

Public Document Pack

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 11 September 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 - 16)

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 3 July 2018.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal 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 (Pages 17 - 20)

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not disposed of at the end of this time shall be the subject of a written response, copied to all Members unless withdrawn by the questioner.

Four questions have been received, on notice, from Members.

12 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

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).

There is no such report on this occasion.

13 Minutes of Committees (Pages 21 - 46)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services of Monday 2 July 2018;
- (b) Standards of Monday 23 July 2018;
- (c) Audit of Thursday 26 July 2018; and
- (d) Resources and Services of Monday 30 July 2018.

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 Motion to Council - "Free Swimming Lessons for Children" (Pages 47 - 48)

The Council will consider a motion, notice of which has been given by Councillor Pemberton, in accordance with Council Procedure Rule 12.

15 Motion to Council - "Proposed Planning Condition re: Dust Suppression at Development Sites" (Pages 49 - 50)

The Council will consider a motion, notice of which has been given by Councillor Bray, in accordance with Council Procedure Rule 12.

16 Recommendations from the Cabinet

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

There are none on this occasion.

17 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.

18 Report of the Chief Executive - A.1 - Change of Name of a Political Group on Tendring District Council (Pages 51 - 52)

The Council is asked to note the change of name of a political group on Tendring District Council.

19 Report of the Chief Executive - A.2 - Change in Membership of Political Groups and a Review of Membership of Committees (Pages 53 - 58)

To inform Council of recent changes in the membership of the UKIP political group and the consequent dissolution of the Non-Aligned political group.

To also enable Council to consider and formally approve the outcome of a review of the allocation of seats to political groups which has been carried out 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. The outcome of that review has been agreed by Group Leaders.

20 Report of the Head of Leadership Support and Community - A.3 - Flag Flying Protocol (Pages 59 - 64)

To seek Council's approval and adoption of a protocol to govern the flying of flags at Clacton Town Hall.

21 Report of the Monitoring Officer - A.4 - Proposed Revision of Annex E of the Standards Complaints Investigation Procedure (Pages 65 - 68)

To enable Council to consider and formally approve a proposed revision of Annex E of the Standards Complaints Investigation Procedure, as requested by the Standards Committee at its meeting held on 23 July 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, 27 November 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.

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Agenda Item 1

TENDRING DISTRICT COUNCIL

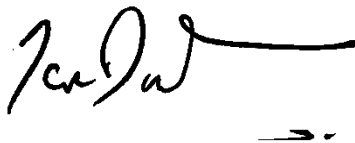
Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

3 September 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 11 September 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 COUNCIL,
HELD ON TUESDAY, 3RD JULY, 2018 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chair), Alexander, Amos, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Gray, Griffiths, C Guglielmi, V Guglielmi, Heaney, I Henderson, J Henderson, Hones, P Honeywood, S Honeywood, Khan, Land, Massey, McWilliams, Newton, Nicholls, Pemberton, Poonian, Raby, Skeels Jnr, Skeels (Snr), Stephenson, Talbot, Turner, Watson, White, Whitmore and Winfield
In Attendance:	Martyn Knappett (Deputy Chief Executive (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services), Ian Ford (Committee Services Manager) and William Lodge (Communications Manager)

32. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Baker, Bennison, Bush, King, Miles, Scott, Steady and Stock OBE.

Apologies for absence were also submitted on behalf of the Chief Executive (Ian Davidson) who was attending the Local Government Association's Annual Conference with the Leader of the Council (Councillor Stock OBE).

33. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council, held on Tuesday 15 May 2018 be approved as a correct record and signed by the Chairman.

34. DECLARATIONS OF INTEREST

Councillor I J Henderson on behalf of himself and Councillors J Henderson, Calver and Fowler declared an interest in Agenda Item 21 – Report of the Head of Leadership Support and Community – A.2 – Community Governance Reviews.

35. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

National Democracy Week

The Chairman reminded Council that this week was National Democracy Week which the Council was marking in a number of ways. The previous day an "Equaliteas" party marking the 100th Anniversary of Women's Suffrage had been attended by approximately 50 members of staff. The event had been organised by two of the Council's Career Track Apprentices who had interviewed Councillor Tanya Ferguson about what had made her decide to become a Councillor.

In addition, those attending had been able to see original copies of Suffragette Newspapers and a range of other documents. Attendees had also taken part in an informal poll on the question of whether to lower the voting age to 16. A majority had voted to keep the voting age at 18. Also attendees were encouraged to register online to vote if they were not already a registered voter.

The Chairman further informed Members that the Council's Communications Manager (Will Lodge) would be taking a photograph of the Council's proceedings whilst holding the National Democracy Week sign and that photograph would be posted on social media whilst the meeting was going on.

Armed Forces Day Coffee Morning

The Chairman thanked all those Members, Officers and members of the public who had attended and participated in the Armed Forces Day Coffee Morning. He also thanked the Council's Armed Forces Champion (Councillor Amos) for his role in proceedings.

36. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

37. STATEMENTS BY THE LEADER OF THE COUNCIL

Constitution Review Portfolio Holder's Working Party

The Deputy Leader of the Council (Councillor G V Guglielmi) informed Council that he intended to constitute a Portfolio Holder Working Party to carry out a light touch review of the Council's Constitution. The membership of the Working Party would reflect the broad political balance of the Council and he would be in contact with Group Leaders shortly to seek their suggestions as to which Members would serve.

Annual Canvass for Electoral Register

Councillor G V Guglielmi also reminded Members that the annual canvass of households in the District for the purposes of maintaining the Register of Electors would be commencing in early August.

38. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

39. PETITIONS TO COUNCIL

There were none on this occasion.

40. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No questions had been received, on notice, from members of the public on this occasion.

41. 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.

Three questions had been submitted as set out below:

Question One

From Councillor Pemberton to Councillor Talbot, Portfolio Holder for the Environment:

“Brook Farm Retail Park

Is there anything this Council can do to encourage the retail shops to clean the car parks around this area as this is becoming a bit of a mess lately?

Is there any way these businesses could sponsor someone to do this?”

Councillor Talbot replied as follows:-

“The stores within Brook Retail Park are all committed to being responsible partners within the community and as such the Council is currently working closely with Tesco to ensure that the land for which they are responsible for is maintained to a satisfactory level of cleanliness. Tesco have their own cleaning contractors and have also in the past undertaken community clean up events involving their staff and volunteers to litter pick around the vicinity of then retail park to promote their community values.

KFC also undertake litter picking in the immediate vicinity of the store and have also installed extra litter bins within the car park near to their store. Additionally they are also active partners in the county wide Cleaner Essex Group litter picking initiative which involved all the Councils in Essex; Keep Britain Tidy along with McDonald’s, KFC, Domino’s and other food-on-the-go outlets in promoting the responsible and other appropriate disposal of litter.

Litter accumulations within the car park areas of Brook Retail Park remains to be on the agenda of the retail outlets with the night time economy connected with this area responsible for litter in the car park areas.”

Councillor Pemberton then asked the following supplementary question:-

“I’m not sure if you are aware that this Council actually pays for four hours a week to litter pick so I was wondering if we could actually get a few more hours on there as currently you are only giving two hours on a Monday and two on a Friday?”

Councillor Talbot then replied as follows:-

“All I can say Councillor Pemberton is that the matter is under constant review. As you can see the Officer is in the midst of meetings on this sort of thing. The car park area you identify is a very bad area and does want some attention but the matter is being dealt with on a current basis. That’s all I can say at the moment.”

Question Two

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

“The closure of the toilets in the High Street in Clacton Town Centre has been the subject of a number of enquiries. The facility was used by a number of older residents using shops in the High Street, and concerns have been raised, that some of our retired community no longer enjoy good health or mobility, and struggle to get to the toilets in Rosemary Road. The High Street car park is often the first stop for those visiting the town and it would make sense to have a toilet in a car park that visitors can use.

Could the Portfolio Holder tell us what action he intends to take to address the concerns of some of our older residents, and if it is his intention to reinstate or reopen a much needed toilet at this location?”

Councillor Skeels replied as follows:-

“I would like to thank Councillor Griffiths for his question. I have to say that I am a little puzzled by his question as the decision was taken in June 2017 to close these toilets and this was clearly set out within the Cabinet report and within the plans for the management of our public conveniences.

The High Street toilets have been the target of anti-social behaviour for many years and given the strategy to refurbish the Rosemary Road toilets so as to provide a better offer the decision to close these toilets was long overdue. I am not sure how many older people would actually want to use the High Street toilets given the disgusting state that may users left the facilities in despite the best efforts of our dedicated cleaning staff.

As Councillor Griffiths will no doubt be aware a number of toilets will be closed as part of the Council’s strategy to free up budget from the more expensive ones to operate, due in part to vandalism and anti-social behaviour and use the savings to improve the remaining toilets.

As has often been commented on in Council, this Council still has over 30 publicly funded and operated public conveniences, a far higher total than many if not most of the other Councils in the UK.”

Councillor Griffiths then asked the following supplementary question:-

“Given that this Council is supposed to be encouraging tourism and community cohesion this does seem rather sad. Whilst I acknowledge that there are other toilets in the District there is only one actually in Clacton and would the Portfolio Holder not agree that to shut one of the two toilets and reduce toilet capacity by 50% in the main seaside town in Tendring is not only short-sighted but has scant regard for our older community?”

Councillor Skeels then replied as follows:-

“Councillor Griffiths you know that there are plenty more toilets along the seafront. Obviously we want to encourage tourism but we don’t want them to walk into a place

where you would think that a lot of the users had never been trained to use a toilet. Absolutely disgusting some of them. We are out to improve what we have got."

Question Three

From Councillor Talbot to Councillor Nicholls, Portfolio Holder for Corporate Enforcement:

"With reference to the question I asked you on the 15th May to which you gave me a complete answer to the points I raised, I now wish to ask the following:

The Planning Enforcement Notices served on the freehold properties in Point Clear Bay refer to a breach of the planning permission granted to them in the late 1950's, with the deaths suffered in the East Coast Floods of 1953, still very fresh in planners' minds.

The occupation restriction prevented residence in properties for the period between 31st of October and 1st March in the following year, when flooding was thought most likely.

The current Enforcement Notices state, inter alia, that the service of these notices is to protect the owners from the risk of flooding during the above period of time.

In the late 1980's Tendring District Council were prepared, on payment of a planning fee by the applicant, to vary the occupation conditions to allow occupation during the restricted period from midday on Friday to midday on the following Monday and in addition legal occupation for a continuous period of ten days to include Christmas Day and New Year's Day in any year. This to me seems inconsistent with the original restriction and prompts the questions:-

➤ *Are you satisfied with the continued service of enforcement notices to selected homes in the Bay area knowing that:-*

**One home can have the original 50 year old condition forbidding occupation from 31st October to the following 1st March.*

**Their neighbour next door in identical property can have totally unrestricted occupation granted by means of a legal determination endorsed by this Council.*

**Next door whilst they may still have restrictions, they have in addition to the original condition, permission to occupy their property at specific times during the winter season (as set out above)*

**Their next door Chalet may have a 'Personal Permission' granted to the owner by an Inspector, to occupy without restriction 365 days per year, but this personal permission ceases when the owner leaves the property as it does not alter the extant planning permission?*

I think this situation is grossly unfair to those with restricted occupation where they suffer the same 'Flood Risk' as those next door who have not been served with Enforcement Notices. There are rumours that the Planning Inspectorate is to call for a Public Inquiry and so therefore:

- *Can the Portfolio Holder inform us of any date set for this Inquiry and will individual residents be advised by the Inspectorate in due course?"*

Councillor Nicholls replied as follows:

"Thank you for your question Councillor Talbot. This is a complex issue and as you rightly highlight there is a long planning history. My response therefore is quite lengthy but I wish to provide you with as full a response as possible.

Planning enforcement action as to breaches of conditions at Point Clear to prevent the permanent residential occupation of chalets all year round was taken as far back as 1963 by the then Tendring Rural District Council.

There has been a consistent pattern of enforcement re these conditions since 1963. Members of the Planning Committee endorsed further enforcement action against those breaching winter occupancy planning conditions on 2 February 2016 and following service of enforcement notices the question of whether conditions are upheld or modified is now for the Planning Inspectorate to decide via the appeals process.

Planning applications seeking to permanently remove the conditions preventing all year round occupation of chalets were made by some residents of the chalets to this Council in the period 1986 -1989 but these applications were refused.

As a consequence many residents appealed those decisions and a series of planning and enforcement notice appeals were heard at a Public Inquiry in 1990. On 3 July 1990 the Inspector released his decision letter.

The conditions preventing all year round occupation were generally supported but the Inspector allowed many of the chalets appealing to extend their period of use to include winter weekends and also a 10 day holiday starting on Christmas Day.

In other limited cases he allowed personal planning permissions so that named residents could stay in their chalet all year round on the grounds of personal hardship but in some cases these residents had to revert to a pattern of leaving the chalet during the winter period once a given period of 1-2 years was up. Where a resident granted a planning permission on terms of personal hardship died or moved away the Inspector required the chalet to revert to having restrictions on winter occupation.

Another group of residents making appeals were able to prove to the Inspector's satisfaction that all year round occupation had taken place for more than 10 years in breach of the winter occupation restrictions. As a result the Inspector considered that the condition preventing winter occupation could no longer be enforced and removed it whilst quashing enforcement notices.

The appeal was heard before current national and local planning policies were adopted and subsequent recent appeal decisions in the estate have refused to lift or modify the restrictions on winter occupation.

In 2018 many of the chalets are still subject to their original restrictions as they were not involved in the appeals in 1990. A second group still have winter occupation restrictions but are allowed to use the chalet during winter weekends or for a 10 day holiday starting at Christmas as a result of the 1990 decision. These two groups are in the majority.

Those granted personal planning permission on the grounds of hardship have mostly died or moved away and only 2 residents remain with a personal planning permission. They are not facing enforcement action.

Where the Council is taking enforcement action this is against residents who are either in breach of the original restrictions preventing winter occupation or else the modified restrictions imposed at appeal in 1990. Residents will not be subject to enforcement action if there are no restrictions on their chalet or if they are complying with the conditions preventing winter occupation.

As a result of the service of around 78 enforcement notices there are now at least 51 appeals being dealt with by the Planning Inspectorate. It is intended to hear these jointly at a combined Public Inquiry. All the appeals are likely to be heard in Autumn 2018 but as yet no date has been set by the Planning Inspectorate.

The Council will write to interested parties once the appeals formally start and will also erect site notices giving details of the Inquiry and its date closer to the Inquiry opening. It is likely to last several days. A notice of the Inquiry will also appear in a local newspaper.

I would like to finish by reiterating that the Council wishes to move to a position of certainty for all residents involved. Following the Planning Appeal the Council will review its position. Should any future action be required then this would be taken within a reasonable timescale and the Council is committed to supporting residents through any change.

I fully recognise that this is sensitive and challenging matter for residents but trust that you recognise that the Council is seeking to achieve a resolution which will provide certainty for the future."

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

There was no such report on this occasion.

43. MINUTES OF COMMITTEES

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

- (a) Resources and Services of Monday 21 May 2018; and
- (b) Community Leadership of Monday 4 June 2018.

There was a Recommendation to Council contained within Minute 4 of the minutes of the meeting of the Community Leadership Overview and Scrutiny Committee held on 4 June 2018. This recommendation was taken in conjunction with Agenda Item 16, as recorded under Minute 46 below.

Councillor I J Henderson thanked the Chairman of the Resources and Services Overview and Scrutiny Committee, Councillor Stephenson, for his response to the comments he had made at the last full Council meeting in regard to the new waste

contract. With reference to Councillor Stephenson's suggestion that he should look elsewhere if he felt that the procurement process was flawed, Councillor Henderson now asked Councillor Stephenson if his Committee would look at not the actual extension of the waste contract but whether the Council's current procurement process had the capability to actually carry out a procurement on this scale and importance.

Councillor Stephenson thanked Councillor Henderson for his question and informed him that due to the extensive programme of work that the Resources and Services Overview and Scrutiny Committee already had to carry out he could do no more than again suggest to Councillor Henderson that he approach the Audit Committee with his request.

44. MOTIONS TO COUNCIL

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

45. MOTION TO COUNCIL - RENEWAL AND DUALLING OF THE A120 BETWEEN HARWICH AND HORSLEY CROSS

Council further considered the following motion, which had been moved by Councillor I J Henderson and seconded by Councillor Calver at the meeting of the Council held on 15 May 2018 (Minute 25 referred) and which had stood referred to the Cabinet for consideration and report:

"Following confirmation in writing from Martin Fellows, Regional Director Operations East Highways England, that the Wix By-pass is approaching the end of its anticipated life and that the long term aim is to renew this section of road, Tendring District Council writes to Essex County Council to advise ECC that it fully supports calls for the renewal and dualling of the A120 between Harwich and Horsley Cross and requests that ECC engages in the process of securing the necessary Government funding through the second Roads Investment Strategy Period 2020/25."

Council was aware that Cabinet, at its meeting held on 15 June 2018 (Minute 17 referred) had considered Councillor Henderson's motion. The relevant Cabinet Minute containing the Cabinet's recommendation to Council was contained within the Council Book.

Councillor G V Guglielmi formally moved, on behalf of the Cabinet, that Councillor Henderson's motion be amended to read as follows:-

"(1) This Council recognises:

- The national and international significance of the A120 strategic highway.*
- That the A120 connects Stansted Airport to the international ports at Harwich and is a key economic corridor essential to the economic success and vitality of much of the East of England.*
- That the A120 is one of the country's only East-West highways.*
- That the A120 from Braintree to Marks Tey is wholly inadequate and should be upgraded to dual carriageway as soon as possible.*
- That the A120 from Hare Green to Harwich is wholly inadequate and should be upgraded to dual carriageway as soon as possible.*

(2) *This Council notes and welcomes Essex County Council's support for the dualling of the A120 from Braintree to Marks Tey, but this Council –*

- *Questions why no route option was even considered that would run north of the existing route.*
- *Questions the logic of favouring a new route which connects to the A12 so far south, actually closer to Chelmsford than to Colchester, as such an option will lead to far more traffic on the A12 which is already beyond capacity and will lengthen considerably journey times on the A120.*

(3) *This Council welcomes and supports the announcement by Highways England Regional Director – Eastern Region, Martin Fellows that the A120 between Harwich and Horsley Cross is at last being proposed for upgrade and dualling and this Council will actively seek support as a matter of urgency from –*

- *Our Members of Parliament;*
- *Essex County Council, including those Members elected to represent Tendring;*
and
- *All key stakeholders in both the public and the private sector –*

to help make the case that the upgrade, renewal and dualling of the A120 between Harwich and Hare Green is vital not just to the economic prosperity and well-being of the District of Tendring but that it will also positively impact a much wider area.

(4) *This Council specifically requests that Essex County Council ensures that the necessary Government funding is secured through the RIS2 (Road Investment Strategy 2) 2020/25 and the A120 is made fit for purpose and upgraded to dual-carriageway status as soon as possible."*

Pursuant to the provisions of Council Procedure Rule 16.5(b), Councillor I J Henderson gave notice that he would be moving a further amendment at a later stage in the proceedings. The wording of that amendment had been agreed by himself and the Leader of the Council (Councillor Stock OBE) in accordance with the following resolution of the Cabinet made at its meeting held on 15 June 2018 namely:-

"That the Leader of the Council works with Councillor I J Henderson to review the final wording of the proposed amended motion, prior to the full Council meeting on 3 July 2018, in order to make it as effective as possible."

The wording of that further amendment had been tabled prior to the commencement of the meeting.

Councillor G V Guglielmi's amendment, on being put to the vote, was declared **CARRIED** and became the substantive motion.

Councillor I J Henderson moved and Councillor Calver seconded that the substantive motion be amended to read as follows [amended wording highlighted in bold]:-

"(1) This Council recognises:

- *The national and international significance of the A120 strategic highway.*

- *That the A120 connects Stansted Airport to the international ports at Harwich and is a key economic corridor essential to the economic success and vitality of much of the East of England.*
- *That the A120 is one of the country's only East-West highways.*
- *That the A120 from Braintree to Marks Tey is wholly inadequate and should be upgraded to dual carriageway as soon as possible.*
- *That the A120 from Hare Green to Harwich is wholly inadequate and should be upgraded to dual carriageway as a matter of urgency.*

(2) This Council notes and welcomes Essex County Council's support for the dualling of the A120 from Braintree to Marks Tey, but this Council –

- *Questions why no route option was even considered that would run north of the existing route.*
- *Questions the logic of favouring a new route which connects to the A12 so far south, actually closer to Chelmsford than to Colchester, as such an option will lead to far more traffic on the A12 which is already beyond capacity and will lengthen considerably journey times on the A120.*

(3) This Council welcomes and supports the announcement by Highways England Regional Director – Eastern Region, Martin Fellows that the A120 between Harwich and Horsley Cross is at last being proposed for upgrade and dualling and this Council will actively seek support as a matter of urgency from –

- *Our Members of Parliament;*
- *Essex County Council, including those Members elected to represent Tendring; and*
- *All key stakeholders in both the public and the private sector – to help make the case that the upgrade, renewal and dualling of the A120 between Harwich and Hare Green is vital not just to the economic prosperity and well-being of the District of Tendring but that it will also positively impact a much wider area.*

(4) This Council specifically requests that Essex County Council ensures that the necessary Government funding is secured through the RIS2 (Road Investment Strategy 2) 2020/25 and the A120 is made fit for purpose and upgraded to dual-carriageway status as soon as possible."

Councillor I J Henderson's amendment, on being put to the vote, was declared **CARRIED**.

The amendment, on being put to the vote as a substantive motion was declared **CARRIED**.

46. MOTION TO COUNCIL - ADDITIONAL FLAG RAISING DAYS AT THE TOWN HALL

Council further considered the following motion, which had been moved by Councillor Pemberton and seconded by Councillor Porter at the meeting of the Council held on 15 May 2018 (Minute 26 referred) and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George's Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day."

Council was aware that the Community Leadership Overview and Scrutiny Committee, at its meeting held on 4 June 2018 (Minute 4 referred) had considered Councillor Pemberton's motion. The relevant Minute containing that Committee's recommendation to Council was contained within the Council Book.

The Chairman of the Community Leadership Overview and Scrutiny Committee, Councillor Land formally moved, on behalf of that Committee, that Councillor Pemberton's motion be amended to read as follows:-

That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George's Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day subject to a protocol being prepared by officers and agreed by Council and that the protocol includes the ability to fly more than one flag on any one day."

Councillor Land's amendment, on being put to the vote, was declared **CARRIED**.

The amendment, on being put to the vote as a substantive motion was declared **CARRIED**.

47. MOTION TO COUNCIL - FORMER PUBLIC CONVENIENCES AT IPSWICH ROAD, HOLLAND-ON-SEA

Council further considered the following motion, which had been moved by Councillor Winfield and seconded by Councillor Broderick at the meeting of the Council held on 15 May 2018 (Minute 27 referred) and which had stood referred to the Cabinet for consideration and report:

"That this Council hereby requests the Executive to rescind the previous decisions taken by the Cabinet and the Finance and Corporate Services Portfolio Holder to close and lease out the public conveniences at Ipswich Road, Holland-on-Sea and instruct the Corporate Director (Operational Services) to restore and re-open for public use the aforesaid public conveniences."

Council was aware that Cabinet, at its meeting held on 15 June 2018 (Minute 18 referred) had considered Councillor Winfield's motion. The relevant Cabinet Minute containing the Cabinet's recommendation to Council was contained within the Council Book.

Councillor Winfield explained his motion to the Council.

Pursuant to the provisions of Council Procedure Rule 16.12, Councillor Winfield clarified, in order to avoid any confusion that may have arisen at the Cabinet meeting on 15 June 2018 that he did not have a disclosable pecuniary interest in this matter.

Councillor Broderick asked that, in accordance with the provisions of Council Procedure Rule 19.4, a record of the vote on Councillor Winfield's motion be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Broderick	Alexander	Bray	Baker
J A Brown	Amos	Chapman	Bennison
Bucke	B E Brown	Heaney	Bush
Calver	M Brown	P B Honeywood	King
Cawthron	Callender	Raby	Miles
Davis	Chittock	M J Skeels	Porter
Fowler	Coley	M J D Skeels	Scott
Gray	Cossens	Watson	Steady
Griffiths	Everett	White	Stock OBE
I J Henderson	Fairley	Yallop	Watling MP
J Henderson	Ferguson		
Hones	G V Guglielmi		
Khan	V E Guglielmi		
Newton	S A Honeywood		
Pemberton	Land		
Stephenson	Massey		
Whitmore	McWilliams		
Winfield	Nicholls		
	Platt		
	Poonian		
	Talbot		
	Turner		

Councillor Winfield's motion was thereupon declared **LOST**.

48. RECOMMENDATIONS FROM THE CABINET

There were none on this occasion.

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

There were none on this occasion.

50. REPORT OF THE CHIEF EXECUTIVE - A.1 - CHANGE OF NAME OF A POLITICAL GROUP ON TENDRING DISTRICT COUNCIL

The Chief Executive formally reported that, pursuant to Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Robert Bucke and Gary Scott had, on 15 May 2018, served formal notice on the Council that they wished to change the name of the Tendring First / Liberal Democrats Group to instead be the Liberal Democrats / Tendring First Group

In addition, pursuant to the aforementioned Regulation, Councillors Bucke and Scott had served notice that the Leader of the Liberal Democrats / Tendring First Group was to be Councillor Bucke and the Deputy Leader was to be Councillor Scott.

Council noted the foregoing.

51. **REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY - A.2 - COMMUNITY GOVERNANCE REVIEWS**

Councillors I J Henderson, J Henderson, Calver and Fowler had earlier declared an interest in this item.

Council recalled that, at its meeting held on 15 May 2018 (Minute 30 referred), it had considered a report of the Head of Leadership Support and Community and it had been agreed that –

(a) *in relation to the two Community Governance Reviews for which public consultation has been undertaken:-*

- i. the number of Harwich Town Councillors will remain at 16 with the existing parish ward distribution; and*
- ii. a boundary change be implemented in order to make the St Osyth Parish and District boundaries coterminous.*

(b) *draft recommendations as set out in (a) be made available for public comment inline with the previously agreed timetable; and*

(c) *no Community Governance Reviews be taken forward at this time for the following Parish Councils: Alresford, Ardleigh, Beaumont-cum-Moze, Elmstead, Frating, Great Bentley, Great Oakley, Lawford, Little Bentley, Little Bromley, Little Clacton, Little Oakley, Ramsey and Parkeston, Tendring, Thorpe-le-Soken.*

It was reported that those draft recommendations had been advertised in the local press and on the Council's website and that no comments had been received on those draft recommendations other than confirmation from St Osyth Parish Council of their original comments.

In addition, the members of the Electoral Review Working Group had been advised by email that no additional comments had been received and that the draft recommendations would now be put forward to Council as the final recommendations.

Council was advised that a delegation was sought from it in order to allow the Head of Legal and Governance Services to take the steps to implement the recommendations. No further action would be required in relation to Harwich as the recommendation was to leave the number of councillors and wards unchanged. However, a reorganisation order would be required to effect the recommendation in relation to St Osyth. A model order and the procedure to be followed was set out in the Guidance on Community Governance Reviews issued jointly by the former Department for Communities and Local Government and the Local Government Boundary Commission for England. The reorganisation order would need to be made available at the Council's offices together with a map showing the effect of the boundary change. Certain organisations (the Ministry for Housing, Communities and Local Government, the Local Government Boundary Commission for England, the Office of National Statistics, the Director General of the Ordnance Survey, Essex County Council and the Council's external auditors) would need to be informed when the order had been made. The reasons for the Council's decisions would also need to be published.

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED that -

- a) the final recommendations, in relation to the two Community Governance Reviews for which public consultation has been undertaken, are:-
 - i. the number of Harwich Town Councillors remains at 16 with the existing parish ward distribution; and
 - ii. a boundary change should be implemented in order to make the St Osyth Parish and District boundaries coterminous.
- b) the Head of Legal and Governance Services be authorised to implement a) above, in accordance with the Guidance on Community Governance Reviews issued jointly by the former Department for Communities and Local Government and the Local Government Boundary Commission for England, including:-
 - i. drawing up, publicising and disseminating the necessary reorganisation order to implement a)ii);
 - ii. the publication of a map showing the effect of the reorganisation order for a)ii); and
 - iii. the publication of the reasons for the decisions taken in a).

52. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 8.43 pm

Chairman

Questions pursuant to Council Procedure 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Andy Pemberton to Councillor Michael Talbot, Portfolio Holder for the Environment:

“Beach Litter

What is going on with this beach contract?

We are starting to look very silly, and this is doing nothing to enhance the image of our town. I look forward to your comments on this.”

Question Two

From Councillor Ivan Henderson to Councillor Neil Stock OBE, Leader of the Council:

“I am sure that every member of this Council is angry and disgusted at the knowledge that modern slavery exists and is a growing issue within society. To this end, will the Leader of the Council arrange for Tendring District Council to sign up to the Co-operative Party’s Charter on Modern Slavery which confirms that signatories will:

Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply’s (CIPS) online course on Ethical Procurement and Supply.

Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.

Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.

Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.

Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.

Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.

Review its contractual spending regularly to identify any potential issues with modern slavery.

Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.

Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.

Report publicly on the implementation of this policy annually."

Question Three

From Councillor Laurie Gray to Councillor Paul Honeywood, Portfolio Holder for Housing:

"Taking into consideration the new Government green paper on social housing, together with the Armed Forces Covenant, I would like to seek assurances on the level of support and advice council staff, in particular, within housing services, are providing ex-service personnel.

I have been approached by retired members of our armed services who are suffering either mental or physical injuries or an accumulation of both.

According to the Home Office Covenant, Government and local authorities have a legal obligation to assist ex-service personnel with friendly advice and maximum assistance in enabling them to secure safe and affordable housing.

Taking these facts into consideration, I respectfully request that an officer be assigned as a specialist in this field, giving the ex-service personnel a genuine contact. Thus providing them with a friendly face that they feel they can trust, especially given the fact that a lot of these people may be suffering from invisible injuries such as P.T.S.D.

Due to the increasing number of homeless ex-service personnel, I think this would be a very welcome and humane move on the part of this Council, perhaps leading the way for other Councils to follow.

What assurances can you give me in response to my request?"

Question Four

From Councillor Mark Stephenson to Councillor Neil Stock OBE, Leader of the Council:

"Could the Leader of the Council please give an update on the following carried motions concerned with Road Safety in Tendring?"

I only ask as I have seen little to no action by Essex County Council or by Highways England despite this Council's formal requests for action on either area described in the motions.

For reference, I have included the wording of the motions as agreed by Council.

5th April 2016 - Urgent Matters for Debate - Motion submitted by Councillor Mike Brown on the grounds of the recent fatalities on the A133 and ensuring the safety of the travelling public.

“That this Council –

- Is appalled that another serious accident has occurred on the A133 on the Weeley and Little Clacton by-pass last week leading to another fatality. In the last ten months there have been a total of 5 fatalities;*
- Demands that the Highways Authority take urgent action to investigate the causes of these accidents and implement all, and any, safety measures as soon as practicable.; and*
- Calls on the County Council and local Members of Parliament to support this motion and to do everything possible to ensure that the A133 Weeley and Little Clacton by-pass is made safe for all road users.”*

9th May 2017 - Motions to Council - Presented by Councillor Zoe Fairley - Proposed Road Safety Measures at Brickmans Bridge on the B1352

A. “This Council calls upon Essex Police Serious Collision Unit to prioritise and disclose the causation report into all the serious injury and fatal collisions at Brickman’s Bridge, on the B1352 between Mistley and Bradfield.

B. Furthermore, this Council calls upon Essex County Council to provide all necessary structural amendments to the bridge, together with supportive traffic calming measures, advance warning signs and speed limit reductions, which will take full cognisance of the Essex Police report and provide improved safety conditions for motorists, passengers and all other road users.

C. This Council implores Essex County Council to introduce these changes and improved safety measures without delay and at the earliest possible opportunity.

D. This Council nominates its own representative to work with Essex County Council in order to bring about these improvements to the highest standards.””

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 2ND JULY, 2018 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Stephenson (Chairman), Alexander (Vice-Chairman), Amos, Baker, Broderick, M Brown, Chapman, Everett, Pemberton, Scott and Turner
Also Present:	Councillor Talbot
In Attendance:	Martyn Knappett (Deputy Chief Executive (Corporate Services)), Anastasia Simpson (Head of People, Performance and Projects), Richard Barrett (Head of Finance, Revenues and Benefits Services)(except items 13 - 15), Andy White (Head of Property Services)(except 14 - 15), Ian Ford (Committee Services Manager) and Jonathan Hamlet (Street Scene Officer)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Miles (with Councillor Turner substituting) and Steady (with Councillor Chapman substituting).

9. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on 21 May 2018 were approved as a correct record and signed by the Chairman.

10. DECLARATIONS OF INTEREST

Councillor Baker declared an interest in respect of the "Future of the Honeycroft and Spendells Sheltered Housing Sites" as detailed in Agenda Item 8 – Scrutiny of Proposed Decisions insofar as a friend of his was a resident at Honeycroft.

Councillor Pemberton declared an interest in respect of Agenda Item 7 – Review of Environmental Issues in that he hoped to start up a recycling related business in the future.

Councillors Alexander, Baker, M Brown and Everett each declared an interest in respect of Barnes House as reported under Agenda Item 6 – Transformation Update insofar as they were members of the Planning Committee and had recently determined a planning application for structural alterations to Barnes House.

11. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

Pursuant to the provisions of Council Procedure Rule 37, Councillor Baker asked the following question of the Chairman of the Committee:-

"It was recently announced that £5,500 would be made available to 'refresh' the All Weather pitch at Dovercourt Bay Lifestyles which is coming to the end of its current life. This has been described as a 'stop gap' while long term options are explored.

While I support this in principle, surely it was known some time ago when the current life would 'expire' so why were long term options for renewal/replacement not made sooner, thus potentially saving the Council from having to spend money in the short term?"

The Chairman of the Committee, Councillor Stephenson replied as follows:-

"I would like to thank Councillor Baker for his question. I have spoken to Officers and can offer the following response:

Although long term discussions have been taking place for some time about this facility, the use of the pitch has declined in recent years and the financial case for a like for like replacement has weakened. That being said, an opportunity has come about to work with the Essex Football Association and Football Foundation on a long term strategy for artificial pitches in the District. This might include significant external funding opportunities and an upgrade from the standards currently provided for users. As such, it seems sensible to extend the life of the pitch at Dovercourt Bay, in order to pursue these options for long term sustainability and provide far higher standards for our communities, sports clubs and user groups."

12. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - CORPORATE BUDGET MONITORING - FINANCIAL OUTTURN 2017/18

The Committee had before it a report of the Deputy Chief Executive (A.1) which provided it with an overview of the Council's financial outturn for the year 2017/18.

It was reported that, on 18 May 2018 the Finance and Corporate Resources Portfolio Holder (Councillor G V Guglielmi) had considered the Financial Outturn 2017/18 and had made the following decision:-

"That the Finance and Resources Portfolio Holder:-

- (a) notes the financial outturn position for 2017/2018, as set out in the accompanying report and appendices;*
- (b) approves the financing of General Fund capital expenditure for 2017/1, as detailed in in Appendix D of the accompanying report;*
- (c) approves the movement in uncommitted and earmarked General Fund reserves for 2017/18, as set out in Appendix E of the accompanying report;*
- (d) agrees that carry forwards and commitments totalling £22.186m (£9.936m Revenue and £12.250m Capital) requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its July 2018 meeting;*
- (e) subject to the above, approves that the overall General Fund Outturn Variance for the year of £1.263m be transferred to the Revenue Commitments reserve until Cabinet formally considers the allocation of this funding at its July 2018 meeting;*

-
- (f) *in respect of the HRA, approves the movement on HRA balances for 2017/18 including any commitments set out within Appendices H and I of the accompanying report along with recharges to the HRA from the General Fund of £2.145m for the year and the financing of the HRA capital expenditure, as set out in Appendix I of the accompanying report; and*
- (g) *delegates authority to the Council's Section 151 Officer, in consultation with the Finance and Corporate Resources Portfolio Holder, to adjust the outturn position for 2017/18 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2017/18 accounts."*

The Officer's report and appendices submitted to the Portfolio Holder and referred to above were attached as Appendix A to the Deputy Chief Executive's report for the Committee's consideration.

During the discussion of this item, and in response to Members' questions, the Head of Finance, Revenues and Benefits (Richard Barrett) undertook to circulate to Members after the meeting an answer to the following question / request for information –

- (1) There is currently £15,000 in the Open Space Section 106 Agreements Less than One Year 'spend by date' return. Is this money allocated to specific projects?; and
- (2) A breakdown of the income received by the Council from the sale of Second Household Car Parking Permits and from the sale of Car Parking Permits to out of District households.

It was **AGREED** that the Committee **RECOMMENDS TO CABINET** that Cabinet -

- (a) review both revenue and capital budgets that have either been carried forward for more than one year or have remained within an earmarked reserve and determine if the money can 'work harder' for the Council and support the long-term financial sustainability plan rather than remain uncommitted for long periods of time. A good example being the regeneration revenue and capital budgets which total in excess of £2.4million against which a schedule of projects and initiatives should be identified;
- (b) be requested to not put the overall General Fund Variance for 2017/18 of £1.263 million in a Reserve but instead use it to support the agreed priorities of the Council and with priority given to specific, deliverable schemes in 2018/19; and
- (c) be requested to instruct Officers to bring forward proposals for the use of the additional income from the 20% increase in planning fees to carry out inspections and gather information on the quality and quantity of what is actually built following the grant of planning permissions.

13. TRANSFORMATION UPDATE

Councillors Alexander, Baker, M Brown and Everett had each earlier declared an interest in respect of Barnes House insofar as they were members of the Planning

Committee and had recently determined a planning application for structural alterations to Barnes House.

The Deputy Chief Executive (Martyn Knappett) and the Head of Property Services (Andy White) attended the meeting and gave an update of the Transformation Project.

Martyn Knappett reminded the Committee of the background to the project together with an overview of recent progress.

Andy White then gave an update on the four main strands of the project namely IT, HR, Customer Services and Buildings as follows:-

Information Technology

- (1) Cloud Migration;
- (2) Network Redesign;
- (3) Self Service Portals; and
- (4) Proposed Leisure App.

Human Resources

- (1) Policy Reviews;
- (2) E-learning Portal;
- (3) Training; and
- (4) Future Leaders Programme.

Customer Services

- (1) Backscanning;
- (2) Self Service Kiosks;
- (3) Centralised Printing; and
- (4) Centralised Post.

Buildings

- (1) Pier Avenue;
- (2) Barnes House;
- (3) Westleigh House;
- (4) Northbourne depot; and
- (5) Town Hall.

Following a question and answer session, the Committee noted the foregoing.

14. REVIEW OF ENVIRONMENTAL ISSUES

Councillor Pemberton had earlier declared an interest in that he hoped to start up a recycling related business in the future.

The Street Scene Officer (Jon Hamlet) attended the meeting to assist the Committee in reviewing environmental issues in the light of the changes to the Domestic Waste

Collection and Recycling Contract and also the Council's current performance with regard to recycling rates.

Jon Hamlet gave a presentation that focused on the following matters:-

- (1) Recycling Rates (%) 2012/13 – 2017/18;
- (2) Refuse (Tonnes) 2012/13 – 2017/18;
- (3) Total Recycling Tonnage (Total Recycled/Total Dry Recycling/Total Compost) 2012/13 – 2017/18;
- (4) Plastic and Cans (Tonnes) 2013/14 – 2017/18;
- (5) Food Waste (Tonnes) 2012/13 – 2017/18;
- (6) Garden Waste Tonnes 2014/15 – 2017/18;
- (7) Paper and Card (Tonnes) 2013/14 – 2017/18;
- (8) Recycling Credits (£68 per tonne); and
- (9) New Service Provision – Alternative Weekly 180 litre bin collection; Projected 8% increase in recycling rates; and alternative provisions considered.

Following a question session, the Chairman stated that due to the lateness of the hour any Member who had a question that they had been unable to submit should email that question to the Head of People, Performance and Projects by the end of the week in order that a response(s) could be collated and then sent to Members of the Committee.

The Chairman also stated that consideration of whether to set up a Task and Finish Working Group to look at waste and recycling matters would be deferred until the next meeting of the Committee.

The Committee noted the foregoing.

15. SCRUTINY OF PROPOSED DECISIONS

Councillor Baker had earlier declared an interest insofar as a friend of his was a resident at Honeycroft.

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

Further to the provisions of Rule 13 Councillor Baker raised the following matters:-

- “(A) When is a report likely to come forward, with reference to Honeycroft and Spendells Sheltered Housing Scheme, to Cabinet as both were agreed to be closed in January/February this year and given that on this Committee's Work Plan this matter is not shown for further scrutiny?”*
- “(B) Underwater CCTV Dovercourt Bay Lifestyles - Why is this proposed and what is the potential cost? Also what are the implications for clients/visitors privacy? And finally, why only at this particular site?”*
- “(C) What exactly are TDC intending to do with regard to Beacon Hill Fort, Harwich. Could the Committee be advised in detail of any future plans?”*

Answers to those questions were submitted to the Committee as follows:-

“(A) formal report on this matter will be considered by Cabinet at its meeting due to be held on Friday 13 July. The report will be published by no later than Thursday 5 July.”

“(B) The report produced by Officers in order to assist the Portfolio Holder in making his decision is tabled at this meeting.”

“(C) Beacon Hill Fort is a Scheduled Ancient Monument described in its Listing as a ‘Late 19th and 20th Century Coastal Artillery Fortification’ and the extent of the area subject to the Listing is edged in purple on the plan attached.

The Council purchased its parts of the Fort, which are shown hatched red on the Plan from The Secretary of State for Defence in stages between 1974 and 1984.

Over the last five years TDC has tried to purchase the privately owned parts of the Fort which are hatched blue on the Plan and the former Pumping Station which is hatched green. Neither of these negotiations proved successful and both properties were sold separately to new private owners.

Access to the privately owned part of the Fort is by way of the land coloured brown on the Plan. A right of way exists to the former pumping station over the same brown coloured land, however this is exclusively for the purposes of a pumping station and does not extend to a private dwelling or for any other purpose.

The radar tower on the site has been looked after and opened to the public by the Harwich Society for some years.

For many years the Council has held a desire to acquire the remainder of the fort and to conserve it in accordance with the management plan created many years ago. However, in reality the Fort has lain unused since it was purchased 45 years ago and the potential to acquire the balance now seems remote. Additionally the realisation of the management plan would require substantial investment which has not yet been identified.

The new owner of the central part of the site has made enthusiastic process with clearing the site and buildings and has proposals for a number of potential uses that were not envisaged in the management plan.

If the Fort is held under one-ownership, it will be easier to put into practice a plan for the site that is achievable and acceptable to Historic England. It may be the time to step back and sell the Council’s part of the site in order to facilitate a viable future for the fort.

No firm proposals are in place for a disposal at present. At the time of writing a report is being prepared for the Portfolio Holder to initiate the disposals process. That process will include valuations detailed consideration and negotiation with interested parties prior to future decision(s) on actual proposals.”

The meeting was declared closed at 10.15 pm

Chairman

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Standards Committee

23 July 2018

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY, 23RD JULY, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Heaney (Chairman), P Honeywood, S Honeywood, Nicholls, Steady and Whitmore
In Attendance:	Lisa Hastings (Head of Governance and Legal Services), Linda Trembath (Senior Solicitor (Litigation and Governance)) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	John Wolton and Clarissa Gosling (Independent Persons)

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Bray (with Councillor P B Honeywood substituting) and Bucke (with no substitute).

29. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 19 March 2018, were approved as a correct record and signed by the Chairman.

30. DECLARATIONS OF INTEREST

There were none on this occasion.

31. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

32. REPORT OF THE MONITORING OFFICER - A.1 - REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS

There was submitted a report (A.1) by the Monitoring Officer which sought to undertake a review of the Protocol on Member and Officer Relations, which had been last adopted by the Standards Committee in September 2014 in order to ensure that it was still current and reflected best practice.

The Committee was made aware that the Protocol had initially been reviewed by the Monitoring Officer, in consultation with the Chief Executive and the Management Team, to ensure that the Protocol reflected the current working practices and also enhance the Access to Information provisions. The amendments suggested by the Monitoring Officer for consideration by the Committee when undertaking its review were:

- *to ensure the current wording was consistent with the Constitution;*
- *insert that any appropriate challenges between Members and Officers should be undertaken in a professional and respectful manner;*

- *clarify that Officer conduct would be dealt with in accordance with the Council's Human Resources Policies and Procedures; and*
- *insert provisions on the common law 'need to know' principle.*

It was felt that the success of the Council was greatly dependent upon the positive nature of the working relationship between Members and Officers. Mutual trust and respect between Members and Officers was essential to good local government. To that end in 2014, the Standards Committee had adopted the current Protocol on Member/Officer Relations, which was contained within the Councils' Constitution.

Members were informed that the recent Local Government Association Peer Review feedback in its report had stated that: *"Member and Officer relationships are good. Members are engaged and well briefed on issues. They value the informal "all member briefings" that take place each month as well as the other opportunities to be involved."*

The Committee was advised that the existing Protocol was considered to still represent best practice. However, following an initial review by the Monitoring Officer, in consultation with the Chief Executive and his Management Team, a few minor amendments had been suggested for consideration by the Committee.

The Monitoring Officer reported that it was essential that the wording of all the Council's Codes and Protocols were up to date with its current policy and the legal position. Therefore, it was suggested that the role of Members was updated in order to ensure consistency with Article 2 of the Constitution and that the position of the Chief Executive, as set out in Article 12, was included due to its importance in relation to staffing matters.

An express 'principle' had also been included stating that any appropriate challenges between Members and Officers must be undertaken in a professional and respectful manner.

In addition, a new paragraph 5.3 (as detailed below) was proposed for inclusion under the Access to Information section referring to the common law principle that councillors had the right to access information held by the Council where it was reasonably necessary to enable the Member to properly perform their duties as a councillor. In some instances, it might be necessary for a councillor to demonstrate their 'need to know' and the paragraph provided some explanation on the principle and set out who can request further justification before providing the information.

"5.3 Members are entitled to receive information from Officers in a timely manner to reasonable requests for the purposes of undertaking their role as Ward Councillors, decision makers and performing functions, such as overview and scrutiny (this is referred to as the common law 'need to know' principle). Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

However, if the Member's motive for seeing documents is indirect, improper or ulterior this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on 'fishing expedition' through their Council's documents. If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why

sight of them is necessary to perform their duties (See R v. Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603). In such instances, the Chief Executive, Management Team, Section 151 or Monitoring Officers may request a Member to demonstrate their 'need to know'."

The Monitoring Officer advised the Committee that, in a few instances, unreasonable, frivolous and vexatious requests for information were received and the revised Protocol suggested that those matters would be referred to the Chief Executive or the Monitoring Officer to respond to.

Subject to any additional observations the Standards Committee might have in undertaking its review of the Protocol at the meeting, the Monitoring Officer was therefore recommending that the revised protocol as set at Appendix A to her report be approved and adopted for inclusion with the Council's Constitution and circulated separately to all Members and Senior Managers.

Members of the Committee asked questions of the Monitoring Officer as to whether the same protocol applied when dealing with Town and Parish Councils and the Monitoring Officer confirmed that this Protocol was simply between District Councillors and Officers. It was noted that there was a protocol between Town and Parish Councils and the District Council and if Members were minded, the Committee could review this at a later date.

The Monitoring Officer was asked whether one way of avoiding the "need to know" principle would be by submitting a Freedom of Information request to obtain the information and the Monitoring Officer confirmed that this was one way, but that the Councillor would be treated as a member of the public and if any exemptions or exceptions applied to the information then these would be applied in the normal way.

Having considered the contents of the revised Protocol and the advice of the Monitoring Officer:-

It was moved by Councillor Heaney, seconded by Councillor Nicholls and:-

RESOLVED that the revised Protocol on Member/Officer Relations, as set out in Appendix A to item A.1 of the Report of the Monitoring Officer, be approved and adopted.

33. **DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER**

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through them with the Committee.

In relation to the first item of the schedule, the Committee requested the Monitoring Officer to write again to the Parish Council to reiterate the offer of training for the Parish Council's Members.

The Monitoring Officer also referred to Part 4 of Annex E of the Standards Complaints Investigation Procedure and explained that at the present time the report that the

investigator produces does not have to include comments on all of the issues complained of, if for example, the investigator finds only one issue proven. If Members agree that Annex E needs to be amended to reflect this then this will need to go to Council for approval as Annex E is part of the Council's Constitution.

It was therefore moved by Councillor Honeywood, seconded by Councillor Nicholls and:

RESOLVED that the revision to Annex E of the Standards Complaints Investigation Procedure be referred to Council.

General Notes – Matters arising through March to July 2018

Requests for Dispensations

The Committee was advised that no requests for dispensations had been submitted to the Monitoring Officer since the last update to Members.

The meeting was declared closed at 10.40 am

Chairman

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 26TH JULY, 2018 AT 7.30 PM
IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Coley (Chairman), Poonian (Vice-Chair), Alexander, Bray and Hones
Also in Attendance:	Chris Hewitt (Audit Manager – Ernest & Young)
In Attendance:	Richard Barrett (Head of Finance, Revenues and Benefits Services), Craig Clawson (Acting Audit and Governance Manager), Clare Lewis (Fraud and Risk Manager) and Debbie Bunce (Legal and Governance Administration Officer)

36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence received on this occasion.

37. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 22 March 2018 were approved as a correct record and signed by the Vice-Chairman as the Chairman had not been present at the last meeting.

38. DECLARATIONS OF INTEREST

There were none.

39. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

40. REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER - A.1 - REPORT ON INTERNAL AUDIT - MARCH 2018 TO JUNE 2018 AND THE ANNUAL REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER

REPORT ON INTERNAL AUDIT FOR MARCH TO JUNE 2018 AND INTERNAL AUDIT PLAN PROGRESS 2017/18

The Council's Acting Audit and Governance Manager (Craig Clawson) provided a periodic report on the Internal Audit function for the period of March to June 2018.

The Acting Audit and Governance Manager informed the Committee that 92% of the 2017/18 Internal Audit Plan had been completed as at 31 March 2018 and 99% by 30 June 2018. Fifteen audits had been completed in the quarter of which thirteen had been given Adequate Assurance. One audit had been rated Substantial Assurance and one audit had been rated Improvement Required. No audits had been rated Significant Improvement Required.

The Acting Audit and Governance Manager also informed the Committee of the current position in relation to:

- (i) Quality Assurance;
- (ii) Health and Safety audit;
- (iii) Section 106 update; and
- (iv) Management response to Internal Audit Findings.

OPINION OF THE ACTING AUDIT AND GOVERNANCE MANAGER

The Committee was reminded that as set out in the Public Sector Internal Audit Standards (PSIAS) there was a requirement under PSIAS 2450 that the Chief Audit Executive must provide an annual report to the Audit Committee, timed to support the Annual Governance Statement and that this must include:

- *an annual internal audit opinion on the overall adequacy and effectiveness of the organisation's governance, risk and control framework (i.e. the control environment);*
- *a summary of the audit work from which the opinion is derived (including reliance placed on work by other assurance bodies); and*
- *a statement on conformance with the PSIAS and the results of the internal audit Quality Assurance and Improvement Programme.*

It was reported that the Internal Audit function undertook a risk based programme of audits each year in order to provide the Council and its Audit Committee with assurance on the adequacy of its system of internal control, governance and risk management arrangements.

Members recalled that a qualified opinion had been provided in 2016/17 based on a number of significant issues being identified within some of the core activity areas of the Council. However, the Acting Audit and Governance Manager was pleased to report that based on the work completed in 2017/18, significant work had been undertaken to ensure that improvement action had been implemented in all of the areas where significant exposure to risk had been reported. He had therefore given an unqualified opinion of Adequate Assurance.

The corrective action taken by Officers with regard to the issues raised by Internal Audit had aided the improvement / maintenance of the control and governance framework. Robust mechanisms were now in place to monitor progress of corrective action, with follow up audits scheduled as necessary.

It was reported that Internal Audit had been working with services on a consultancy basis to support the implementation of new processes and to ensure that all relevant employees had the appropriate training to competently carry out their role. Procurement, Risk Management and Health and Safety were the three areas where this type of work had been undertaken.

The Committee was informed that in 2017/18, only two audits had received an overall audit opinion of "Improvement Required" where significant issues had been identified. Those audits were Walton-on-the-Naze Lifestyles and Health and Safety.

As Health and Safety issues had already been reported above, the Acting Audit and Governance Manager now reported on the high priority issues and mitigating actions for Walton on the Naze Lifestyles in respect of the following matters:-

- (i) Card Payments – PCI Compliance;
- (ii) Unauthorised Refunds; and
- (iii) Inadequate record of Refunds.

UPDATE ON OTHER MATTERS

The Acting Audit and Governance Manager also gave an update to the Committee in respect of:-

- a) Internal Audit Plan Progress 2018/19;
- b) External Quality assessment Update; and
- c) Internal Audit Charter.

The Chairman requested the Acting Audit and Governance Manager to provide a glossary of terms at the beginning of each report in future.

Following discussion and questions by Members, it was:

RESOLVED that the contents of the report be noted.

41. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - EXTERNAL AUDITOR'S AUDIT RESULTS REPORT 2017/18

The Committee had before them a report (A.2) which had presented the following:

- The External Auditor's Audit Results Report for the year ending 31 March 2018, and Letter of Representation for Members' consideration and approval in order to enable a final opinion on the accounts and value for money arrangements to be formally issued by the External Auditor;
- The Statement of Accounts 2017/18 for Members' consideration and approval for publication by the end of July 2018; and
- A revised Annual Governance Statement 2017/18 for Members' approval.

Ernest and Young's Audit Manager (Chris Hewitt) went through various sections of the report and answered questions by Members.

The Council's Head of Finance, Revenues and Benefits Services also responded to questions raised by Members.

Following discussion, it was **RESOLVED**:

1. That in respect of the Audit Results Report for the year ended 31 March 2018, the Audit Committee:
 - (a) notes the contents of the report including the adjustments to the Statement of Accounts 2017/18 as set out on page 19 of that report;

- (b) subject to (a) above, approves the management representation letter set out as Appendix B to the External Auditors Audit Results Report 2017/18;
 - (c) subject to (b) above, authorises the Head of Finance, Revenues and Benefits and the Audit Committee Chairman or Vice-Chairman to sign the management representation letter for forwarding to the External Auditor;
 - (d) subject to (b) and (c) above, approves for publication the audited Statement of Accounts for 2017/18, amended for the adjusted items identified; and
 - (e) approves a delegation to the Head of Finance, Revenues and Benefits in consultation with the Chairman or Vice-Chairman of the Audit Committee to make amendments to the management representation letter for forwarding onto the External Auditor and/or Statement of Accounts 2017/18 before publication, if further changes are recommended by the External Auditor following the completion of the outstanding areas of their work.
2. That in respect of the Council's Annual Governance Statement 2017/18, the Audit Committee:
- (a) approves the revised Annual Governance Statement set out in Appendix A; and
 - (b) authorises, subject to 2(a) above, the Chief Executive and Leader of the Council to sign the Annual Governance Statement set out in Appendix A.

42. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - CORPORATE RISK UPDATE

The Fraud and Risk Manager (Clare Lewis) presented to the Committee a report on the updated Corporate Risk Register (item A.3).

It was reported that, within the period under review, one new risk had been added to the register, no risks had been removed, two risk scores had been amended and there were no items that were currently under review. In addition six risks had been amended.

A new risk had been identified in respect of 1d Ineffective Cyber Security Physical and Application (software) based protection management.

Residual Risk Scores had been amended in respect of:-

- (1) 2d Building Council Homes; and
- (2) 2h Essex Family / Family Solutions.

Risks had been amended in respect of –

- (1) 1a Failure to effectively manage assets;
- (2) 1b Catastrophic IT Network Failure
- (3) 1c Ineffective Communication / Management of Information;
- (4) 2d Building Council Homes;
- (5) 2h Essex Family / Family Solutions; and
- (6) 5a Financial Strategy.

It was reported that during the year a review had been carried out by the Council's Internal Audit Team relating to Risk Management. The following table set out the recommendations identified and the current position against each of those actions:

Agreed Action	Current Position
<p>Management Team to promote the importance of operational risk management within the organisation and ensure that Senior Managers implement a process for identifying and mitigating risks in coordination with the Corporate Fraud and Risk Manager.</p> <p>One to one meetings will continue to take place between Senior Managers and the Corporate Fraud and Risk Manager to identify and record key operational risks within their service areas. Support to be provided by Internal Audit if required.</p>	<p>Management Team are currently working with the Fraud and Risk Manager to effectively promote the importance of operational risk management within the Council. The Corporate Fraud and Risk Manager will be attending Management Team meetings on a quarterly basis and provide monthly updates.</p> <p>One to one meetings have started to be carried out with senior managers and reviews of the Council's departmental risk registers are being undertaken.</p> <p>Any gaps identified will be included in the next corporate risk register update.</p> <p>Update to be provided at the January 2019 meeting of the Committee.</p>
<p>Once all departmental risk registers are implemented, the Corporate Fraud and Risk Manager is to embed a quality control process for monitoring business risks and verifying the recorded mitigating controls. This should involve process walkthrough's, reviews of supporting documentation and assessments of target dates / resources required to implement controls</p>	<p>The Corporate Fraud and Risk Manager have arranged one to one meetings with senior managers to discuss business risks, once identified the findings will be reviewed on a more regular basis.</p> <p>Update to be provided at the January 2019 meeting of the Committee.</p>

The Committee was informed that although no changes had been identified as being required at this time, the Risk Management Framework was included at Appendix A to the report for information purposes only.

After discussion, the Committee requested that Officers review a number of risks to explore whether the following should be treated as separate risks within the register given their potential impact on the Council:

- The delivery of the Waste and Recycling Service given recent events elsewhere in the country and the failure of large contractors nationally.
- The delivery of the Planning Service as loss of key staff could contribute towards the failure to comply with legislative requirements.
- Emergency Planning arrangements in respect of flooding and the potential for fraud to be committed against the Council if a large scale event occurred.

After consideration of this item it was **RESOLVED** that the contents of the updates provided to the current Risk Register be noted and that Officers review the items identified above before the risk register is reported to the Committee again in January 2019.

43. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.4 - ANTI-FRAUD AND CORRUPTION STRATEGY

The Fraud and Risk Manager (Clare Lewis) presented to the Committee an updated Anti-Fraud and Corruption Strategy (item A.4).

The Committee was informed that the Council's Fraud and Corruption Strategy had been last updated in 2012. Following various changes, including the recent establishment of a dedicated Corporate Fraud Team within the Council, significant changes to the existing Strategy were now required.

Therefore an updated Anti-Fraud and Corruption Strategy was before the Committee (as an appendix to item A.4 of the Report of the Deputy Chief Executive (Corporate Services)) which incorporated the various elements of CIPFA's code of practice on managing the risk of fraud and corruption which had previously been adopted by the Committee at its meeting held on 22 March 2018.

It was reported that, subject to the Committee's approval, the Strategy would be circulated to various stakeholders as part of a consultation process before final recommendations were presented to the Committee later in the year.

The Committee recommended a number of amendments to be included before the document was circulated as part of the consultation process.

It was **RESOLVED** that the updated Anti-Fraud and Corruption Strategy be approved for consultation with relevant stakeholders.

44. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.5 - TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Council's Deputy Chief Executive (Corporate Services) (A.5) which presented to Members the progress against outstanding actions identified by the Committee.

It was reported that the Table of Outstanding Issues had been reviewed and updated since it was last considered by the Committee at its meeting held on 22 March 2018.

It was further reported that there were no significant issues to bring to the attention of the Committee, with updates provided against individual items, as set out in Appendix A to item A.5 of the Report of the Deputy Chief Executive (Corporate Services), or elsewhere on the agenda where appropriate.

In addition, the Committee was reminded that following their audit work in respect of the Housing Benefit subsidy claim for 2016/17, the External Auditor had made the following general recommendation, which had been reported to the Committee at its 22 March 2018 meeting:

[The Council to] perform early extended testing in those areas where errors were identified in 2016-17, to ascertain the extent of similar errors arising in 2017-18.

It was reported that the above was an on-going action each year and remained a key element of the day-to-day work of the Revenues and Benefits Service to eliminate errors wherever possible. The outcome from the audit of the 2017/18 Housing subsidy claim would be reported to the Committee later in the year.

It was **RESOLVED** that the Committee notes the progress on the outstanding issues.

The meeting was declared closed at 8.55 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

30 July 2018

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 30TH JULY, 2018 AT 7.31 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Stephenson (Chairman), Alexander (Vice-Chair), Amos, Baker, Broderick (except item 23), M Brown, Everett, Miles, Pemberton, Scott and Steady
Also Present:	Councillor Bucke
In Attendance:	Martyn Knappett (Deputy Chief Executive (Corporate Services))(except items 22 and 23), Paul Price (Corporate Director (Operational Services)), Karen Neath (Head of Leadership Support and Community), Michael Carran (Head of Sport and Leisure)(except item 23), Tim Clarke (Head of Housing and Environmental Health)(items 21 (part) - 23 only) and Ian Ford (Committee Services Manager)

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted by Councillors and therefore there were no substitutions on this occasion.

Apologies for absence were submitted on behalf of the Head of People, Performance and Projects (Anastasia Simpson).

17. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on 2 July 2018 were approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

There were none made at this time though later in the meeting, as described below under Minute 20, Councillor Pemberton declared an interest.

19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

Pursuant to the provisions of Council Procedure Rule 37, Councillor Baker asked the following questions of the Chairman of the Committee:-

“1) What is the potential total cost of supplying Wheelie Bins under the renewed Waste Contract, where is this cost to be funded from, if funded in total by TDC how does this impact on the 10 year financial plan, bearing in mind that TDC has to make £300,000 worth of savings in each financial year? and

2) Where is the £15,000 being allocated to the police for Operation Spider (Press Release dated 19th July) coming from, and how is this funding measured against any particular goals/priorities?”

The Chairman of the Committee, Councillor Stephenson, replied as follows:-

“1) The potential cost of purchase and supplying wheeled bins to 58,000 households is estimated at £1 million (subject to further competition). This is being funded by the News Homes Bonus for 2018/19 of £1.333 million which is being set aside to support the implementation of the new service.

To continue the service “As Is” would result in a cost pressure on the authority of £374,000 per annum.

The full financial information is also detailed in the Cabinet Report (23 March 2018), link below:-

<https://tdcdemocracy.tendringdc.gov.uk/documents/g1209/Public%20reports%20pack%2023rd-Mar-2018%2010.30%20Cabinet.pdf?T=10>

and

2) Tackling anti-social behaviour and acquisitive crime is one of the Community Safety Partnership’s strategic priorities for 2018/19.

The Council and other agencies, principally the Police, have been looking at ways to tackle increasing complaints and incidents around anti-social behaviour in Clacton Town Centre. Operation Spider is to provide extra presence and viability over the Summer when it is known that incidents can increase especially from young people. This is a short term measure with other longer term activities also already being taken or being planned.

The money has been vired from a salary underspends under the delegation powers of the Head of Finance.”

20. TERMS OF REFERENCE - WORKING GROUP ON RECYCLING

Councillor Pemberton declared an interest in respect of this item insofar as he hoped to start up a recycling related business in the future.

Further to its discussions on environmental issues at the last meeting (Minute 14 referred), the Committee gave consideration to the terms of reference for the Working Group that would carry out a review of recycling.

It was **RESOLVED** that the terms of reference, membership et cetera for the Working Group that would carry out a review of recycling be as follows:-

Review Topic: INCREASING RECYCLING
How does the topic fit with the Committee’s Terms of Reference:
Refuse collection is probably the most widespread and frequent public facing service provided by the Council.
What question is the review aiming to answer:

What steps can the Council take to ensure that the maximum possible increase in recycling levels is achieved?

Aim / Objectives:

To identify measures which the Resources and Services Overview and Scrutiny Committee can recommend to Cabinet for implementation to maximise recycling (and recycling credits paid to TDC).

Scope:

- **Review current measures / activities and their effectiveness**
- **Consider successful initiatives by other Authorities / good practice**
- **Consider communications / events / initiatives etc.**
- **Identify most appropriate proposals for Tendring to complement the roll out of new working arrangements.**
- **Identify a proposed activity timeline if appropriate.**
- **Conclude with recommendations to the Resources and Services Overview and Scrutiny Committee in a form they can adopt and refer on to Cabinet for consideration.**

Membership (including officer support):

Councillors Everett (Chairman), Alexander, Broderick and Scott

Officer Support – Jonathan Hamlet

Timescale:

Identify proposals for consideration by the Resources and Services Overview and Scrutiny Committee by November 2018.

21. **REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - CORPORATE PEER CHALLENGE - ACTION PLAN**

The Committee was aware that, on 18 May 2018, the Cabinet had considered the Peer Review Action Plan arising from the feedback report on the Local Government Association Corporate Peer Challenge of Tendring District Council that had taken place during March 2018. Cabinet had resolved that (minute 151 referred):

- (a) *the Peer Review Action Plan be approved;*
- (b) *Cabinet notes that further updates will be provided in October 2018 and March 2019; and*

- (c) *the report be referred to the Resources and Services Overview and Scrutiny Committee for its information and review.*

In accordance with the Cabinet's decision the Cabinet report referred to above together with the Peer Review Action Plan was attached as Appendix A to the Report of the Deputy Chief Executive for the Committee's consideration.

The Committee had had circulated to it prior to the commencement of the meeting a copy of the LGA Feedback Report.

The Deputy Chief Executive (Martyn Knappett) undertook, in respect of the following, to discuss those matters further with the relevant Officers and to respond to the Committee where appropriate:-

- (1) in relation to Action K4, whether the Head of Finance, Revenues and Benefits could give an update to the December meeting of the Committee;
- (2) in relation to Action K1, the Council's public communications with residents in the west and north of the District; and
- (3) in relation to Action K3, why the Equality Impact Assessments are not due to be completed until at least October 2018.

Having considered and discussed the contents of the Cabinet report and the Peer Review Action Plan it was:-

RESOLVED that the Committee –

- (a) acknowledges the Officers' excellent report based on the LGA's feedback; and
- (b) expresses its disappointment that the LGA did not involve town and parish councils in the corporate peer review and requests Officers to feed this back to the LGA.

22. DISTRICT WIDE TOURISM STRATEGY UPDATE

The Head of Sport and Leisure (Mike Carran) attended the meeting and gave an update to the Committee on the production of a new District wide Tourism Strategy.

The update touched on the following:-

- (i) that the Strategy was due to be produced by October 2018;
- (ii) the ever closer working relationships with the private sector and the voluntary sector (such as on successful initiatives like Love Clacton and the Coastal Communities Group) and the lessons to be taken into the Strategy; and
- (iii) new models for marketing and promoting tourism and the importance of "Local Pride" in tourism within the District.

Mr Carran then outlined to the Committee the nine key focuses of the new Strategy, namely:-

- (1) Two tier focus on Events;
- (2) Council's role in facilitating as well as leading on Events;

- (3) Tourism promotion;
- (4) Digital marketing;
- (5) Increasing sector confidence for example through increasing investment;
- (6) Developing the seafront offer;
- (7) Developing the heritage offer for example the Mayflower 400 project;
- (8) Partnership working; and
- (9) Promoting the district for outdoor activity.

The Corporate Director (Operational Services) (Paul Price) then addressed the Committee and emphasised that tourism was a fast moving, agile economy and that this had not been taken into account in the previous Tourism Strategy (2010-16). The private sector had not been involved in the formulation of that Strategy. The Strategy had not focused on the visitor economy from within the District as well as that from outside the District. In the new Strategy there was a greater emphasis on the Council's role of facilitation.

Having considered and discussed the information provided it was:-

RESOLVED that this Committee recommends to Cabinet that –

- (a) the parish and town councils within the District be included as part of the consultation process on the emerging Tourism Strategy; and
- (b) in view of the fact that tourism generates £372million income for the District, additional funding be allocated to the Tourism Section within the Operational Services department in order to ensure that it is fully resourced.

23. REVIEW OF HOMELESSNESS PROVISION

The Head of Housing and Environmental Health (Tim R Clarke) attended the meeting to assist the Committee in reviewing the Council's homelessness service provision.

Mr Clarke outlined to the Committee the impact on the Council of recent changes to the statutory duties the Council had in respect of homelessness. Mr Clarke also outlined the recent increases in Government funding awards to the Council in order to assist it in dealing with homelessness.

Having considered and discussed the information provided it was:-

RESOLVED that the information provided by the Head of Housing and Environmental Health be noted.

The meeting was declared closed at 10.02 pm

Chairman

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COUNCILLOR ANDREW PEMBERTON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – “FREE SWIMMING LESSONS FOR CHILDREN”

“That this Council takes the necessary steps to offer, at Clacton Leisure Centre and other suitable venues, up to six free swimming lessons every year for all children under the age of 15 years, in order to see that every child in the District of Tendring can be taught to swim, cope with a riptide or strong current, swim/float fully clothed and learn basic life-saving.”

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COUNCILLOR JEFF BRAY'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – "PROPOSED PLANNING CONDITION RE: DUST SUPPRESSION AT CONSTRUCTION SITES"

"This Council resolves that:-

- 1. Subject to there being no objection from the Planning Inspectorate, ALL future planning applications approved by this Council, contain a condition requiring the developer / constructor to take all reasonable steps, using dust suppression techniques to ensure that, as far as possible, existing residents living in near proximity to the construction site are not adversely affected by construction related dust; and*
- 2. If any objection is received from the Planning Inspectorate, that objection will be disclosed fully to Councillors in order that this motion can be amended to take account of any such objection at some future time."*

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COUNCIL

11 SEPTEMBER 2018

REPORT OF CHIEF EXECUTIVE

A.1 **CHANGE OF NAME OF A POLITICAL GROUP**

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, the Leader of the Holland Residents' Group (Councillor Joy Broderick) on 13 July 2018, served formal notice on the Council that her Group wished to change the name of the Holland Residents' Group to instead be the Holland-on-Sea Group.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

11 SEPTEMBER 2018

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

A.1 CHANGE OF NAME OF A POLITICAL GROUP

Notice under Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, of the change of name of a Political Group signed by Councillor Broderick dated 13 July 2018.

COUNCIL

11 SEPTEMBER 2018

REPORT OF CHIEF EXECUTIVE

A.2 CHANGE IN MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF MEMBERSHIP OF COMMITTEES

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Peter Cawthron on 4 July 2018, served formal notice on the Council that he no longer wished to be treated as a member of the Non-Aligned political group.

I further formally report that, on 13 July 2018, Councillor Cawthron, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, served formal notice on the Council that he wished to be treated as a member of the UKIP political group. That notice was duly counter-signed by the Leader of the UKIP Group (Councillor Mary Newton).

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Alex Porter on 18 July 2018, served formal notice on the Council that he no longer wished to be treated as a member of the Non-Aligned political group.

As Regulation 8(1) of those Regulations require a political group to have a minimum of two members this meant that the Non-Aligned Group automatically ceased to exist as mandated in Regulation 8(2).

I further formally report that, on 18 July 2018, Councillor Porter, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, served formal notice on the Council that he wished to be treated as a member of the UKIP political group. This notice was counter-signed by the Leader of the UKIP Group (Councillor Newton).

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 has been carried out.

RECOMMENDED that the Schedule of Appointments to Committees (which has been agreed by Group Leaders and is set out as an appendix to this report), be approved with immediate effect.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

11 SEPTEMBER 2018

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

**A.2 CHANGE IN MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF
MEMBERSHIP OF COMMITTEES**

Notice of Wish to no longer be treated as a Member of a Political Group (Non-Aligned) signed by Councillor Cawthron and dated 4 July 2018.

Notice of Wish to be treated as a Member of a Political Group (UKIP) signed by Councillor Cawthron and dated 4 July 2018.

Notice of Wish to no longer be treated as a Member of a Political Group (Non-Aligned) signed by Councillor Porter dated 18 July 2018.

Notice of Wish to be treated as a Member of a Political Group (UKIP) signed by Councillor Porter and dated 18 July 2018.

COMMITTEES/SUB-COMMITTEE (SEPTEMBER 2018)

WIDDICOMBE

Committee		Conservative	Holland Residents	Independent	Labour	UKIP	Tendring First/Liberal Democrats	Tendring Independents
Audit Committee (Chair: Coley) (V/Chair: Poonian)	7	4 Alexander Bray Coley Poonian	0	1 Yallop	0	1 Hones	1 Scott	0
Community Leadership Overview & Scrutiny Committee (Chair: Land) (V/Chair: V E Guglielmi)	11	7 Chittock Coley Griffiths V E Guglielmi Land Raby Skeels Jnr	0	1 Yallop	1 I J Henderson	1 Newton	0	1 Bush
Human Resources & Council Tax Committee (Chair: Callender) (V/Chair Chapman)	11	6 Callender Chittock Ferguson Griffiths S A Honeywood Raby	1 King	1 Chapman	1 Calver	2 Khan Porter	0	0

Licensing & Registration Committee (Chair: Cossens) (V/Chair: Callender)	11	6 Amos B E Brown Callender Cossens V E Guglielmi Watson	1 Winfield	1 White	1 J Henderson	1 Davis	0	1 Whitmore
Local Plan Committee (Chair Stock OBE) (V/Chair: Turner)	15	9 Bray Ferguson G V Guglielmi Land Platt Poonian Skeels Jnr Stock Turner	1 Broderick	1 Chapman	1 I J Henderson	2 Newton Porter	0	1 Bush
Planning Committee (Chair: White) (V/Chair Heaney)	11	6 Alexander Baker M Brown Everett Heaney McWilliams	0	1 White	1 Fowler	2 Cawthron Hones	0	1 Bennison
Resources and Services Overview & Scrutiny Committee (Chair: Stephenson) (V/Chair: Alexander)	11	6 Alexander Amos Baker M Brown Everett Miles	1 Broderick	1 Steady	0	1 Newton	1 Scott	1 Stephenson

Standards Committee (Chair: Heaney) (V/Chair: Bray)	7	4	0	Steady	1	0	0	Bucke	1	Whitmore	1
Miscellaneous Licensing Sub-Committee (Chair: V E Guglielmi) (V/Chair: Cossens)	8	5	1	Winfield	0	1	0	0	0	Whitmore	1

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COUNCIL

TUESDAY 11TH SEPTEMBER 2018

REPORT OF HEAD OF LEADERSHIP SUPPORT AND COMMUNITY

A.3 FLAG FLYING PROTOCOL

(Report prepared by Lizzie Ridout)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Further to the decision taken by Full Council at its meeting held on 3rd July 2018 (minute 46 refers), a protocol has been prepared to establish dates on which flags should be flown, the circumstances of how those flags should be flown and any associated decision making in respect of flying flags outside of the terms of the protocol.

Whilst the general principle applied by the Authority is to follow the advice provided by central Government, a framework for local decision making in respect of the flying of flags would assist in the determination of any additional requests.

This report therefore seeks the approval and adoption of a protocol to govern the flying of flags at Clacton Town Hall.

EXECUTIVE SUMMARY

- The matter of flag flying on local government buildings is not bound by any specific directive.
- For a number of years, the Council has flown flags in accordance with the advice from the Government.
- It remains a matter for individual local authorities to establish their own flag flying protocols.
- The Council does not currently have any protocol or formally agreed guidance on the flying of flags. Decision making in respect of the flying of flags has been informal and on the direction of the Leader of the Council, Chairman of the Council and the Chief Executive.
- Council at its last meeting decided that a protocol would be prepared by Officers (including the ability to fly more than one flag on any one day) and agreed by Council.

RECOMMENDATION(S)

That the Flag Flying Protocol for Clacton Town Hall, as set out in Appendix A to this report, be approved and adopted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decision will contribute to deliver the Council priority of Community Leadership by providing symbolic support of the various roles our citizens have played, such as Armed Forces Day.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

There is a potential additional cost is for the equipment required to fly two flags at the same time. This can be met from existing budgets.

Risk

There is a risk that formalising the council protocol on flag flying may prove contentious with some members of the public, however, the overriding concern is ensuring that the protocol clarifies the Authority's position and provides a mechanism of who makes a decision in the event of any dispute.

LEGAL

There are no direct legal implications associated with the adoption of the flag protocol.

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.

There are no significant implications that have to be drawn to Members' attention.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The flying of flags is not the subject of statute across Great Britain and advice is issued from the Department for Culture, Media and Sport (DCMS) on the flying of national flags from government buildings. The advice relates to government buildings only, but many local authorities, such as Tendring District Council (TDC), also follow the advice on a voluntary basis.

The Government's Flag and Heraldry Committee produced a Flag Flying Guidance in 2010. The guidance covers simple rules which apply to flying flags in a variety of situations and aims to ensure flags across the nation are flown correctly and treated with dignity and respect.

In November 2012, the Department for Communities and Local Government (DCLG) published a Plain English Guide to Flying Flags, which provided a summary of new regulations.

Members will recall that at its meeting of Full Council held on 15 May 2018 (minute 26 refers) Councillor Pemberton submitted the following motion which was referred to the Community Leadership Overview & Scrutiny Committee for consideration and report:

“That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George's Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day.”

The Community Leadership Overview & Scrutiny Committee decided to recommend to Full Council that Councillor Pemberton's motion be amended to read as follows:-

“That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George's Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day subject to a protocol being prepared by officers and agreed by Council and that the protocol includes the ability to fly more than one flag on any one day.”

At the meeting of Full Council held on 3 July 2018, Members decided to adopt the recommendations of the Community Leadership Overview & Scrutiny Committee.

Work continues to investigate and arrange the ability to fly two flags on the same flag pole.

CURRENT POSITION

In accordance with minute 46 of the Full Council meeting held on 3rd July 2018, Members are now required to give consideration to the attached Flag Flying Protocol.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

Appendix A – Proposed Flag Flying Protocol

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Flag flying protocol

This protocol outlines the arrangements for the flying of flags at Clacton Town Hall.

Requests to fly flags that are not covered by this policy will be determined by the Chairman of the Council in consultation with the Chief Executive.

The Union Flag

To be flown full mast on the flagpole on all days throughout the year except upon the death and funeral of the Sovereign, a senior member of the Royal Family, the Prime Minister, any other dignitary or any event as advised by the UK Government where the Union Flag will be flown at half-mast.

The St George's Flag

To be flown each year on 23rd April. The St George's Flag may also be flown to support national sports men and women during international tournaments as decided by the Chairman of the Council and Chief Executive.

The St George's Flag may be flown in addition to the Union Flag, but not in a superior position.

Additionally, the Chairman of the Council and Chief Executive have the discretion to fly national flags at full or half-mast as deemed appropriate.

Armed Forces Day

The Armed Forces Flag is flown for one week in June each year in support of the nation's armed forces to coincide with Armed Forces Week.

Merchant Navy Day

The Red Ensign is flown each year on 3rd September to honour the brave men and women who kept our 'island nation' afloat during both World Wars.

Emergency Services Day

The Emergency Services Flag is flown each year on 9th September, (from 2018 onwards) in support of over one million people who work in the British emergency services.

Commonwealth Day

The Commonwealth Flag is flown each year on 12th March to reflect the fifty-three sovereign states working together in mutual support towards shared goals of democracy, development, and respect for diversity.

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COUNCIL

11 SEPTEMBER 2018

REPORT OF MONITORING OFFICER

A.4 PROPOSED REVISION OF ANNEX E OF THE STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

(Report prepared by Ian Ford and Lisa Hastings)

At the meeting of the Standards Committee held on 23 July 2018 (Minute 33 refers) I referred to Part 4 of Annex E of the Standards Complaints Investigation Procedure and explained to Members that at the present time the report that the Investigator produces does not have to include comments on all of the issues complained of, if for example, the Investigator finds only one issue proven. I also informed Members that if they agreed that Annex E needed to be amended to reflect this then this will need to go to Council for approval as Annex E is part of the Council's Constitution.

It was therefore moved by Councillor P Honeywood, seconded by Councillor Nicholls and:

***“RESOLVED** that the revision to Annex E of the Standards Complaints Investigation Procedure be referred to Council.”*

The proposed revision to Annex E is set out, for Council's consideration, in the Appendix to this report with the suggested changes indicated in **RED**.

RECOMMENDED that the revised Annex E of the Standards Complaints Investigation Procedure, as set out in the Appendix to this report, be approved and implemented with immediate effect.

LISA HASTINGS
MONITORING OFFICER

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ANNEX E

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

Members are reminded that they are required to co-operate with the investigation process as part of their compliance with the Code of conduct and to ensure that the procedure is undertaken in an efficient and resourceful manner.

1. Planning Stage:

Upon receipt of an instruction to carry out an investigation the Investigator should :-

- Acknowledge receipt of the instruction to conduct the investigation.
- Maintain a written record throughout the investigation.
- Assess whether any additional information is required from the complainant.
- Identify the paragraph(s) of the Member Code of Conduct that are alleged to have been breached.
- Identify the facts which will need to be determined to establish if the Member has breached the Member Code of Conduct.
- Identify the evidence that is needed to determine the issues.
- Consider how to undertake the evidence gathering.
- Identify how long it is likely to take to conduct the investigation.
- Tendring District Council has imposed a 3 month deadline for an investigation to be completed; this may be reduced by the Monitoring Officer in each individual case. The Investigating Officer must confirm that the deadline is achievable and regularly update the Monitoring Officer, subject member of the complainant and the complaint as to progress.

2. Evidence Gathering Stage:

- Contact the complainant to request any supporting or documentary evidence relating to the complaint.
- Contact the subject member with details of the complaint and seek an explanation.
- If new evidence is obtained through the investigation that the subject member has not been made aware of, this should be provided to the Councillor to respond to either orally or in writing.

3. Interview Stage:

- Identify witnesses.
- Arrange interview dates.
- Conduct interviews (preferably in the order of: the complainant, witnesses and subject member and any of their witnesses).
- The investigating Officer when interviewing the subject member; must ask them to respond to each point of the complaint and alleged breach of the Code of Conduct.
- The Investigating Officer should make every effort to gather evidence from the Complainant and subject member by way of a face to face interview.

4. Report Stage:

- Review evidence from interviews and any documentary evidence provided.
- Draft the report to contain:-
 - Details of who was interviewed, who supplied information and whether through written documentation or verbally;
 - Agreed facts;
 - Facts not agreed and corresponding conflicting evidence;
 - **An assessment on all of the alleged breaches of the Code of Conduct forming the complaint and those identified by the Monitoring Officer or Investigator;**
 - Conclusions as to whether a breach has occurred.
 - Where a draft report is issued this will be supplied to both the complainant and subject member for comment, in addition to the Monitoring Officer.

In all cases the Investigator will issue a final report and the Monitoring Officer will then determine appropriate action to be taken in line with the report conclusion