

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON THURSDAY, 15TH JUNE, 2017 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chair), Alexander, Amos, Bennison, Bray, J Brown, M Brown, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Ferguson, Gray, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, Hones, Honeywood, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Poonian, Porter (items 48 (part) - 50 only), Raby, Skeels (Snr), Steady, Stock, Talbot, Turner, Watson, White and Whitmore
Also Present:	None
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services), Cath Bicknell (Head of Planning), Simon Meecham (Planning and Regulation Manager), Ian Ford (Committee Services Manager), Nigel Brown (Communications and Public Relations Manager) and Katie Sullivan (Committee Services Officer)

33. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Baker, Broderick, B E Brown, Bucke, Fairley, Fowler, Heaney, Scott, M J Skeels, Stephenson, Watling MP and Winfield.

34. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 9 May 2017 be approved as a correct record and signed by the Chairman.

35. DECLARATIONS OF INTEREST

The Council's Monitoring Officer (Lisa Hastings), read out the following advice to Members:

"I believe it would be useful to provide members with guidance on declarations of interest in consideration of the Publication Draft Local Plan document, which is being considered by this Council tonight.

The decision being sought at these meetings includes recommending, endorsing and approval of a Publication Draft Local Plan and Sustainability Appraisals for public consultation and submission to the Government for Examination in Public.

The majority of Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such District

wide decisions, however, for the avoidance of doubt and Members' protection, acting as the Council's Monitoring Officer it is entirely reasonable that the criteria set out in Section 33 (a) to (e) of the Localism Act 2011 applies and for land ownership simply within the red line settlement boundaries, a dispensation is granted to all Members to debate and vote on the item.

However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas to be allocated, shown in various colours on the plans within the document, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item, although it is unlikely that I would grant a grant a dispensation in the circumstances. Failure to declare a DPI and take part in a decision is a criminal offence.

Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition of Non-Pecuniary Interests, if you were appointed or nominated to an outside body or organisation by the Council or are a member of an outside body which owns or controls land. A number of these organisations could meet the "likely to affect" test. The impact of having a Non-Pecuniary Interest on participation at meetings is set out in the Code of Conduct. The test is whether the Councillor could reasonably be regarded as having an interest so significant that it was likely to prejudice their judgement. As the decision is to approve a Publication Draft Local Plan, my advice to Councillors is that it is reasonable to conclude that this test would be met and therefore, Councillors would not be able to remain and take part in the debate and vote (after declaring the interest) without a dispensation. By making the declaration of a Non-Pecuniary Interest, for land ownership, it will be assumed that the interest does prejudice your judgement and therefore, you should not take part in the decision.

Members may have declared interests at earlier meetings in the local plan process including previous Council meetings and at the Local Plan Committee, it is important to be seen to be consistent in the approach, if Members have ceased to hold an interest they may wish to explain this. A declaration made previously cannot be assumed to be carried forward and Members must make all relevant declarations at the meetings they attend.

For openness and transparency this advice will be included within the minutes."

Councillor I J Henderson declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as he was a member of the Development and Regulation Committee at Essex County Council.

Councillor Stock declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and

- (3) he was a Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Coley and V E Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as they were Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Honeywood and Amos declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as they represented the Council on the John Gilders & Maskell Almshouses Trust.

36. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that the schedule of functions that he and the Vice-Chairman had attended could now be found online.

37. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

38. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no statements by the Leader of the Council on this occasion.

39. STATEMENTS BY MEMBERS OF THE CABINET

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

40. PETITIONS TO COUNCIL

There were none on this occasion.

41. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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.

There were no questions on this occasion.

42. 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.

One question had been submitted as set out below:

Question

From Councillor Jo Henderson to Councillor Michael Talbot, Portfolio Holder for the Environment:

“Please can I ask the Portfolio holder, with the ever increasing issue of dog fouling in Harwich and Dovercourt, will he consider having a full time Dog Warden solely for this issue in our District?”

At present the excellent wardens we have are not able to tackle this problem because they have to cover such a wide area of Council responsibilities.”

Councillor Talbot replied as follows:-

“Thank you for your question Councillor Henderson. This is a concern shared by all our residents.

We currently have two full time dog wardens who are responsible primarily for the collection and return of stray dogs with the Tendring District. Unallocated time following their primary role is spent on duties which are directly related to the dog wardens such as microchipping of dogs, dog barking noise complaint etc.. However, the majority of the remainder of their time is spent patrolling dog walking areas and other areas of high footfall such as seafronts, town centres and open spaces, the purpose of which is to act as a visible deterrent towards irresponsible dog owners along with providing a visible presence to dog walkers who may actually have enquiries or wish to pass on information to the wardens.

During the summer the working day of the two dog wardens is extended by a split shift system; with one dog warden starting at 07.45 and finishing at 16.15 whilst the other dog warden starts later at 10.30 and finishes at 19.00. The purpose of the extended day during the summer period is to be able to patrol areas at times of the morning and evening (i.e. before and after the normal working day for most people) when dog walkers are present in much larger numbers.

Whilst duties such as abandoned vehicles, cars for sale and fly tipping are the primary responsibility of the two Community Wardens, In practice whilst an officer is in a particular area of the district they will, pending their time availability, undertake other duties which may not be part of their core role. In undertaking these additional duties the council ensures that service requests from members of the public are dealt with in a timely and efficient manner whilst also ensuring that staff remain robust with their multiple and varied skill sets.

Lastly I would like to confirm to you that the two dog wardens patrol both Harwich and Dovercourt seafront areas on a regular basis and will continue with these patrols into the future.”

Councillor J Henderson then asked the following supplementary question –

“Thank you Councillor Talbot but you did not actually answer the question I asked you. The question was – will you consider having a full-time dog warden solely for the District. My supplementary question is this – what I would like you to do is undertake a review of the resources being made available to tackle this ever increasing problem across the whole of the District and do you further agree with me that if we want to present this District as a top destination for tourism we need to get the basics right? This issue is one of those basics our residents and visitors deserve to have dealt with.”

Councillor Talbot responded along the following lines –

"Thank you Councillor Henderson. What you are really after in your question is it possible to have a Warden especially allocated to Harwich and Dovercourt. The honest answer really is not so. The finances would not allow it. We are cutting back everywhere we can. We've only had a couple of dog wardens for many years now. I think that they were cut in the years of the previous administration. But certainly dog fouling is a major cause of worry and disturbance to people in the area. And it gets much worse in the summer. It is a problem everywhere. I can not make any promises to you but what I can say is you like me are a member of a Parish/Town Council. There is a little bit we can do in our area. For example, St Osyth Parish Council have put up notices all around the parish reminding people that dog fouling is an anti-social behaviour and can lead to a £50 fine. Hopefully it will make people feel ashamed if they do not pick up their dog's waste. None of that of course Councillor Henderson is a promise of an additional dog warden."

43. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

44. MINUTES OF COMMITTEES

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

(a) Corporate Management of Monday 15 May 2017; and

(b) Community Leadership and Partnerships Committee of Monday 22 May 2017.

45. MOTIONS TO COUNCIL

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

46. RECOMMENDATIONS FROM THE CABINET

There were no recommendations from the Cabinet on this occasion.

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

There were none on this occasion.

48. REFERENCE FROM LOCAL PLAN COMMITTEE - A.1 - TENDRING DISTRICT COUNCIL PUBLICATION DRAFT LOCAL PLAN

Councillor I J Henderson had earlier declared a non-pecuniary interest in respect of this item insofar as he was a member of the Development and Regulation Committee at Essex County Council.

Councillor Stock had earlier declared a non-pecuniary interest in respect of this item insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi had earlier declared a non-pecuniary interest in respect of this item insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Coley and V E Guglielmi had earlier declared non-pecuniary interests in respect of this item insofar as they were Directors of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Honeywood and Amos had declared non-pecuniary interests in respect of this item insofar as they represented the Council on the John Gilders & Maskell Almshouses Trust.

Council had before it a comprehensive report which sought its approval to endorse the content of the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals for consultation and submission to Government. The Publication Draft Local Plan was attached as Appendix A, and the Sustainability Appraisals as Appendix B to the report.

Members were aware that Tendring District Council was preparing a new Local Plan in order to guide future development in the Tendring District up to 2033 and beyond. Members recognised that having an up-to-date plan was critical for creating job opportunities, attracting investment for improved infrastructure, protecting the environment and ensuring that the new homes required met the needs of a growing population; were built in the right locations and achieved good standards of quality and design. Without an up-to-date plan it would be more difficult for the Council to secure investment and protect the District from unplanned developments.

Council was reminded that the Local Plan comprised two sections. Section 1 had been jointly prepared with Braintree District Council and Colchester Borough Council and dealt with strategic issues including the proposals for garden communities. Section 2 of the Plan related just to the District of Tendring. Some chapters in Section 2 had been considered by the Local Plan Committee on 20 April 2017. Section 1 of the Local Plan, and the remaining chapters for Section 2 had been considered by the Local Plan Committee on 12 June 2017. The Cabinet had also been consulted on the Local Plan at its meeting held on 13 June 2017.

At its meeting held on 12 June 2017 (Minute 7 referred), the Local Plan Committee had -

“RESOLVED that the Committee -

1. (a) *endorses the content of Section 1 of the Council’s Publication Draft Local Plan;*
- (b) *endorses the remaining chapters of Section 2 of the Council’s Publication Draft Local Plan, as set out in Appendix A and as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting and including a full set of the Local Maps;*

- (c) *endorses the amendments to those Chapters of Section 2 of the Council's Publication Draft Local Plan already endorsed by Members at their meeting held on 20 April 2017 and as set out in the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting;*
- 2. *endorses the Sustainability Appraisals prepared by Place Services, as attached (and summarised) in Appendix C;*
- 3. *refers Section 1 and the remaining chapters of the Tendring District Council Publication Draft Local Plan, together with its decision on 20 April 2017, as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting, to Cabinet as a complete document for consultation;*
- 4. *delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor administrative corrections and changes to the Publication Draft Local Plan; and*

RECOMMENDS TO COUNCIL that:

- 5. *the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals be approved;*
- 6. *a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;*
- 7. *following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and*
- 8. *Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound."*

At its meeting held on 13 June 2017 (Minute 28 referred), the Cabinet had –

"RESOLVED that Cabinet endorses the content of the Tendring District Council Publication Draft Local Plan (as amended by the content of the Update Sheet provided to Members of the Local Plan Committee and to Cabinet) and its Sustainability Appraisals, as attached at Appendices A and B to the Report of the Leader of the Council."

Council had before it an update sheet which informed it of alterations and/or additions in respect of the following:

Amendments to Section 1 of the Local Plan

Minor amendments to the text of "Tendring/Colchester Borders Garden Community – SP8" in Section 1 of the Local Plan to reflect the decision of Colchester Borough Council's Local Plan Committee on 12 June 2017 namely to include appropriate

references to safeguarding the green edge to Colchester with a new country park provided along the Salary Brook corridor and incorporating Churn Wood.

Amendments to Section 2 of the Local Plan

- (i) Local Maps;
- (ii) Living Places;
- (iii) Sustainable Places;
- (iv) Protected Places; and
- (v) Healthy Places.

The Leader of the Council & Chairman of the Local Plan Committee (Councillor Stock) paid tribute to the Officers and members of the Local Plan Committee past and present for their sustained hard work on the Local Plan and on the Garden Communities project.

Councillors Everett, G V Guglielmi, Parsons, Bray and I J Henderson participated in the discussion of this item.

Having considered all of the information provided, it was moved by Councillor Stock and seconded by Councillor I J Henderson and:

RESOLVED that Council approves:

1. the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals (subject to the content of the Update Note provided to Members and tabled at the meeting);
2. that a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;
3. that following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and
4. that Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound.

49. REPORT OF THE CHIEF EXECUTIVE - A.2 - FORMATION OF A NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL, CHANGE OF MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF MEMBERSHIP OF COMMITTEES

Council had before it a report of the Chief Executive which informed Council of the formation of a new political group on Tendring District Council; changes of membership of other political groups and also enabled Council to consider the outcome of a review of the membership of Committees conducted in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations.

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeffrey

Bray and Richard Everett on 10 May 2017, had each served formal notice on the Council that they no longer wished to be treated as a member of the UKIP political group.

The Chief Executive further formally reported that, also on 10 May 2017, Councillor Bray and Councillor Everett, pursuant to Regulation 8 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 political group. The name of the political group was the Independent Alliance Group. The Leader of the Independent Alliance Group was Councillor Bray and Councillor Everett was the deputy Group Leader.

The Chief Executive further formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Anne Davis on 12 May 2017, had served formal notice on the Council that she no longer wished to be treated as a member of the UKIP political group.

The Chief Executive further formally reported that, also on 12 May 2017, Councillor Davis, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that she wished to be treated as a member of the Independent Alliance group.

The Chief Executive further formally reported that, on 15 May 2017, Councillor Laurie Gray, 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 Independent Alliance group.

The Chief Executive further formally reported that, on 15 May 2017, Councillor John Brown, 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 UKIP group.

The Chief Executive further formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Jack Parsons on 23 May 2017, had served formal notice on the Council that he no longer wished to be treated as a member of the Labour political group.

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

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

RESOLVED that -

- (a) the Schedule of Appointments to Committees (which has been agreed by Group Leaders), as attached as an Appendix to item A.2 of the Report of the Chief Executive, be approved with immediate effect, subject to Councillor J A Brown being appointed to the Standards Committee in place of Councillor Whitmore; and

- (b) Councillor J A Brown be appointed to replace Councillor Bray as the named substitute on the Human Resources Sub-Committee Panel.

50. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 8.22 pm

Chairman