

# Public Document Pack

Council

22 January 2019

---

**MINUTES OF THE MEETING OF THE COUNCIL,  
HELD ON TUESDAY 22 JANUARY 2019 AT 7.30 PM,  
PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

<b>Present:</b>	Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bennison, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Ferguson, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, I Henderson, J Henderson, Hones, P Honeywood, S Honeywood, Khan, King, Land, McWilliams, Miles, Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), William Lodge (Communications Manager), Katie Sullivan (Committee Services Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**98. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Skeels (Snr), Heaney and Fairley.

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

**RESOLVED** that the minutes of the ordinary meeting of the Council, held on Tuesday 27 November 2018 be approved as a correct record and signed by the Chairman.

**100. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time.

Later on in the meeting, Councillor Broderick declared an interest in agenda item 10, insofar as she was a member of TenPAG.

**101. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**

Chairman's Charity Quiz

The Chairman thanked all those who had taken part in his Charity Quiz and for raising money for a new venture by Tendring Community Transport, working closer with the communities in Harwich and Jaywick Sands.

The Queen's New Year Honours List

The Chairman gave recognition to two local recipients of the Queen's New Year Honours.

- Gary Smith, the Head Teacher of Market Field School in Elmstead Market, was made an OBE for his services to children with special needs in Essex.

- Caroline Gard had been awarded the British Empire Medal for her services to young people and charities.

Members gave a round of applause.

**102. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were no announcements made by the Chief Executive on this occasion.

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

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

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

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

**105. PETITIONS TO COUNCIL - REPORT OF THE CHIEF EXECUTIVE - A.1 - PETITION: IPSWICH ROAD TOILETS**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of a petition submitted by Councillors Broderick, Winfield and King, as lead petitioners on 3 January 2019. The petition was signed by 247 local residents and requested that the Council maintains human rights to "Spend a Penny" by re-opening (or better still replacing) the Ipswich Road toilet, Holland-on-Sea.

Council was informed that, in accordance with the Council's approved scheme for dealing with petitions, this matter would now be investigated and a report would be prepared and presented to the Cabinet on the basis that it contained between 30 and 249 signatures.

Council was further informed that the next practicable ordinary meeting of the Cabinet was on 15 February 2019.

It was reported that, at that meeting, and in accordance with the Council's approved scheme, a lead petitioner, would be invited to address the Cabinet, present the petition and outline the action that the petitioners would like the Council to take. Due to the fact that there were 3 lead petitioners identified, and all being Ward Councillors, one of those elected Members would be permitted to present the Petition in accordance with the approved scheme. Members would then discuss the petition and decide what action, if any, should be taken. Cabinet's decision would be confirmed in writing and the decision would be published on the Council's website.

**RESOLVED** - That the receipt of the Petition and the contents of the report be noted.

**106. PETITIONS TO COUNCIL - REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - PETITION: PUBLIC CONVENIENCES IN THE DISTRICT**

Councillor Broderick declared an interest in this item, insofar as she was a member of TenPAG.

Members recalled that, at the meeting of Council held on 27 November 2018, the Chief Executive had formally reported the receipt of a petition submitted by Mr Mike LeCornu, as lead petitioner on behalf of TenPAG and Unite. The petition had been signed by 271 local residents and had requested that the Council replaced those public conveniences that had been closed for being 'not fit for purpose'.

At that meeting, Members were informed that this matter would be investigated and a report would be prepared and presented at the next practicable ordinary meeting of the Council.

The Chief Executive had advised Members that, at the next practicable ordinary meeting of the Council, and in accordance with the Council's approved scheme, Mr LeCornu, as the lead petitioner, would be invited to address the Council, present the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Mr LeCornu would then be informed, in writing, of the Council's decision and the decision would be published on the Council's website.

Members had before them a Report of the Corporate Director (Operational Services) which provided details of the petition which had been submitted.

The Chairman invited Mr LeCornu, as the lead petitioner to address the Council, present the petition and outline the action that the petitioners would like the Council to take.

Following the information provided by Mr LeCornu, Members then discussed the petition in order to decide what action, if any, should be taken.

In the absence of Councillor Skeels (Snr) (Leisure and Tourism Portfolio Holder), Councillor Stock OBE moved a motion, which was then seconded by Councillor G V Guglielmi.

The Chief Executive confirmed the motion that was before Members:

*"Council thanks the petitioner for taking the time to submit their petition and speaking on it and notes the statement on page 1 on his petition and take no further action."*

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Winfield asked that a record of the vote on Councillor Stock's motion be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander	Bennison	Chapman	Fairley
Amos	Broderick	Cossens	Heaney
Baker	J Brown	Griffiths	Massey
Bray	Bucke	Miles	M J D Skeels (Snr)
B Brown	Bush	Steady	Watling MP
M Brown	Calver	Yallop	
Callender	Cawthron		
Chittock	Davis		
Coley	Fowler		
Everett	Gray		

---

Ferguson	I Henderson
G V Guglielmi	J Henderson
V E Guglielmi	Hones
P B Honeywood	Khan
S A Honeywood	King
Land	Newton
McWilliams	Pemberton
Nicholls	Porter
Platt	Scott
Poonian	Stephenson
Raby	Whitmore
M J Skeels (Jnr)	Winfield
Stock OBE	
Talbot	
Turner	
Watson	
White	

The motion was thereupon declared **CARRIED**

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

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

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

No questions had been received, on notice, from Members of the Council on this occasion.

**109. REPORT OF THE LEADER OF THE COUNCIL - A.3 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

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

(1) Appointment of Gipping Construction Limited to carry out extension work at Barnes House as part of the Office Transformation project

It was reported that, on 30 November 2018, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Head of Property Services (Andy White) sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that the Head of Building and Engineering Services' (Damian Williams) decision relating to the appointment of Gipping Construction Limited to carry out extension work at Barnes House as part of the Office Transformation project be taken using the 'special urgency procedure.

The Head of Building and Engineering Services' decision was as follows:

*“Following a competitive tendering exercise, to award the contract to the lowest returned tender submitted by Gipping Construction.”*

It was felt that any delay likely to be caused by the usual forthcoming key decision process would have seriously prejudiced the Council’s and the public’s interest for the following reasons:-

*“It would have delayed the start of the project until mid-January which would have had a knock-on effect of a month long delay throughout the whole programme of works.”*

Council noted the foregoing.

**110. MINUTES OF COMMITTEES**

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

- (a) Resources and Services of Thursday 29 November 2018;
- (b) Community Leadership of Monday 3 December 2018;
- (c) Resources and Services of Monday 17 December 2018; and
- (d) Resources and Services of Thursday 3 January 2019.

**111. MOTION TO COUNCIL - "ENSURE THAT ALL AVAILABLE ENFORCEMENT POWERS ARE UTILISED TO COMBAT STREET DRINKING AND ANTI-SOCIAL BEHAVIOUR IN CLACTON TOWN CENTRE"**

Council had before it the following motion, notice of which had been given, pursuant to Council Procedure Rule 12, by Councillor P Honeywood:-

*“That this council looks forward to the new Anti-Social Patrol Officer being appointed and asks that that person works closely with the Police and the dedicated PCSO for Clacton to ensure that all available enforcement powers are utilised to combat street drinking and anti-social behaviour in Clacton Town Centre to the fullest of their ability.”*

Councillor P Honeywood formally moved the motion, and Councillor Everett formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would refer the motion, to the Community Leadership Overview and Scrutiny Committee.

Councillor P Honeywood’s motion, thereupon stood referred, without speeches or discussion, to the Community Leadership Overview and Scrutiny Committee for its consideration and report.

**112. RECOMMENDATIONS FROM THE CABINET - A.4 - REVIEW OF THE COUNCIL'S CONSTITUTION - PHASE 2**

Council was requested to approve the recommended changes to the Constitution put forward by the Cabinet following a review undertaken by the Finance and Corporate Resources Portfolio Holder through a Working Party.

Council was aware that, on 18 January 2019, the Cabinet had considered a report of the Finance and Corporate Resources Portfolio Holder which had requested Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder through a Working Party.

It was reported that the main proposals of the Portfolio Holder covered a revised approach to how Motions on Notice to Full Council were dealt with, the outcome of the six month review of the committee structure, approval of a Member Referral Scheme for the Planning Committee and revised terms of reference for the Local Plan Committee.

A number of Members expressed their appreciation for the way in which Councillor G V Guglielmi, had chaired and conducted the proceedings of the Working Party and Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer) were thanked for all their hard work and efforts.

Councillor Stock OBE welcomed Keith Simmons, the Council's newly appointed Head of Democratic Services and Elections, to this his first meeting of the Council.

The Portfolio Holder's Report and accompanying Appendices which were considered by Cabinet at its meeting held on 18 January 2019 were attached as Appendix A to item A.4 of the Reference from Cabinet.

The Cabinet's recommendations to Council arising from that meeting were tabled at the meeting.

An amendment was submitted by Councillor Everett on the proposed changes to the Member Referral Scheme for Planning Applications. The amendment was tabled at the meeting.

Councillor Everett moved his amendment which was then seconded by Councillor Turner. At this point in proceedings, Councillor G V Guglielmi, accepted the amendment to the recommendations and he thereby incorporated that amendment into the recommendations before Council for consideration.

Following discussion, it was moved by Councillor G V Guglielmi and:-

**RESOLVED** that –

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to E attached hereto, subject to the agreed amendment to Appendix A.2 in relation to the Members' Referral Scheme for Planning Applications;
- (b) the changes as set out in Appendices A to D to come into effect immediately following approval;
- (c) the changes as set out in Appendix E to the sizes of committees to come into effect from 1<sup>st</sup> May 2019;
- (d) the start time of 7.30pm for Ordinary Full Council meetings remains unchanged recognising that a proportion of elected councillors are employed; and

(e) the alternative procedure for changes relating to dealing with Motions on Notice, as set out in the report, is agreed in principle only and that revised Council Procedure Rules be produced for approval to the next practicable meeting of Full Council, so that the same can come into effect on 1<sup>st</sup> May 2019.

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

There were none on this occasion.

**114. RECOMMENDATION FROM THE LICENSING AND REGISTRATION COMMITTEE - REVIEW OF STATEMENT OF GAMBLING POLICY**

The Council considered the recommendation submitted to it by the Licensing and Registration Committee in respect of the revised Statement of Gambling Policy.

Members were aware that the Licensing and Registration Committee had considered this matter at its meeting held on 7 November 2018. The relevant Committee Minute and Report were contained within the Council Book.

It was moved by Councillor Cossens and:-

**RESOLVED** that the final draft of the revised Statement of Gambling Policy be adopted and published in accordance with the timetable previously agreed by the Licensing and Registration Committee at its meeting held 18 July 2018.

**115. REPORT OF THE CHIEF EXECUTIVE - A.5 - NON-ATTENDANCE AT MEETINGS**

In accordance with Article 2.06 of the Council's Constitution the Chief Executive formally reported that Councillor Laurie Gray had exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

It was reported that the last meeting Councillor Gray had attended was the meeting of the full Council held on 11 September 2018.

Council noted the foregoing.

**116. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The Meeting was declared closed at 8.40 pm

**Chairman**

This page is intentionally left blank