

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 16TH MARCH, 2021 AT 7.30 PM
THE MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392.**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Bush, Calver, Casey, Chapman, Chittock, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles, McWilliams, Miles, Morrison, Newton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White and Wiggins
In Attendance:	Ian Davidson (Chief Executive)(except item 106), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer)(except item 106), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Karen Hardes (IT Training Officer)

86. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Cawthron, Clifton and Winfield.

87. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was moved by Councillor Talbot, seconded by Councillor Miles and:-

RESOLVED that the Minutes of the Budget and Council Tax setting meeting of the Council held on 16 February 2021 be approved as a correct record.

88. DECLARATIONS OF INTEREST

There were none on this occasion.

89. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Council that he had recently attended two workshops run by TCVS for the induction of new volunteers and that he had been pleased to represent the Council in supporting the work of this vitally important organisation.

90. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

91. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

92. STATEMENTS BY MEMBERS OF THE CABINET**Action on Climate Change Update**

The Environment & Public Space Portfolio Holder (Councillor Talbot) made the following statement:-

“Colleagues,

At the February Council meeting I said that I intended, with the Cabinet’s support, to have a meeting with the two arms of planning in the District, since in the longer-term view, changes will have to be driven by policy consideration in those two Departments.

On the 9th of March, with the full cooperation of the two Chairmen, Councillors Nick Turner and John White with officers present, we held a ‘Teams’ meeting to discuss all aspects of how our planning system could influence our future ambitions as a District, with regard to both our ‘net zero carbon’ target for the Councils own emissions by 2030, and the wider approach within Tendring to encourage Developers to install Climate Change features in their development applications. The items below are a precis of decisions made: -

- 1. In answer to a question about procedure at Planning meetings, it was agreed between Planning Committee Chairman John White and Graham Nourse, that there should be no problem with ensuring that all Officer reports to the Planning Committee, should contain a reference to ‘Climate Change’, stating in their report, whether the matter had been discussed with the applicant as part of their recommendation to committee.*
- 2. Planning Policy & Local Plan Chairman Turner and Graham Nourse said that once approved, our Local Plan, currently before the inspector, will enable us to make full use of the ‘Sustainable Development’ clause to seek appropriate and timely measures from developers. Councillor Turner further said that whilst this plan had no detailed reference to Climate Change, the Local Plan is reviewed in five years so in the longer term we have every opportunity to make necessary changes.*
- 3. Graham Nourse with Councillor Turner’s agreement suggested that once the plan was approved, they would get together and produce some ‘Supplementary Planning Guidance’ covering what we want from developers to meet with the Climate Change agenda.*

One other report: Wednesday week is the next meeting of TDALC, where Tim R. Clarke (Assistant Director - Housing and Environmental Health) is the guest speaker and since the last TDALC meeting my letter, sent with full Cabinet support, has been delivered to all Town and Parish Councils in Tendring, inviting them to consider what they can do in their patch, and suggesting they put Climate Change on every main agenda produced for their Council Meetings in future.”

Update – East of England Ambulance Service

The Partnerships Portfolio Holder (Councillor McWilliams) made the following statement:-

“Regarding the motion raised by Cllr Morrison at the Tendring District Council Full Council meeting held on the 15th September 2020 which related to the response times and capacity of the East of England Ambulance Service. Our Chief Executive, Mr Ian Davidson wrote to the East of England Ambulance Service and raised the concerns that had been related at the Full Council meeting.

After some time, a response was received, which identified that some additional capacity had been allocated, also it was confirmed that several issues had been highlighted following a CQC inspection.

A meeting was arranged between Sir Bernard Jenkin MP, Councillor Pam Morrison who moved the motion, our Chief Executive Mr Ian Davidson and me.

The meeting discussed the issues raised.

There has been a subsequent meeting between Sir Bernard Jenkin MP, our Chief Executive and the Chairman of the East of England Ambulance Service, and the position at present is ongoing.

The MP for Clacton, Giles Watling has been kept informed and is fully aware of the meetings.

An update on progress is to be arranged and will be presented to an All Member Briefing.”

93. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council as follows:-

“Whilst my annual address is always an opportunity to reflect on the last twelve months, never before have I had occasion to look back at a year in which we collectively witnessed such a monumental impact on our personal and professional lives.

I would like to open this statement by expressing my sincere condolences to anyone who has lost a family member, friend or colleague to Coronavirus over the course of this pandemic so far. My thoughts also go out to all those negatively impacted by the events of the past year, whether that be through missed or delayed medical treatments or diagnoses, the impact on mental health and relationships, including domestic abuse as well as the immense financial impact this situation has had on many people. And I also wish to pay tribute to the incredible efforts of our dedicated key workers, our partners and our voluntary community sector during this unprecedented and difficult time.

It was a year ago today, on 16 March 2020, that the Prime Minister delivered a broadcast on the new Coronavirus asking us to cease non-essential contact with others and to stop all unnecessary travel. We can all recall that a week later, we found ourselves placed into a national lockdown. At the time, it was not possible to comprehend just how significantly COVID-19 would affect us and the journey that lay ahead of us.

It is now six months on from my last statement and as predicted, the pandemic continues to present challenges to us as individuals, as a community and as a Council. I am immensely proud of how we, as a local authority and community leader, have continued to demonstrate our ability to review and adapt our services and plans in accordance with the, often rapid, changes in circumstances.

As Councillors, we have embraced new ways of working, with each other, with our residents and with partners. We have grown accustomed to conducting our meetings remotely with great success, and we have all had to learn how to do that extremely fast! I am keenly following the work that is currently underway to restore what will be our new Council Chamber as part of the Transformation Project. I am sure I speak for us all when I say it will be an especially significant moment when we are in a position to meet again physically in this new, improved space.

Our workforce has shown unfaltering resilience, flexibility and a determination to deliver in the face of adversity, with teams being required to react swiftly to the closure, re-opening and further closure of discretionary services and also to step up to take on entirely new responsibilities, providing essential services that have supported the safety, health and wellbeing of our residents.

As part of our ongoing COVID-19 response Council staff have risen to the call for mutual support from the NHS, many staff have been deployed to the vaccination centres and supported the emergency response. We also have staff dedicated to Test and Trace and working as Covid Ambassadors across the District. They are working to assist businesses and their customers in making well-informed choices and are also making vital personal visits to those residents the Track and Trace team cannot reach by telephone.

This January, £220,000 funding was allocated to the Council in respect of the Community Champions scheme, which aims to expand work to support those most at risk from COVID-19.

As I have mentioned before, our financial systems are set up to collect money, not to give it out, so we have had to completely turn things on their head, as we have worked through and paid money out under the many and varied grant schemes since April last year.

We even had to dust off the corporate cheque book at the start of the year to ensure we got money out of the door as quickly as possible.

Many of the grant schemes have been mandatory, but there have also been a number where we were able to introduce our own local criteria. Where we have had this opportunity, we have always listened to feedback and voices within the business community with the aim of supporting as many people and businesses as possible.

Some authorities have gone down the path of getting the money out of the door as quickly as possible by just paying grants to only those that operate from a commercial property. However, quickly is not always the most effective approach as they will have overlooked a large number of businesses that are equally as important to local economies such as the service sector, those working from home and the self-employed.

Our local schemes have always been more considered, to make sure we support as many parts of our economy as we possibly can, as they will be essential to the district's recovery.

To date we have paid out over £43 million covering more than 10 business grant schemes. This work will continue as we administer further grant schemes over the period that the Government's current 'roadmap' covers.

Clearly, COVID-19 has significantly changed the way we work and live our lives, as well as impacting on the national and local economy. As such, our Back to Business plan is one of the most important agendas this Council has ever developed. If there is a roadmap to recovering from the pandemic, we want to create a downward slope so we can gather pace and success – not set ourselves an uphill struggle. In such a challenging climate, not only will our ambitious schedule of projects support local businesses to flourish, it will also provide support for residents in recovering from the many challenges they have faced over the last year.

We launched the Shop Safe in Tendring initiative in support of our struggling local businesses and held virtual shopping events in November and December. With town centres suffering right across the country, I am proud that we are now in the process of developing the Starlings site in Dovercourt Town Centre, to support local businesses during this challenging economic climate and improve one of our key public spaces.

The site will accommodate 51 car parking spaces, including four disabled parking bays and four electric charging points. The development will include new public toilets, as well as hard and soft landscaping and has been designed to enable its use as one-off event space such as markets, travelling fairgrounds and open-air theatres, encouraging foot-fall and supporting the town's economic recovery. I look forward to seeing this exciting regeneration project come to fruition over the next 12 months as part of our Back to Business agenda.

In November, the Council secured almost £2m of funding from the South East Local Enterprise Partnership in support of our ambitious plans to deliver a 9,500 sq. ft. covered market and managed workspace facility in Jaywick Sands. Subject to planning approval, the scheme is scheduled to become operational in April 2022. As part of the project, the Council is also working to appoint an Operating Partner who will manage the facility and also provide bespoke business support services to tenants of the building and emerging businesses in the Jaywick Sands area.

Late last year we published our first action plan in respect of becoming a net zero carbon council by 2030. I know that a number of projects are underway involving many of our officers and we will see more on this as the year progresses.

Section One of the Local Plan has been agreed and we are moving at great pace towards the adoption of Section Two. Alongside this, the Colchester Tendring Borders 'Preferred Options' plan is going through a process of community engagement and will be presented to Councillors in due course.

Our plans to build more council homes have been progressing. The Council has retained ownership of its housing stock which currently comprises around 3,100 general purpose dwellings that our Housing and Surveying Teams manage and maintain. Work on these dwellings continues, including the upgrading of heating systems, reassessing

fire precautions in the light of the Grenfell tragedy and of course thousands of routine repairs and maintenance jobs every year. In addition to the existing stock, the finishing touches are being made to ten new homes in Jaywick Sands and the Cabinet has only recently committed to the acquisition of two new bungalows in Clacton from a developer. Detailed assessment of prospective development sites and potential acquisitions is ongoing and the Cabinet is committed to completing these assessments and achieving its target of 200 additional homes. Notably the Council has been selected as one of only three councils to take part in a national pilot funded by Government, to encourage small and medium sized building firms to build homes for the council to purchase. Adding additional homes to our stock is a key part of the Housing Strategy 2020-25 that we published last year. The document, entitled Delivering Homes to meet the needs of local people, identifies four key strategic housing priorities as follows:

- Delivering homes to meet the needs of local people*
- Reducing and preventing homelessness and rough sleeping*
- Making the best use of and improving existing housing*
- Supporting people in their homes and communities.*

I firmly believe these provide us with a strong foundation to work from.

As you will have picked up from the Budget Speech on 3rd March in Parliament by the Chancellor of the Exchequer, Rishi Sunak MP, I am really pleased to be able to tell you, that Freeport East has been chosen as one of the new Freeports in the UK and I, along with the rest of Council will undoubtedly look forward to realising the potential this opportunity represents. Freeport East, encompassing Harwich and Felixstowe, is ideally located to link the UK with global markets, help to boost the local, regional and national economies, through job creation, tax incentives and strengthening global trade routes. The major strength of Freeport East is its strategic location as well as its tie up with clean energy, transport links and technological innovation. Hydrogen and wind power are going to be major factors in the UK meeting the government's climate change ambition and so the awarding of the Freeport status to the area is a significant milestone in achieving this goal.

Including Britain's busiest container port, Freeport East is vital to achieve the Government's vision of Global Britain, enabling the country to forge new trading relationships with the world post-Brexit. It will also create thousands of highly skilled jobs (13,500) through technical innovation, contributing to the levelling up agenda not only locally and regionally but also across the UK.

In Harwich, the focus is on establishing the Port and Bathside Bay as a clean energy hub, focusing on the opportunities afforded via offshore wind and hydrogen production, and by supporting the new nuclear sector and its developments at Bradwell and Sizewell.

Against the backdrop of COVID-19 and despite all the upheavals of the past year, the Council has yet again been awarded the Investors in People Gold Award. The Council received our first gold accreditation in 2016 and since that time, we have continued to demonstrate significant improvements year-on-year. This latest success bears testament to the hard work and commitment of our staff and serves to highlight the many great things we are doing to support our 600+ full and part-time employees.

In spite of the challenges, this month sees Census 2021 take place in England and Wales and preparations are underway in Tendring to deliver this May's combined polls in a Covid-safe way for everyone involved.

Tourism remains a key priority and we expect and indeed hope to experience similarly high numbers of visitors to our wonderful seafronts in 2021 as we did in 2020 and are actively planning for this, to help manage the situation for the benefit of our residents and visitors alike.

This year marks the 150th anniversary of Clacton-on-Sea and in conjunction with our partners, we are planning a range of activities to celebrate this wonderful event. Subject to Government guidance, we are planning a Celebrate Tendring events programme to provide a boost to our local tourism economy which, together with the annual Clacton Airshow, will include a spectacular event to celebrate Clacton 150, the postponed Harwich Illuminate Festival, the Octopus Ahoy Sculpture Trail and the long-awaited opening of the exciting Mayflower 400 attractions in Harwich.

We continue to champion work in the areas of Education, Health and Community Safety working with many partners to ensure the best outcomes for Tendring residents. One example includes the work in Primary Schools, where we will be opening a further 16 Wellbeing Hubs this year to support both pupils and their parents/carers.

We will soon see a major new cycling programme for Essex starting in Jaywick, which aims to tackle cycling inequality and ensure it is accessible to everyone. The Essex Pedal Project will remove the biggest barrier that prevents people from cycling, namely the cost of a bicycle. It will provide up to 3000 eligible residents in Jaywick and West Clacton with a quality, GPS tracked bike and if recipients use it regularly they can keep the bike. This is being delivered by working with colleagues at Essex County Council and has been awarded funding from the SELEP Get Building Fund - £600,000 for Essex Pedal Power and £1.7m to provide a cycling infrastructure upgrade along the coast from Jaywick to the Pier and then onwards to the railway station. The Sport England Local Delivery Pilot is also contributing £405,000 to Essex Pedal Power. To add to this investment in cycling, a BMX Pump Track feasibility study is being undertaken to identify, in co-production with the community, the location and feasibility of an installation in Jaywick and this is being resourced from both the Heritage Lottery Fund and Local Delivery Pilot.

In closing Chairman, it is truly remarkable to me that we have been able to achieve so much together while the pandemic has kept us apart.

I would like to thank all my Councillor colleagues, the Council's Officers and especially our Chief Executive."

Councillors I J Henderson, Steady and Calver addressed the Council during the debate on the Leader of the Council's Statement.

94. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

95. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

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

Question

Mr Andy Baker asked Councillor Neil Stock OBE, the Leader of the Council:-

"I am sure you will agree that the incidences of fly tipping across the District has gone up, as has the amount of litter now seen daily, and seems to be increasing exponentially, and especially with regard to overflowing public waste bins. However, more recently the public waste bins that are provided across the District would appear either to be insufficient to cope with the volume of waste, or are not emptied frequently enough. I refer specifically to the areas of Walton, Frinton, Holland-on-Sea and Clacton.

You no doubt have seen posts on social media, with photographs showing overflowing waste bins, surrounded by more waste, as well as the angry comments from residents of those areas I have mentioned, about the lack of activity by TDC and its contractor. I cannot comment on other parts of the District but, going by what I have seen myself, I would presume that it is the same all over.

As the areas I have mentioned are very popular, not only with residents, but visitors, once they are again allowed, the image of our coastal areas must be a positive one, and seeing litter and rubbish everywhere definitely does not present and attractive experience to come.

Would you please instruct the Portfolio Holder for Environment and Public Space, and the relevant officers of the Council, to undertake a comprehensive review of the performance of the Council's contractor in not only the emptying of public waste bins, but their frequency, as well as the supervision and monitoring of this service to this Council, by Council officers, and any other associated and relevant matters relating to the same, with the review to be overseen by the relevant Overview and Scrutiny Committee?"

Councillor Stock OBE replied to the question as follows:-

"May I begin by thanking Mr Baker for his question and of course pointing out that littering and fly tipping are not caused by the Council, its staff or its contractors. These are the actions of an inconsiderate few that impose large financial costs on all our residents.

Last season, and already this year, we have seen larger than normal numbers of visitors to the coast which is of course fantastic news, but it has meant some problems including bins overflowing in some areas even when nearby bins are not filled. Reacting to this last year additional bins were put out, extra collections, including large litter picks were deployed. The roll out of some additional bins in key areas has already begun in the current year.

Typically, the Council provides around 1300 permanent bins around the district including 200 on the seafronts. Just to re-state that figure, we have one thousand three hundred bins across what is a huge geographical area, and this is then augmented by 150 further seasonal bins and over 20 larger "Dalek" bins. This was added to last year and, proactively, the Council's officers have begun to add further additional bins this year.

So, this Council does a huge amount to deal with litter. As I have already mentioned large numbers of bins are provided and in season the contractor litter picks and empties bins on the seafronts twice daily.

When fly tipping is reported it is reacted to swiftly and officers are taking necessary legal steps to be able to lawfully deploy and use CCTV at trouble spots. Various publicity campaigns are run and where evidence can be found perpetrators are traced and dealt with. However, the district is extremely large and mainly rural. It would be impractical to think that action could be taken that could completely prevent fly tipping.

There have been cases in the last year where visitor behaviour has been poor. There have also been occasional missed bins caused by human error, technical issues and even traffic problems. Where this occurs both the officer and contractor teams work hard to put things right quickly.

In the coming season the waste team is planning to take a proactive approach and giving instructions for additional bins at key points to be installed early and requesting extra emptying in advance if weekend weather seems likely to encourage extra visitors before the season begins.

But rather than criticising our officers and staff I would like to pay tribute to the additional work and effort that has been put in, over and above their contribution to the Covid efforts. Of course, we must always try to improve what we do. I know that Councillor Talbot will be working with the team to look for ways that peak demands and trouble spots in the current season can be dealt with. Many parts of the organisation will be working to assist with that, whether it be finding ways to deploy CCTV, reporting incidents, or trying to educate the public.

In conclusion, littering and fly-tipping is a serious issue, it will always be a serious issue and it is one that this Council and we, as Members, have to devote a lot of time and energy to and it is something that we take very seriously."

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

There was no such report on this occasion.

97. MINUTES OF COMMITTEES

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

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

- (a) Community Leadership Overview & Scrutiny of Monday 30 November 2020;
- (b) Resources and Services Overview & Scrutiny of Thursday 14 January 2021;

- (c) Resources and Services Overview & Scrutiny of Monday 1 February 2021;
- (d) Standards of Wednesday 3 February 2021;
- (e) Community Leadership Overview & Scrutiny of Monday 8 February 2021;
- (f) Audit of Thursday 25 February 2021;
- (g) Human Resources & Council Tax of Thursday 25 February 2021; and
- (h) Community Leadership Overview & Scrutiny of Monday 1 March 2021.

In relation to the recommendation to Council contained within Minute 13 of the minutes of the meeting of the Standards Committee held on 3 February 2021 the Monitoring Officer (Lisa Hastings) informed Members that this would be the subject of a report to a future meeting of the Council.

In noting the contents of the Minutes of Committees listed in (a) to (h) above the Council was aware that there was a Recommendation to Council contained within Minute 17 of the minutes of the meeting of the Community Leadership Overview & Scrutiny Committee which would be taken in conjunction with Members' consideration of Agenda Item 16 later on in the meeting. In addition, Council was also aware that there was a recommendation to Council contained within Minute 19 of the minutes of the meeting of the Community Leadership Overview & Scrutiny Committee which would be taken in conjunction with Members' consideration of Agenda Item 19 later on in the meeting.

Furthermore, Council was also aware that there was a recommendation to Council contained within Minute 48 of the minutes of the meeting of the Human Resources & Council Tax Committee (page 78) which would be taken in conjunction with Members' consideration of Agenda Item 21 later on in the meeting.

98. MOTIONS TO COUNCIL

No Motions to Council had been submitted by Councillors in accordance with the provisions of Council Procedure Rule 12 on this occasion.

99. MOTION TO COUNCIL - DEVELOPMENT SITES FOR COUNCIL HOUSING

Council recalled that, at its meeting held on 24 November 2020, the following motion had been moved by Councillor Placey and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

- “(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning permission for housing developments on those sites in order to maximise the income from such disposals; and*
- (b) That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”*

Cabinet, at its meeting held on 18 December 2020 (Minute 97 referred), had duly considered the motion put forward by Councillor Placey and had decided at that time to thank Councillor Placey for her input; had noted a number of factors around disposals of pieces of land; and had requested a further report to a future Cabinet meeting with a view to presenting the outcome of Cabinet's deliberations on this matter to this meeting of the Full Council.

Cabinet, at its meeting held on 19 February 2021 (Minute 140 referred), had duly considered that further report and had decided, amongst other things, to recommend to Council that an amended motion should be approved.

The Corporate Finance & Governance and the Housing Portfolio Holders' joint report submitted to that February meeting of Cabinet together with the relevant Minute from that meeting were included for Council's consideration within the Council Book at pages 85 to 96 inclusive.

It was moved by Councillor G V Guglielmi and seconded by Councillor P B Honeywood that, in accordance with the provisions of Council Procedure Rule 12.5, Councillor Placey's motion be amended to read as follows:-

"That the Council:

- i) notes and supports the ongoing work by Officers in relation to identification of potential sites for development or disposal, identifying potential purchases of dwellings on the market and establishing processes and resources for the construction of new Council Housing; and*
- ii) notes the instruction from Cabinet to Officers to continue to investigate all potential sites and acquisitions, wherever they may be located within the District, reporting to the Cabinet and Portfolio Holders in accordance with their Executive functions and Scheme of Delegation including the various criteria outlined in the Cabinet's decision taken on 19 February 2021 including reference to housing, financial and other priorities and the specific characteristics of the sites and area under consideration and the identified needs of those areas."*

Councillors G V Guglielmi, Steady, Davis, Allen, Miles, Placey, Harris, Stock OBE and P B Honeywood addressed the Council during the debate on Councillor G V Guglielmi's amendment.

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

Councillors Placey and P B Honeywood then addressed the Council during the debate on the substantive motion.

The substantive motion on being put to the vote was declared **CARRIED**.

100. RECOMMENDATIONS FROM THE CABINET

There were no recommendations submitted from the Cabinet for the Council to consider on this occasion.

101. **REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.1 - MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS**

It was reported that, further to both Minute 12 of the meeting of the Community Leadership Overview & Scrutiny Committee held on 28 September 2020 and Minute 24 of the meeting of the Full Council held on 24 November 2020 the Community Leadership Overview & Scrutiny Committee (“the Committee”) at its meeting held on 8 February 2021 had heard that in terms of the previous request to Council contained in Councillor Sue Honeywood’s motion on this matter the Council had no legal enforcement powers to undertake that work and so any request to organisers would be for them to comply with on a voluntary basis only.

The Committee had had before it a report of the Assistant Director (Housing and Environment) which had outlined the following:-

“Advertising Events - the Council had no powers to require organisers of public events to advertise their event prior to it occurring. However, by their very nature public events were routinely advertised in order to ensure that they had a sufficient attendance and on that basis nearby residents were also likely to be aware. In addition, where the organisers of an event attended the Safety Advisory Group and where potential disturbance to neighbours was likely to occur, for example through fireworks or the provision of music, then advice was given to the organisers to contact neighbours to make them aware. However, that advice could not be enforced.

Animal disturbance – It was reported that in the last year there had been a number of complaints in terms of fireworks potentially distressing animals (such as horses) and on that basis that an event should not take place. Reference was made to the Animal Welfare Act 2006 which, under section 4, made it an offence to cause an animal to suffer. On the basis that any individual could set off fireworks at their property as a private individual and it was not regarded as an offence in terms of neighbours’ pets, the relative infrequency of major public events which tended to operate in early November or on significant dates, and the lack of specific legislation which banned public firework events it was not considered an offence by an event organiser to hold a firework event.

Other Actions

The Committee also heard that as per the motion as previously approved by Full Council, the Council could determine whether it wished to run a publicity campaign in relation to fireworks. Both the timing of the campaign and content would need to be considered to ensure an effective message was provided at the correct time.

An event proposed within Tendring in November 2020 had been subsequently cancelled due to a social media campaign, originally in terms of distress to animals, which had then developed and resulted in personal threats to the event organiser and potential threats to anyone who attended the event. Therefore any message provided needed to be balanced, highlighted what was permitted but also encouraged achievement of high standards. Within that campaign the benefits of quieter fireworks could also be identified. However, that would only be on a voluntary basis by event organisers.

The Council had a presence on social media sites for disseminating advice and information which had been found to be effective in reaching significant numbers of people in the area and could be used to promote messages in respect of firework displays.”

Tim Clarke (Assistant Director (Housing and Environment)) had also reported to the Committee that Central Government had received a report from the Parliamentary Petitions Committee inquiry into Fireworks in March 2020. From that report the Government had subsequently recommended that:

“While people who want to ban the public from buying and using fireworks have valid concerns that must be addressed, we cannot support a ban before other, less drastic but potentially more effective, options have been fully explored”.

The Committee had heard how Government had commissioned a study from the Office of Product Safety and Standards in relation to the decibel level of fireworks in order to collate data for an evidence base, however this had still to be produced.

Mr Clarke had also reported that Government had recommended that:

“... the Government work with Local Authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Government should work with a Local Authority to pilot the approach before the end of 2020, with a view to legislating to empower all Local Authorities to establish mandatory permit schemes where they deem it necessary”.

That had been supposed to start in autumn of 2020 but Mr Clarke was not aware at the Committee’s meeting that any such pilot had yet commenced.

The Committee had also heard about another recommendation in the report that read:

“... the Government fund and coordinate a major, national awareness campaign on the responsible use of fireworks to get this message across to the public.”

Mr Clarke reported that that Campaign had started and the advertising material was available for this Council to use.

After a full discussion the Committee had decided to recommend on to Council that:

- *The Council is made aware of the Government’s response to the Petitions Committee;*
- *The material already available to the Council from Central Government be used as part of the public relations campaign for firework mitigation;*
- *The Chief Executive write a letter to Central Government in support of any measures coming forth to tighten the restrictions on licensable sales of fireworks; and*
- *A channel is developed for information in relation to the illegal and underage sale of fireworks to be passed along through the Council to Trading Standards.*

It was moved by Councillor Chittock that Council:

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- (a) notes the substance of the Government's response to the Parliamentary Petitions Committee;
 - (b) that the material already available to the Council from Central Government be used as part of any Council led public relations campaign for the mitigation of the impact of firework displays;
 - (c) that the Chief Executive be requested to write a letter to Government setting out this Council's support for any forthcoming legislative measures to tighten the restrictions on licensable sales of fireworks; and
 - (d) that Officers work with Essex County Council Trading Standards to develop a conduit whereby information in relation to the illegal and underage sale of fireworks can be passed along through the Council to Trading Standards in a speedy and efficient manner.

Councillor Harris then moved and Councillor S A Honeywood seconded that Councillor Chittock's motion be amended by the addition of the following paragraph, namely:-

"(e) that, in respect of all fireworks events that are referred to the Tendring Safety Advisory Group for their advice, the relevant parish council and local District Ward Councillors are to be informed as soon as possible in order that they can be involved as part of that consultation process."

Councillors Harris, Davis, Miles, Scott, Steady, Stock OBE and Morrison addressed the Council during the debate on Councillor Harris' amendment.

Councillor Davis advocated that any letter sent in accordance with paragraph (c) above should particularly address the issue of loud, explosive fireworks at unlicensed private displays which could, and did, take place without warning on any day of the year and were particularly distressing to pets and other animal life.

Councillor Harris' amendment, on being put to the vote, was declared **CARRIED** and it then became the substantive motion.

The substantive motion on being put to the vote was declared **CARRIED**.

102. REPORT OF THE CHIEF EXECUTIVE - A.2 - CHANGE IN MEMBERSHIP OF POLITICAL GROUPS AND THE DISSOLUTION OF THE UKIP GROUP

The Chief Executive formally advised Council that, on 29 January 2021 and pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor James Codling had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Members were reminded that Regulation 8(1) of the Local Government (Committees and Political Groups) Regulations 1990 Regulations required a political group to have a minimum of two members and that therefore that had meant that the UKIP Group on Tendring District Council had automatically ceased to exist as mandated in Regulation 8(2) of those Regulations.

The Chief Executive further advised Council that Councillor Codling, also on that date and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the Conservative political group. That notice had been duly counter-authorised by the Leader of the Conservative Group (Councillor Neil Stock OBE).

Council was made aware that Councillor Stock had informed Officers that he did not wish to exercise his right under 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 to have a review of the allocation of seats to political groups carried out. This was due to the fact that the outcome of any such review could not have been enacted by Full Council until this meeting and that, in any case, a review of the allocation of seats would automatically be carried out at the end of March 2021 as part of the preparations for the Annual Meeting of the Council due to be held on 27 April 2021.

Council noted the foregoing.

103. REPORT OF THE MONITORING OFFICER - A.3 - REVIEW OF THE COUNCIL'S CONSTITUTION

Council's approval was sought for the recommended changes to the Constitution put forward by the Cabinet.

It was reported that, at its meeting held on 19 February 2021, Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder which had requested it 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 constituted for that purpose. The main proposals covered a number of miscellaneous amendments to the Council Procedure Rules, Article 10 of the Constitution and the Property Dealing Procedure in order to ensure that the Council's Constitution remained effective, efficient and consistent at an operational level.

The Portfolio Holder's Report and accompanying Appendices which had been considered by Cabinet at its meeting on 19 February 2021 were attached as Appendices to item A.3 of the Report of the Monitoring Officer (and as contained within pages 113 to 147 of the Council Book).

The Cabinet's decision on this matter at its meeting held on 19 February 2021 had been as follows:-

“RESOLVED that Cabinet –

1. RECOMMENDS TO COUNCIL:

- (a) that the Council's Constitution be amended to reflect the proposed changes as set out in the Portfolio Holder's report and the appendices attached hereto;*
- (b) that the previously approved provisions (i) and (ii), as set out below, should be discontinued:-*

- (i) *Members who were following the proceedings of a meeting via the public 'live stream' should inform Officers that they were doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings; and*
 - (ii) *in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes.*
- (c) *that all changes come into effect on 28th April 2021 i.e. the day after the Annual Meeting of the Council.*

2. **RESOLVES that:**

- (a) *the Standards Committee be requested to examine whether a change to the Members' Code of Conduct is required in relation to Members' Declarations of Interest in virtual meetings and that, in the meantime, the Monitoring Officer be requested to issue a guidance note to Members to re-iterate that Members should adhere to Paragraph 9 of the Code and should withdraw from the meeting connection/link at the appropriate juncture; and*
- (b) *the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible."*

Councillors White, Bray and Harris addressed the Council during the debate on this item.

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 F to item A.3 of the Report of the Monitoring Officer;
- (b) the previously approved provisions (i) and (ii), as set out below, should be discontinued:-
 - (i) *Members who were following the proceedings of a meeting via the public 'live stream' should inform Officers that they were doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings; and*
 - (ii) *in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes.*
- (c) all changes come into effect on 28th April 2021 i.e. the day after the Annual Meeting of the Council; and
- (d) Cabinet's decisions in respect of the following be endorsed namely:-

- (i) that the Standards Committee be requested to examine whether a change to the Members' Code of Conduct is required in relation to Members' Declarations of Interest in virtual meetings and that, in the meantime, the Monitoring Officer be requested to issue a guidance note to Members to re-iterate that Members should adhere to Paragraph 9 of the Code and should withdraw from the meeting connection/link at the appropriate juncture; and
- (ii) that the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible.

104. REPORT OF THE MONITORING OFFICER - A.4 - ADOPTION OF AN EXECUTIVE AND OVERVIEW & SCRUTINY PROTOCOL

Council considered the draft Protocol for Cabinet and Overview and Scrutiny roles, which had been produced following consultation undertaken with the Cabinet and the Council's two Overview and Scrutiny Committees with the view of approving its adoption and incorporation into the Council's Constitution.

It was reported that Cabinet, at its meeting held on 29 January 2021 (Minute 122 referred), had considered the draft Protocol and had:-

“RESOLVED that Cabinet –

- (1) approves the draft Protocol for Cabinet and Overview and Scrutiny roles, as set out in Appendix B to item A.7 of the Report of the Corporate Finance & Governance Portfolio Holder;*
- (2) recommends the Protocol to both Overview and Scrutiny Committees for their agreement; and*
- (3) recommends to Council that the Protocol be adopted for inclusion within Part 6 of the Council's Constitution.”*

It was further reported that the Resources and Services Overview & Scrutiny Committee, at its meeting held on 1 February 2021 (Minute 125 referred), had considered the draft Protocol and had:-

“RESOLVED that the Committee notes and endorses the contents of the report and that it be added it to the work programme for a future review.”

Members were also made aware that the Community Leadership Overview & Scrutiny Committee, at its meeting held on 8 February 2021 (Minute 19 referred), had considered the draft Protocol and had:-

“RESOLVED that the Committee RECOMMENDS that:

- Full Council approves the draft Protocol for Cabinet and Overview and Scrutiny roles, as set out in Appendix B to the Portfolio Holder's report;*
- the adopted Protocol be incorporated within Part 6 of the Council's Constitution; and*

• *The Constitution Review Working Party revisits the Committee structure in due course.*”

Councillors G V Guglielmi, M E Stephenson, Stock OBE, Placey and Calver addressed the Council during the debate on this item.

It was moved by Councillor G V Guglielmi, seconded by Councillor M E Stephenson and:-

RESOLVED that –

- (a) the draft Protocol for the Cabinet and Overview and Scrutiny roles, as set out in Appendix B to item A.4 of the Report of the Monitoring Officer, be approved and adopted;
- (b) the Protocol, as so adopted, be incorporated within Part 6 of the Council's Constitution;
- (c) the Protocol comes into formal effect on 28th April 2021 i.e. the day after the Annual Meeting of the Council (along with the changes to the Council's Constitution that were approved earlier in the meeting under Minute 103 above); and
- (d) the Review of the Constitution Portfolio Holder Working Party be requested, as part of its next annual review of the Council's Constitution, to revisit the committee structure of the Council.

105. REPORT OF THE MONITORING OFFICER - A.5 - THE PLANNING COMMITTEE'S PUBLIC SPEAKING SCHEME

Council considered the Planning Committee's recommendation to re-arrange the order of speakers in that Committee's Public Speaking Scheme in order to ensure that the applicant (or their agent or their representative) spoke first after the Officer presentation of the planning application at the Planning Committee's meeting.

It was reported that, at its meeting held on 17 February 2021, the Planning Committee, in response to a request made by the Review of the Constitution Portfolio Holder Working Party (CRWP), had discussed the order of speakers within the Public Speaking Scheme for the Planning Committee and had considered whether it should be changed, for example, in order to allow the relevant Ward Member(s) to speak last (rather than the applicant/agent as at the present time).

The Planning Committee's decision on this matter at its meeting held on 17 February 2021 had been as follows:-

“RESOLVED that the Planning Committee agrees to its Public Speaking Scheme being revised to re-arrange the order of speakers so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting and are then followed by:-

- One member of the public who wishes to speak in favour of the application;
- One member of the public who wishes to speak against the application;
- A representative of the relevant Parish/Town Council for the application site;

- *All District Councillors for the Ward in which the application site is situated.*

For the avoidance of any doubt the Committee confirms that the rights of members of the Executive under the Scheme remain unchanged. In addition, the Committee will undertake a review after six months' operation of the amended Public Speaking Scheme (Planning Committee).

RECOMMENDED TO COUNCIL *that the Planning Committee's Public Speaking Scheme be amended so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting."*

Members were aware that Council Procedure Rule (CPR) 40 (which related to the public speaking schemes operated by the Planning Committee and the Planning Policy & Local Plan Committee) currently stated (following an amendment Council had approved in July 2020):-

"The schemes shall be in such a form as the Full Council determines having considered a recommendation from the relevant Committee."

Therefore any amendment to the Public Speaking Scheme proposed by the Planning Committee had to be submitted to Full Council for its formal adoption.

The Monitoring Officer's Report and accompanying Appendices which had been considered by the Planning Committee at its meeting held on 17 February 2021 were attached as Appendices to item A.5 of the Report of the Monitoring Officer (and as set out within pages 153 to 234 of the Council Book).

Councillors White, Bray, G V Guglielmi and Scott addressed the Council during the debate on this item.

It was moved by Councillor White, seconded by Councillor Bray and:-

RESOLVED that –

- (a) the Planning Committee's Public Speaking Scheme be amended so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting;
- (b) this change comes into effect on 28th April 2021 i.e. the day after the Annual Meeting of the Council (along with the changes to the Council's Constitution that were approved earlier in the meeting under Minute 103 above); and
- (c) Council notes that a review will be undertaken by the Planning Committee after six months' operation of the amended Public Speaking Scheme (Planning Committee).

106. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.6 - PAY POLICY STATEMENT 2021/22

The Chief Executive and the Assistant Director (Governance) & Monitoring Officer both declared an interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon.

The Council had before it a report of the Assistant Director (Partnerships) which sought its approval of the Pay Policy Statement for 2021/22.

Members were reminded that the Localism Act 2011 Section 38(1) required the District Council to prepare a pay policy statement each year. That pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its work force, particularly its senior staff (or 'chief officers') and its lowest paid employees. The matters that must be included in the statutory Pay Policy Statement were as follows:-

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

It was reported that this statement would be published on the Council's website following each review and its approval by Full Council.

Members were informed that the Pay Policy Statement 2021/22 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

Council was made aware that the Human Resources and Council Tax Committee had reviewed the contents of the Pay Policy Statement 2021/22 at its meeting held on 25 February 2021. The Committee had recommended that Full Council adopt the Pay Policy Statement.

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

It was moved by Councillor Chapman and:-

RESOLVED that the Pay Policy Statement 2021/22, as set out in the Appendix to item A.6 of the Report of the Assistant Director (Partnerships), be approved and adopted.

107. 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.

Two questions had been submitted by Members on this occasion as set out below:-

Question One

Councillor Garry Calver asked Councillor Paul Honeywood, the Housing Portfolio Holder:

“In the Leader of the Council’s Budget speech made on 16th February he said, on the subject of the Right to Buy Scheme: “We need to keep pushing the Government to consider modernising the scheme. As I mentioned last year, we need to remove the associated risk from decisions about building or acquiring new homes.”

Will the Portfolio Holder for Housing please inform Members as to what action the administration has taken to persuade the Government to update or even reverse this dreadful policy and whether it has received any positive response?

If it has not received any positive response will he please inform Members as to what action is being taken by the administration to progress this further especially as this policy has had such a major negative impact on the provision of housing for far too long and which continues to restrict our ability to provide the necessary levels of housing required across the Tendring District?”

Councillor Honeywood replied as follows:-

“Thank you Councillor Calver for your question.

Firstly, I think it’s important to say that the issues associated with the Right to Buy scheme affect all stock holding councils and are not unique to us.

Over the past few years the Council has undertaken a number of actions in respect of highlighting the implications of the right to buy scheme on stock holding councils.

The first time I recall raising this issue was in 2012 when I attended a meeting with the then Housing Minister and had an opportunity to question him on the subject.

In December 2018 members from the Right to Buy team at the MHCLG visited Tendring and received a tour of Jaywick Sands. They heard about our plans for the area and the wider implications of the Right to Buy scheme on Councils who are keen to build new homes. During the meeting officers explained that an extension of the 15 year cost floor to 30 years would be a great help in reducing the financial risk associated with the scheme and give councils greater confidence to build new homes.

In January this year the same matter was raised again by one of our officers with an MHCLG official at a meeting of the Association of Retained Council Housing (ARCH) and again at the ARCH Chief Officers’ conference held only a few weeks ago (4/5th March). Other members of ARCH share our concerns, including the limited timeframes during which right to buy receipts need to be spent. The MHCLG official agreed to take the matter away for further consideration.

I can assure you that this administration has raised concerns about the right to buy scheme with Government both directly, and through our membership of the ARCH board – a body that campaigns on behalf of its members. Representatives from ARCH have monthly meetings with MHCLG officials and I know that the right to buy features regularly in those discussions.

I cannot say that we have had a positive response other than an assurance that MHCLG will be looking at the issues raised. This may though be a case of watch this space.”

Question Two

Councillor Jo Henderson asked Councillor Michael Talbot, the Portfolio Holder for Environment & Public Space:

“Will the Portfolio Holder for the Environment please outline his long term plan to install solar panels to all council houses in the Tendring District and include the time frame for achieving it?”

Councillor Talbot replied as follows:-

“Thank you Councillor Henderson. I welcome your question as it is absolutely relevant in our target to become a net zero carbon Council by 2030.

The installation of solar panels on the roofs of our council owned houses will not only benefit the tenants who could take advantage of reduced energy prices, but also to us as a Council by offsetting some of our greenhouse gas emissions.

Clearly such a project comes at a cost and Officers have been looking into possible options. Please bear in mind the fact that to purchase and install such panels would cost several million pounds – surplus funding that we simply do not have within our housing revenue account. There will also need to be a great deal of consultation and engagement with our tenants.

One option that is being explored currently is to enter into a partnership with an installer using external investment to fund the installation costs. Such a scheme could also incorporate battery storage for each property in addition to the solar panels – the batteries would mean that surplus energy generated during the daytime can be stored for use at night time. Tenants would have the option as to whether they signed up to take advantage of the renewable energy or to continue with their existing energy suppliers.

All in all there is a lot to consider and I don't have to tell Members that this is way beyond my level of technical expertise.

To put a timeline on this project would be kidding ourselves this early, but it is certainly something we aim to have completed by 2030, subject always to appropriate financial arrangements being in place. That is the date we have set as our target to become a net zero carbon council, but please be assured that options will be explored fully and brought to Cabinet for consideration I would anticipate within the next 12 months.”

Councillor Henderson then asked a question of clarification to which Councillor Talbot responded.

108. URGENT MATTERS FOR DEBATE

There were no urgent matters for debate on this occasion.

The Meeting was declared closed at 10.06 pm

Chairman