a Pay Policy Statement. The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer.
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

The Pay Policy Statement 2018/19 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework is based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aims to ensure the ability of the Council to recruit talented individuals whilst reassuring the citizens of Tendring that their money is being used efficiently.

In 2015, the Government introduced a National Living Wage. With effect from 1<sup>st</sup> April 2017, employees over the age of 25, receive £7.50 per hour. Employees under this age receive £7.05 per hour, or £5.60 per hour if aged between 18 to 20.

Although it is recognised that the National Living Wage should be the benchmark for the lowest salaries within the authority, it is proposed that the Council continues to pay staff SCP 8, which continues to be £7.90 per hour with effect from 1<sup>st</sup> April 2018 (this equates to £15,246 per annum).

At the current time the NJC Pay Award 2018/19 is yet to be determined, negotiations between the national employers and unions are on-going. The unions lodged a claim for 5% in June 2017 and in December 2017 the Employer's made a final offer of 2%, with those on lower salaries receiving higher increases. The total increase to the national paybill from this offer is 5.6% over two years (covering the period 1 April 2018 to 31 March 2020).

Other changes relating to pay during 2018 include the introduction of mandatory gender pay reporting, following the introduction of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and the design of a new allowances scheme for standby,

callout and overtime. The proposed changes to allowances are currently going through the Council's consultation processes including both individual employees and UNISON, the Council's recognised union.

It is also confirmed that the changes to Off-Payroll working in the public sector (IR35) were completed during 2017. The changes appear to have had little impact on the Council in relation to resourcing specialist skills.

#### **RECOMMENDATION(S)**

##### **IT IS RECOMMENDED TO FULL COUNCIL**

- (a) That the Pay Policy Statement 2018/19 set out at Appendix A be adopted;**
- (b) That the Council notes that the costs of applying salary payments from SCP8 (£7.90 per hour) on the National Joint Council (NJC) pay spine will be met from existing salary/vacancy provision within budgets.**

### **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

The Council's annual consideration and formal approval of a Pay Policy Statement is part of the Council's governance arrangements and provides transparency for the citizens of Tendring.

#### **FINANCE, OTHER RESOURCES AND RISK**

The Pay Policy 2018/19 proposes to continue paying the Council's lowest earners a minimum wage of £7.90 per hour, which is now reflected in the base budget. At the current time the NJC Pay Award 2018/19 is yet to be determined, negotiations between the national employers and unions are on-going. The Council's current budget forecast includes the current offer of 2% and higher increases for those on the lower pay bands in 2018/19. The longer term impact will be reflected in the ten year financial forecast which will be updated shortly.

#### **LEGAL**

The Council is required to consider and approve an annual Pay Policy Statement in accordance with the provisions of the Localism Act 2011 (Section 38).

#### **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.**

Paying employees above the National Living Wage shows that the Council is demonstrating its role as a community leader and the Pay Policy is designed to ensure that there is a fair and transparent process for pay and rewards.

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

##### Introduction

The Pay Policy Statement 2018/19 is recommending that the National Joint Council (NJC)

pay rate, SCP8, £7.90 continues to be paid to support staff employed on the lower pay bands. This equates to £ 15,246 per annum for a full time employee.

The cost of continuing to pay employees above the National Living Wage can be met from vacancy savings across the Council. Employees that benefit from the additional payment include cleaners, theatre staff and leisure attendants.

#### Equality Act 2010 (Specific Duties and Public Authorities ) Regulations 2017

During 2017 the Council is obliged to introduce mandatory gender pay reporting, to meet the requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. By 30 March 2018, the Council has to publish the first snapshot of data including the following:

- The mean gender pay gap
- The median gender pay gap
- The mean bonus gender pay gap
- The median bonus gender pay gap
- The proportion of males and females receiving a bonus payment
- The proportion of males and females in each quartile band

This information will be published on the Council's website as well as a designated government website. Three of the above questions, will not be applicable, as the Council does not operate bonus schemes for any Officers.

The challenge within Tendring District Council and across Great Britain is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

Early data collation, indicates the following across the Council:

#### Mean Difference Across Gender

*The difference between the male and female mean hourly rate is £0.50p. The female mean hourly rate is 4.37% higher than the male mean hourly rate.*

#### Median Difference Across Gender

*The difference between the male and female median hourly rate is £1.25. The female median hourly rate is 13.63% higher than the male median hourly rate.*

#### Off-Payroll working in the public sector (IR35)

From time to time, due to the requirement for particular specialist skills or due to peaks in workloads the Council uses agency workers or consultants, for short term assignments. At the current time, the Council has such workers within Planning and Environmental Services. With effect from 1<sup>st</sup> April 2017, HMRC updated the requirements and regulations for off payroll workers within the public sector. Individuals working through their own company in the public sector were no longer responsible for deciding whether the intermediaries' legislation applies and then paying the relevant tax and NIC's. This responsibility moved to the public sector employer.

The Council has reviewed the current status of workers with individual agencies and HMRC. The changes have not appeared to have any direct impact on the resources and specialist skills required across the Council

#### Allowances Review

Following a review it was determined that the majority of allowances would remain for 2018/19, however the Council is in the process of a consultation exercise reviewing overtime and standby payments , which aims to ensure that the Council has a fair system of pay and reward across all services. The consultation aims are as follows:

- Tendring wants to ensure that staff are paid in a consistent way throughout the organisation.
- The organisation wants to compensate staff that provide a contractual out of hours standby service to meet the Council's statutory duties.
- Tendring wants to ensure that payment structures are fair and sustainable for the future.
- The Council will meet increased financial on-costs associated with overtime and call out payments. This includes an employer pension contribution of 16.6% and payment of accrued holiday pay for regular overtime worked.
- The Council wants to be a responsible employer to meet the health, safety and well-being needs of staff by encouraging the use of TOIL for recovery from working additional hours through the night.

Consultation is currently taking place with UNISON and Officers across the organisation, with a view to implementing any changes during 2018.

Unison has been consulted in relation to the changes within the pay policy and welcomes the introduction of Gender Pay Reporting and the continuation of paying staff the National Living Wage.

<b>BACKGROUND PAPERS FOR THE DECISION</b>
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None
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<b>APPENDICES</b>
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<b>APPENDIX A - PAY POLICY STATEMENT 2018/19</b>
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# Tendring District Council Pay and Reward Policy

2018/19



## Introduction

Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement. *The provisions within the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however it emphasises the need to deliver value for money for local taxpayers.*

*This statement is approved by Full Council and any changes during the year will be brought back to Full Council for adoption at the earliest opportunity.*

Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees, dedicated to the service of the public; but at the same time needs to avoid being unnecessarily excessive. *The Council's vision includes the provision to adopt a reward strategy that is modern, sustainable, fair and transparent and rewards people appropriately for their contribution to the Council.*

*The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 published by the Department for Communities and Local Government in February 2015 and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.*

*Part of the Code includes publishing information relating to senior salaries within a local authority. A full list of senior salaries and also monthly expenditure on pay across all pay bands is available and published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk).*

*The Council's 2017/18 Statement of Accounts includes details of all Chief Officers pay.*

*The HR Committee has responsibility for the terms and conditions of service for all staff and ensures that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation.*

The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer (for Tendring District Council this includes the Chief Executive, Corporate Directors/Head of Department, Monitoring Officer and the Section 151 Officer).
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest- paid employees" and its reasons for adopting that definition).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of

performance related pay and bonuses, termination payments and transparency.

## **Purpose of the Statement**

The Pay Policy Statement 2018/19 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework aims to ensure the ability of the Council to recruit talented individuals whilst reassuring the citizens of Tendring that their money is being used efficiently.

Tendring District Council needs to have high calibre leaders within the organisation to deliver high quality public services, especially in difficult fiscal conditions. At the same time taxpayers are right to demand value for money from public resources and an assurance that their money is not being wasted on excessive senior salaries. The primary aim of the Pay Policy is to set a framework to attract, retain and motivate staff so that the organisation can perform at its best. Research shows that individuals are attracted, retained and engaged by a range of both financial and non-financial rewards so a coherent link between reward and the overall approach to people management leads to the best possible outcome.

## **Managing Remuneration**

Tendring District Council has a fair, equitable and transparent approach to remuneration, following equal pay legislation. This includes incremental progression based on length of service and more proactively on:

- Achieving annual performance levels
- Development progression against defined frameworks (Career Progression for many posts)

The Council also benchmarks and reviews salary profiles within the job market and has access to the EPayCheck system provided by the East of England Employer's Organisation.

The Council has adopted the National Pay Grades as set by the National Joint Council (NJC) and is subject to the national negotiations regarding pay and conditions of service (commonly known as the 'Green Book'). The Council currently has a Pay Spine that commences on SCP (Spinal Column Point) 8, which is the pay for the "lowest paid employee" and ends at SCP 83. Within the pay structure there are 20 Pay Bands

Over the past few years the Council has deleted a number of Spinal Column Points to support workers at the lower end of the pay line. From 1 April 2015 it was agreed that staff employed within Tendring District Council should be paid a minimum of SCP 8.

*During 2015/16 the government introduced a National Living Wage for employees aged over 25. The National Living Wage is currently £7.50 per hour.*

*The Council, however, proposes to continue to pay all employees a minimum of SCP 8, £7.90 per hour during 2018/19 and this rate will apply to all employees, regardless of age.*

Apprentices, however, are not included as they have a contract for learning and training with the Council, rather than an employment contract.

*At the current time the NJC Pay Award 2018/19 is yet to be determined, negotiations between the national employers and unions are on-going and there is no decision whether the national pay cap across the sector will continue.*

The values of the SCPs are updated by the national pay awards and the Council is notified of any changes by the National Joint Council for Local Government.

Employees who are new to the Council and Local Government are usually appointed at the first point of the salary banding, apart from in exceptional circumstances.

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions, which at the time of adoption were negotiated and agreed with local union officials. Training has been provided by the Regional Employers (EELGA) to ensure that there are a sufficient number of managers and union officials within the organisation who have the skills to implement and apply job evaluation within the Council. *Further training is planned during 2018 to ensure that the pool of trained managers and union officials continues to be sufficient.* This job evaluation scheme is recognised by employers and trade union nationally and the scheme allows for robust measurement against set criteria resulting in fair and objective evaluations. The Council plans to continue to re-assess and benchmark its structure and salaries during 2018, which may initiate a further need for job evaluation and grading reviews.

Chief Officers are not subject to the NJC Job Evaluation Scheme. Chief Officers within the organisation have their pay set following benchmarking and pay rates which are set to attract and retain key employees. The agreement of pay is subject to Equal Pay legislation.

The highest paid employee is the Chief Executive who is on a salary scale of £112,000 to £126,356 per annum.

Car mileage payments for all employees are paid at the Inland Revenue Rate. This is currently 45p per mile (for the first 10,000 miles). Use of the Inland Revenue rate enables the Council to have a fair and consistent rate of reimbursement for business mileage across the Council.

There are local rates in force for individuals who use their motorcycles or bicycles on official business and to encourage Officers to car share on business journeys the Council has also adopted the additional 5p per passenger per mile, in accordance with Inland Revenue guidance.

Other allowances payable within the Council included the following:

Committee Attendance  
Overtime Payments  
Standby Payments  
Callout Payments  
Telephone Line Rental  
First Aider Payments

*Following a review it was determined that the majority of allowances as detailed above would remain for 2018/19, however the Council is in the process of a consultation exercise reviewing overtime and standby payments , which aims to ensure that the Council has a fair system of pay and reward across all services. The consultation aims are as follows:*

- *Tendring wants to ensure that staff are paid in a consistent way throughout the organisation.*
- *The organisation wants to compensate staff that provide a contractual out of hour's standby service to meet the Council's statutory duties.*
- *Tendring wants to ensure that payment structures are fair and sustainable for the future.*
- *The Council will meet increased financial on-costs associated with overtime and call out payments. This includes an employer pension contribution of 16.6% and payment of accrued holiday pay for regular overtime worked.*
- *The Council wants to be a responsible employer to meet the health, safety and well-being needs of staff by encouraging the use of TOIL for recovery from working additional hours through the night.*

*Consultation is currently taking place with UNISON and Officers across the organisation, with a view to implementing any changes during 2018.*

The Council does not currently operate any performance related pay or bonus schemes.

The Council has a Subsistence Policy, adopted by HR Committee. Any payment is made on production of actual receipts and payments adhere to the rates provided by the East of England, Local Government Association.

The Chief Executive also receives a (Deputy/Local/Acting) Returning Officer fee in respect of Parliamentary, European Parliamentary, Referendums, County, Police and Crime Commissioner and District and Parish Council Elections. The fee for undertaking this role within the Tendring District is calculated in respect of District and Parish Council Elections by reference to the Scale of Fees and Expenses payable to the Returning Officer at elections of District and Parish Councillors. In respect of acting as Deputy Returning Officer at elections of County Councillors, reference is made to the Scale of Fees and Expenses payable at Elections of County Councillors supplied by Essex County Council. Fees for conducting Parliamentary,

European Parliamentary Elections, Police and Crime Commissioner Elections and National Referendum are determined by way of a Statutory Instrument.

The fees received by the Chief Executive in 2017/18 in respect of duties performed relating to the election of Councillors to Essex County Council, a United Kingdom Parliamentary Election for the Clacton constituency and a District Council by-election, equated to a total payment of £8,971.40.

The Council is an admitted body of the Local Government Pension Scheme and the Pension Scheme for the Council is administered by Essex County Council.

### **Transparency within Tendring District Council**

Existing legislation already requires the Council to publish statements regarding remuneration and each year in the Council's Statement of Accounts includes a detailed analysis of the pay, benefits and pension entitlements for all Chief Officers within the Council. The Council will continue to publish this information on an annual basis and it is readily available to view on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). This information also includes a structure of the Council's Senior Officers.

*In 2018/19 the remuneration for the lowest paid member of staff within the Council will be £15,246 (based on £7.90 per hour) per annum and the most senior officer within the Council will be paid £126,356 per annum. This is a multiple of 8.21, which is lower than half of the pay multiple detailed as the cap for Local Government pay as detailed in the Hutton Review of Fair Pay in the Public Sector. It should be noted that this multiple has reduced by 2 points in comparison to the Pay Statement 2014/15. The Council aims to keep this multiple under review to ensure that it is kept at an appropriate level. The median average pay for Chief Officers is £76,328 (this is based on full time equivalent annual salary, excluding election fees). The median pay for other staff other than Chief Officers is £24,174 per annum.*

*These figures are likely to change during 2018/19 when the negotiations regarding the 2018/19 pay award are concluded and updated rates of pay are introduced.*

The Council publishes on the Tendring District Council website a monthly report of salaries paid, by pay band and the number of staff within each pay band - [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk).

### **Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

During 2018 the Council is obliged to introduce mandatory gender pay reporting, to meet the requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. By 30 March 2018, the Council will have to publish the first snapshot of data including the following:

- The mean gender pay gap
- The median gender pay gap
- The mean bonus gender pay gap
- The median bonus gender pay gap

- The proportion of males and females receiving a bonus payment
- The proportion of males and females in each quartile band

This information will be published on the Council's website as well as a designated government website, which has yet to be determined. Three of the above questions, will not be applicable, as the Council does not operate bonus schemes for any Officers.

The challenge within Tendring District Council and across Great Britain is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

*In preparation for the mandatory reporting the Council has been undertaking an analysis of gender pay data during 2017 which includes an analysis by gender across four pay quartiles. Early results indicate the following:*

Mean Difference Across Gender

*The difference between the male and female mean hourly rate is £0.50p. The female mean hourly rate is 4.37% higher than the male mean hourly rate.*

Median Difference Across Gender

*The difference between the male and female median hourly rate is £1.25. The female median hourly rate is 13.63% higher than the male median hourly rate.*

**Off- Payroll working in the public sector (IR35)**

From time to time, due to the requirement for particular specialist skills or due to peaks in workloads the Council uses agency workers or consultants, for short term assignments. With effect from 1<sup>st</sup> April 2017, HMRC has updated the requirements and regulations for off payroll workers within the public sector. From April 2017, individuals working through their own company in the public sector will no longer be responsible for deciding whether the intermediaries' legislation applies and then paying the relevant tax and NICs. This responsibility will instead move to the public sector employer.

*The Council has undertaken and reviewed the current status of workers with individual agencies and HMRC.*

**Severance Payments**

The Council has adopted policies regarding severance payments. Full details can be found in the following;

- Organisational Change and Redundancy Policy
- Flexible Retirement Policy

In the case of the Organisational Change and Redundancy Policy the authority has to ensure that the policy is workable, affordable and reasonable having regard to foreseeable costs.

The terms of severance, all policies and payments are the same for the “lowest paid employee” and the Chief Officers of the Council.

Tendring District Council needs to ensure sufficient flexibility to allow for responding to unforeseen circumstances and there may be occasions when the Council has to take a pragmatic approach to severance. Any enhanced severance agreements will not be entered into without the advice of the External Auditor and will adhere to current legislation.

*The Enterprise Bill 2015 proposed a cap of £95k on public sector exit payments, including pension strain costs alongside the recovery of exit payments within the sector. The government have decided to undertake fresh consultation on the draft regulations and implementation of both reforms could be within the first half of 2018. The further consultation in relation to the cap on exit payments, is to consider where it is appropriate to waive the cap. The consultation regarding the recovery of exit payments, is to determine which public bodies are to be included within the legislation.*

### **Other Rewards**

The Council has both financial and non-financial rewards for staff; these are to reflect the different expectations and priorities of staff.

These other rewards include the following:

- Access to the Local Government Pension Scheme for all staff
- Training Support
- Being tax efficient and at nil cost to the Council - Salary Sacrifice Schemes including Childcare Vouchers, Car Purchase Scheme (Ultra Low emission cars) and a Cycle to Work Scheme
- Health Schemes – the Council has been able to offer a number of Weight Management courses, Quit smoking clubs and Health Checks for employees in partnership with ACE and PROVIDE and at nil cost to the Council.
- Occupational health and independent counselling
- Additional career development opportunities – secondments, special projects, flexible working and recognition through awards such as the Celebration of Success and STARS Event
- Free car parking
- Flexi time scheme
- Providing discounts at local shops and cafes for employees
- Additional days annual leave granted after 5 years of continuous service with Tendring District Council

There are no rewards that only benefit Chief Officers within the Council.



## **Review of the Pay Policy Statement**

The Localism Act stipulates that the Council's Pay Policy Statement should be kept under regular review on an annual basis. This includes a publication of the salaries of the most senior employees within the organisation compared to the lowest paid employees. This includes using pay multiples.

The Policy is approved by the Human Resources Committee and presented to Full Council.

The Human Resources Committee will take responsibility for the role of the Council's Remuneration Panel. In fulfilling this role the Committee will ensure that decisions will be based on the following:

- Support the achievement of the Council's aims
- Take account of wider public sector pay policy and good practice
- Are proportionate, fair and equitable and support equal pay principles
- Take account of appropriate pay differentials
- Attract, retain and motivate Officers of the right quality and talent
- Take account of the resources required in transitioning to any revised arrangements

## **Other Policies**

The Council has a number of policies that could have a financial benefit and should be read in conjunction with this Pay Policy Statement including the following:

- Disturbance Allowances Policy
- Organisational Change and Redundancy Policy
- Market Forces Policy
- Flexible Retirement Policy
- Acting Up Policy
- Relocation Policy
- Long Service and Retirement Gifts Policy

All of the above policies apply equally to all employees of Tendring District Council.

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## COUNCIL

23 JANUARY 2018

### REPORT OF HEAD OF LEADERSHIP SUPPORT AND COMMUNITY

#### A.5 COMMUNITY GOVERNANCE REVIEWS

(Report prepared by Karen Neath)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To provide an update on Community Governance Reviews across the District.

##### **EXECUTIVE SUMMARY**

- At the meeting of Full Council on 21<sup>st</sup> November 2017 a report was considered on Community Governance Reviews and it was agreed that:-
  - a) *the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the land in the St Osyth District Council area but not in the St Osyth parish area, be agreed and that this Community Governance Review be now commenced;*
  - b) *a Community Governance Review of the number of seats on Harwich Town Council be undertaken and that terms of reference be brought back to the next Council meeting for approval;*
  - c) *no Community Governance Review be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Manningtree, Mistley, Thorrington, Weeley and Wix;*
  - d) *a Community Governance Review to merge Lawford, Manningtree and Mistley Parish Councils be undertaken only if all three parish councils ask for one; and*
  - e) *Community Governance Reviews for areas of the Tendring District not mentioned in a) to d) above be further considered by the Electoral Review Working Group following the receipt of further information and that their recommendations be brought to a future Council meeting.*
- In accordance with resolution b) above, terms of reference for a review of the number of seats on Harwich Town Council are attached at Appendix A. Draft terms of reference were considered by three members of the Electoral Review Working Group on 8<sup>th</sup> January 2018 and subsequently circulated to all Members of the Working Group for agreement.
- The timetable for both the St Osyth and Harwich Community Governance Reviews is as follows:-

Action	Date
Terms of Reference published and start of consultation	24 January 2018
End of consultation	31 March 2018 •
Consideration by Electoral Review Working Group	April 2018
Draft recommendations considered by Full Council	15 May 2018 •
Consult on draft recommendations	16 May 2018 to 15 June 2018
Consideration by Electoral Review Working Group	June 2018
Final recommendations considered by Full Council	3 July 2018
Final proposal and order publicised	September 2018
Final arrangements incorporated in Local Elections	May 2019

- Consultation will take place by way of letters to the households in the area under review and to Harwich Town and St Osyth Parish Councils and through the website and a press release.
- In relation to resolution e) above further information is being gathered and will be presented to a future meeting of the Working Group.

## RECOMMENDATION

**It is recommended that:-**

**The terms of reference attached at Appendix A, for a Community Governance Review of the number of seats on Harwich Town Council, be agreed.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Council is encouraged to periodically consider whether Community Governance Reviews are undertaken.

### FINANCE, OTHER RESOURCES AND RISK

#### Finance and other resources

Some cost would be incurred in undertaking Community Governance Review consultations but this is not expected to be significant and can be met from existing budgets. Any subsequent decisions to abolish, set up or otherwise change the arrangements for Town and Parish Councils would be likely to have financial implications but would depend on the action to be taken and cannot be quantified at this time.

#### Risk

Community Governance Reviews would need to be carefully considered and undertaken in line with statute and guidance to ensure that the outcome is the best one for local residents.

### LEGAL

The Local Government and Public Involvement in Health Act 2007 sets out the legal responsibility and arrangements for undertaking Community Governance Reviews.

### OTHER IMPLICATIONS

There are none.

### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND PAPERS FOR THE DECISION</b>
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There are no background papers.
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<b>APPENDICES</b>
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Appendix A – Terms of Reference for a Community Governance Review – Harwich
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## **TENDRING DISTRICT COUNCIL COMMUNITY GOVERNANCE REVIEW – TERMS OF REFERENCE**

Tendring District Council will be carrying out a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007. Part 4, chapter 3 sets out the requirements for Community Governance Reviews.

### **What does the Community Governance Review cover?**

This Community Governance review is in relation to the number of seats on Harwich Town Council. Harwich Town Council has requested that the number of Town Councillors increases from 16 to 17 to even out the representation across parish wards. Views are sought on the number of seats on Harwich Town Council and the number of seats per parish ward.

### **What is a Community Governance Review?**

A Community Governance Review is a legal process whereby Principal Councils (District, County or London Borough) can undertake reviews of community governance in their area. This is usually done by way of review of Town and Parish Councils and the 2007 Act allows for a Principal Council to make recommendations on one or more of the following:-

- The creating, aggregating, amalgamating, separation, grouping or abolition of town and parish councils;
- the name and style of a new town or parish council;
- the electoral arrangements of town and parish councils (e.g. number of councillors, wards, election frequency etc.)

### **Why is Tendring District Council undertaking this Review?**

The order which implements new electoral arrangements for Tendring District Council was made on 20<sup>th</sup> November 2017. The review of arrangements was undertaken by the Local Government Boundary Commission for England (LGBCE) and, as part of that, they do have powers to make recommendations about parish or town councils in respect of:-

- the numbers of councillors to be elected to the council;
- the need for parish wards;
- the number and boundaries of any parish wards;
- the number of councillors to be elected from any parish ward; and
- the name of any parish ward.

The guidance from the LGBCE says: *"Whilst making recommendations on these aspects of parish electoral arrangements, we will not normally make recommendations to change the total number of parish councillors for any particular parish. We believe that this is a matter best resolved locally. A local authority may make such changes following a Community Governance Review."*

In relation to Harwich Town Council the LGBCE did make recommendations to change the parish wards boundaries and names to make them coterminous with the district wards. The parish wards, as finally recommended by the LGBCE will therefore be:-

<b>Town Council Ward</b>	<b>Number of Town Councillors</b>
Dovercourt All Saints	6
Dovercourt Bay	2
Dovercourt Tollgate	3
Dovercourt Vines	2
Harwich and Kingsway	3
	16

As part of the review Harwich Town Council made representation that the total number of Town Councillors should be 17 with Dovercourt Bay increasing from 2 to 3. In line with their guidance above the LGBCCE have not considered this as part of their review and Tendring District Council are now conducting a Community Governance Review on this matter.

### **Consultation**

Tendring Council is required to consult with electors for the area under review and any other person or body which appears to have an interest in the review.

The Council will be writing to all households in the Harwich Town Council area. We will also be consulting with Harwich Town Council. The terms of reference of the Community Governance Review will also be made available on our website and advertised in the press so that other parties have the opportunity to express a view.

Consideration of the Terms of Reference, draft and final recommendations will be conducted at a public Council meeting.

In drawing up recommendations following consultation the Council must have regard to the need to secure that local community governance:-

- reflects the identities and interests of the community in that area; and
- is effective and convenient.

### **Timetable**

The Community Governance Review must by law be completed within 12 months of the Terms of Reference being published. The provisional timetable is:-

<b>Action</b>	<b>Date</b>
Terms of Reference considered by Full Council	23 January 2018
Terms of Reference published and start of consultation	24 January 2018
End of consultation	31 March 2018
Consideration by Electoral Review Working Group	April 2018
Draft recommendations considered by Full Council	15 May 2018
Consult on draft recommendations	16 May 2018 to 15 June 2018
Consideration by Electoral Review Working Group	June 2018
Final recommendations considered by Full Council	3 July 2018
Final proposal and order publicised	September 2018
Final arrangements incorporated in Local Elections	May 2019



## COUNCIL

23 JANUARY 2018

### REPORT OF HEAD OF GOVERNANCE AND LEGAL SERVICES

#### A.6 COMMITTEE STRUCTURE REVIEW

(Report prepared by Ian Ford)

#### PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To consider the recommendations made by the Electoral Review Working Group in relation to the ongoing implementation of a new committee structure.

EXECUTIVE SUMMARY
<p>Council, at its meeting held on 21 November 2017 (Minute 94 refers), considered a report of the Head of Governance and Legal Services (A.6) which had provided the recommendations made by the Electoral Review Working Group in respect of –</p> <p>(a) approving, in principle, the proposed new committee structure; and</p> <p>(b) adopting the proposed timetable for the implementation of the new committee structure.</p> <p>Council had <b>RESOLVED</b> that:-</p> <p>(a) <i>the proposed committee structure, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved, in principle, subject to the Audit Committee and the Standards Committee not being merged; and</i></p> <p>(b) <i>the proposed timetable for the implementation of the new committee structure, as detailed in the Executive Summary to the aforementioned report, be adopted.</i></p> <p>Three members of the Electoral Review Working Group attended an informal meeting held on 8 January 2018. Those Members gave consideration to the proposed terms of reference, size and committee names etc.</p> <p><u>The key issues considered were:-</u></p> <ol style="list-style-type: none"> <li>i. the terms of reference for the two new Overview and Scrutiny Committees;</li> <li>ii. the names of the new Overview and Scrutiny Committees (Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee were proposed by Officers);</li> <li>iii. whether to have a member of an “opposition” group as the chairman of the Resources and Services Overview and Scrutiny Committee;</li> <li>iv. the number of meetings in a year of the Resources and Services Overview and Scrutiny Committee (8 meetings a year were proposed by Officers);</li> <li>v. the size of the two Overview and Scrutiny Committees (11 members on each was proposed for 2018/19 with a review in May 2019);</li> <li>vi. how the task and finish groups would operate (it was proposed by Officers that provisional work programmes be presented to the Annual Council meeting in April 2018 with the first meeting of the new overview and scrutiny committees considering this and determining firm work programmes and the role the task and finish groups</li> </ol>

- would take);
- vii. cross-membership of the Local Plan and Planning Committees; and
  - viii. whether the Planning Committee should meet in the daytime.

Those three Members of the Working Group **AGREED** that further consideration was required for 2019 in relation to –

- (1) cross-membership of the Local Plan and Planning Committees;
- (2) whether the Planning Committee should meet in the daytime; and
- (3) training of Members, the related rights to attend certain committees of the Council and the implications for the Council's Constitution.

In addition, having considered the other key issues set out above those three members of the Working Group **AGREED** to recommend to Council that –

- a) the proposed terms of reference for the two new overview and scrutiny committees be approved;
- b) the names of the two new overview and scrutiny committees be the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee;
- c) the Chairman of the Resources and Services Overview and Scrutiny Committee be a member of a political group that is not represented on the Cabinet;
- d) eight ordinary meetings of the Resources and Services Overview and Scrutiny Committee be held in any municipal year;
- e) the size of the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee be set at eleven (11) members each for the 2018/2019 municipal year (with a review of that number of seats to be undertaken in readiness for the 2019/2020 municipal year); and
- f) provisional work programmes for the two new overview and scrutiny committees be presented to the Annual Meeting of the Council in April 2018 with the new overview and scrutiny committees, at their respective inaugural meetings, considering those provisional work programmes, as appropriate, and determining their actual work programmes and the role that task and finish groups will take to implement those work programmes.

Those recommendations were then submitted by Officers to the other members of the Working Group for their comments. Suggestions made by those Members in respect of the terms of reference for the new overview and scrutiny committees were:-

- 1. To clarify that the whole committee will need to agree the arrangements for the task and finish groups

Under the general role (6.01) 7 (ii) to add something in to express that the terms of reference of any task and finish group would be agreed by the relevant overview and scrutiny committee prior to commencement. Then under 6.02 (ii) to include: “ .....but with the Chairman able to call additional formal meetings. Meetings of task and finish groups can be called as required, following the terms of reference being agreed by the Overview and Scrutiny Committee.”

- 2. To clarify the distinction between setting policy and scrutinising policy

To amend 6.02 2. to read: “Act as a consultee on policy development and review of policies.”

If Council approve the proposed terms and reference of the overview and scrutiny committees, further work will be undertaken by the Monitoring Officer to review the Overview and Scrutiny Procedure Rules in order to ensure consistency. Should any amendments be required to those Procedure Rules, they will be reported to Full Council at its meeting on 27 March 2018.

#### **RECOMMENDATION**

**It is recommended to Council that, with effect from the Annual Meeting of the Council on 24 April 2018,:-**

- (a) the proposed terms of reference for the two new overview and scrutiny committees, as set out in the Appendix to this report, be approved; and**
- (b) the other recommendations made by the Electoral Review Working Group, as detailed in the Executive Summary above, be adopted.**

## **PART 2 – SUPPORTING INFORMATION**

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

**Appendix A** - Proposed new terms of reference for the two new overview and scrutiny committees

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## ARTICLE 6 – OVERVIEW AND SCRUTINY **FUNCTION COMMITTEES**

### 6.01 General Role:

The Council will appoint ~~two~~ **three** Overview and Scrutiny Committees, whose terms of reference are as set out below. Within its ~~functions~~ **terms of reference**, each Overview and Scrutiny Committee will:

1. Review or scrutinise ~~decisions made by the~~ Cabinet ~~decisions~~ (including delegated to Portfolio Holders and Officers) ~~made or~~ or published in the forward plan, **including performance in relation to individual decisions over a period of time**;
2. **Act as a consultee on** ~~Assist with~~ policy **development** ~~formulation~~ and review of policies; ~~and~~
3. Submit to Full Council for approval an annual overview and scrutiny work programme;
4. Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.
5. **Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee**;
6. **Deal with any** Call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers);
7. **Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.**

~~This may include~~ **In undertaking the General Role the following principles apply:**

- (i) The **focused** co-ordination of all overview and scrutiny functions on behalf of the Council **including the performance reporting on the Corporate Plan, Priorities and Projects**;
- (ii) **Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish Group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and**
- (iii) Consideration of the **Council's priorities** ~~business schedule for Cabinet~~ **and resources** when making **researched and evidenced recommendations and** referral decisions **as an outcome of the scrutiny** and prioritising those referrals in a timely manner.

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8. ~~Receiving reports from the Leader on the Cabinet's priorities for the coming year and its performance in the previous year~~

9. ~~Submitting to Full Council for approval an annual overview and scrutiny work programme;~~

~~Call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers);~~

10. ~~Appoint Overview and Scrutiny Members to attend relevant conferences, seminars and courses; and~~

## 6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

### (i) ~~Community Leadership and Partnerships~~ Overview and Scrutiny Committee

To hold scheduled quarterly meetings but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

To perform the role of Overview and Scrutiny and its functions in relation to the Council's external-facing functions including:

- ~~Community Leadership Strategy~~ developing the external focus of overview and scrutiny on 'district-wide issues' (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- ~~Community Services~~
- ~~Regeneration~~ Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:
  - ~~(e.g. Community Safety Crime and Disorder Reduction~~
  - ~~and Health and Well-being~~
  - ~~Economy, Skills and Educational Attainment~~
- ~~Community engagement, development and empowerment~~
- ~~Emergency Planning~~
- ~~Local Plan/Local Development Framework~~
- ~~Consultation~~
- ~~Emergency Planning (Civil Contingencies)~~
- ~~Partnerships~~
- ~~External Scrutiny (e.g. Crime and Disorder Reduction and Health)~~

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To also support the Council's community leadership role in respect of improving aspiration and attainment of young people in the District by:

- ~~Reviewing the key drivers that impact the educational and attainment and aspirations in Tendring; and~~
- ~~Reviewing the work undertaken by the Council to develop the skills of those that live and work in the District.~~

~~(ii) Service Development and Delivery Committee~~

~~To perform the functions in relation to the policy development and implementation of the Council's services including:~~

- ~~Direct and support services~~
- ~~Services provided by contractors~~

(ii) ~~Corporate Management Committee~~ **Resources and Services Overview & Scrutiny Committee**

To be chaired by a Member of a political group that is not represented on the Cabinet and to hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

To perform the role of Overview and Scrutiny and it's the functions in relation to the effective use of the Council's resources ~~internal-facing functions~~ including **approval of discrete researched and evidenced reviews on the effectiveness of:**

- Financial Strategy
- Budget setting **(including General Fund & Housing Revenue Account)**
- **Service Delivery and Performance** management reports
- ~~Efficiency/value for money/~~ Procurement and Contract management
- ~~Corporate Strategy~~ Contract management
- Capital Strategy and Asset Management
- ~~ICT~~ **Transformation and Digital Strategies**
- ~~Contract management and communications~~ **Customer Service and Standards**

**6.03 Proceedings of the Overview and Scrutiny Committees:**

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 5 of this Constitution.

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## ARTICLE 6 – OVERVIEW AND SCRUTINY FUNCTION

### 6.01 General Role and Functions:

The Council will appoint **two** Overview and Scrutiny Committees, whose terms of reference are as set out below. Within its **functions** each Overview and Scrutiny Committee will:

1. Review or scrutinise **decisions made by the** Cabinet (including delegated to Portfolio Holders and Officers) **or** published in the forward plan, **including performance in relation to individual decisions over a period of time;**
2. **Act as a consultee on** policy **development** and review of policies;
3. Submit to Full Council for approval an annual overview and scrutiny work programme;
4. Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.
5. **Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;**
6. **Deal with any** Call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers);
7. **Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.**

#### **In undertaking the General Role the following principles apply:**

- (i) The **focused** co-ordination of all overview and scrutiny functions on behalf of the Council **including the performance reporting on the Corporate Plan, Priorities and Projects;**
- (ii) **Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and**
- (iii) Consideration of the **Council's priorities and resources** when making **researched and evidenced recommendations and** referral decisions **as an outcome of the scrutiny and** prioritising those referrals in a timely manner.

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## 6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

### (i) Community Leadership Overview and Scrutiny Committee

To hold scheduled quarterly meetings but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

To perform the role of Overview and Scrutiny and its functions in relation to

- Community Leadership developing the external focus of overview and scrutiny on 'district-wide issues' (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:
  - Community Safety
  - Health and Well-being
  - Economy, Skills and Educational Attainment
- Community engagement, development and empowerment
- Emergency Planning

### (ii) Resources and Services Overview & Scrutiny Committee

- To be chaired by a Member of a political group that is not represented on the Cabinet and to hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.
- To perform the role of Overview and Scrutiny and it's the functions in relation to the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:
  - 
  - Financial Strategy
  - Budget setting (including General Fund & Housing Revenue Account)
  - Service Delivery and Performance
  - Procurement and Contract management
  - Transformation and Digital Strategies
  - Customer Service and Standards

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**6.03 Proceedings of the Overview and Scrutiny Committees:**

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 5 of this Constitution.

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