

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 18TH MAY, 2021 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Bush, Casey, Chapman, Clifton, Codling, Coley, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, Knowles, Land, McWilliams, Miles, Morrison, Nash, Newton, Placey, Porter, Scott, Skeels, Steady, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Assistant Director (Governance) and Monitoring Officer), Keith Simmons (Head of Democratic Services & Elections), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)
Also in Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections))

17. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Barry, Calver, Davidson and G L Stephenson.

18. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - WEST CLACTON & JAYWICK SANDS WARD

The Returning Officer (Ian Davidson) formally reported that the result of the by-election in the West Clacton & Jaywick Sands Ward of the District held on 6 May 2021 had been as follows:-

James Edward Machin	110 votes
Stuart David Morgan	21 votes
Jayne Belinda Nash	500 votes
Bradley Patrick Thompson	395 votes
Andrew Paul White	140 votes
Andrew Ian Wood	32 votes

Jayne Belinda Nash had been therefore duly elected a Councillor for the West Clacton & Jaywick Sands Ward of the District of Tendring and had made a Statutory Declaration of Acceptance of Office.

The Chairman of the Council and the Leader of the Council both congratulated Jayne Nash on her election. Members gave Jayne a round of applause.

Council noted the foregoing.

19. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - EASTCLIFF WARD

The Returning Officer (Ian Davidson) formally reported that the result of the by-election in the Eastcliff Ward of the District held on 6 May 2021 had been as follows:-

Andrew Phillip Hartnell Baker	414 votes
Daniel Richard Mayzes	18 votes
Mary Elizabeth Pitkin	13 votes
Michael John Daniel Skeels	294 votes
Eric William Speller	118 votes
Simon Jonathan Wigley	44 votes

Andrew Phillip Hartnell Baker had been therefore duly elected a Councillor for the Eastcliff Ward of the District of Tendring and had made a Statutory Declaration of Acceptance of Office.

The Chairman of the Council and the Leader of the Council both congratulated Andy Baker on his election. Members gave Andy a round of applause.

Council noted the foregoing.

20. MINUTES OF MEETINGS OF THE COUNCIL

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

RESOLVED that the minutes of the ordinary meeting of the Council held on 16 March 2021 and of the annual meeting of the Council held on 27 April 2021 be approved as correct records and be signed by the Chairman.

21. DECLARATIONS OF INTEREST

There were none on this occasion.

22. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

VE Day Commemorations

The Chairman of the Council (Councillor Bray) informed Members that he had been pleased to participate in a filmed ceremony commemorating VE Day. He thanked Councillor Casey for his assistance and efforts given on behalf of The Royal British Legion.

St John's Ambulance Appreciation

The Chairman informed Council that, on 24 May 2021, the Town Hall, along with many other civic and other buildings around the country, would be lit up in Green as a mark of appreciation for the immense work undertaken at all times by the St John's Ambulance.

Civic Events

The Chairman informed Members that he and his Vice-Chairman (Councillor Harris) were holding discussions around the potential for civic events. The themes for any such events would be "raising the profile of the District" and "raising smiles".

Addressing the Chairman

Pursuant to the requirements of Article 5.03 of the Council's Constitution, the Chairman of the Council announced that he was content to be addressed in meetings by any of the following preferred terms:-

Chairman;

Chair; or

Chairperson.

23. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

24. STATEMENTS BY THE LEADER OF THE COUNCIL

Recent Elections

The Leader of the Council (Councillor Stock OBE) referred to the recent elections for the Police, Fire and Crime Commissioner for the Essex Police Area; for Essex County Councillors; and for Tendring District Council in two by-elections. He congratulated all of the successful candidates, especially the eight County Councillors representing the District of Tendring. He also thanked all of the other candidates for their participation in the democratic process especially so during the on-going coronavirus lockdown.

Councillor Stock thanked the Returning Officer (Ian Davidson) and all of his staff for their terrific achievement in running the elections so smoothly despite the very challenging prevailing circumstances.

Ian Davidson, Chief Executive

The Leader congratulated Ian Davidson on reaching ten years as the Council's Chief Executive. He reiterated what it a sound appointment it had been by the Council. Members showed their appreciation with a round of applause.

Councillor Morrison took the opportunity to thank Ian Davidson and Anastasia Simpson, Assistant Director (Partnerships) for their valuable assistance in an organisational review of Harwich Town Council.

25. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

"Dear Colleagues,

My last statement on Climate Change was made on 16th March with our AGM between then and now, so today is the next Full Council Meeting at which a Statement can be made.

On Wednesday 21st April I called a meeting of responsible officers to a 'teams' session to discuss any forward plans TDC have about the move towards the electrification of our vehicle fleet, and the creation of Electric Vehicle (EV) Charging points on Council owned land and Car Parks, all as part of the District Council's aim to become net zero carbon by 2030.

It was apparent both when hearing verbal reports at the meeting and receiving the information distributed beforehand, that a very great deal of work has been done to move towards the Council's confirmed objectives.

The Meeting had a list of the 17 most workable Council Car Parks where EV Charging points should be located and a suggested order of priority, chosen from our 39 parking sites.

We had a report on two non-fossil fuels which could be used to replace current fuel in advance of electrification. They are both news to me and were a fuel called HVO (Hydrotreated Vegetable Oil) and another alternative fuel called "Shell GTL" which rather conveniently is available from our current fuel providers Certas. The report detailed the pros and cons of both these fuels, including the cost per litre of each.

We had a copy of our vehicle 'Fleet List' showing those that we own and those that we lease Including each vehicle's leasing cost, with a full tabulation of each vehicle's details, and the year-by-year replacement programme up to 2023/24.

When speaking about EV owners' domestic Charging Points, they are to be encouraged, but as Ian Taylor reminded those present, we have many residents who live in terraced properties and they cannot have a charging point at home, without the cable stretching out over the pavement! We must make separate provision for those residents, perhaps by allowing them to use the charging points proposed for our Council Car Parks?

The commitment and enthusiasm of our Officers was a pleasure to witness, though charged with a note of caution, referring to all that is in the pipeline, to exercise some caution as all this needs to be balanced against – new and improving technology and not over committing ourselves too early.

My thanks to the officers who attended Damian Williams, Ian Taylor, Andy Nepean and James Hill representing the service, and Tim R. Clarke, our Climate Change Officer.

I am also pleased to report that my colleague Alex Porter dealing with ‘Seafronts’ has approved the go-ahead of a trial of 23 Solar LED streetlights in 7 roads in the Brooklands area of Jaywick Sands, and that competitive tenders will be sought to provide these lights and undertake the work. These lights have NO electricity consumption and therefore ZERO net emission in use. When you realise that TDC is responsible for 191 streetlights in the District and 104 of these are in Jaywick Sands, our Climate Change objective in the longer term will not only reduce emissions but will save us money!

Changing the subject again. On the 22nd of March as you know I wrote to all Town and Parish Councils, with the authority of the Cabinet, asking them to consider adding Climate Change to their own Agendas and to consider just how in their own area, they might contribute to the battle against Climate Change. Some authorities were already taking action of their own before I wrote, but I do intend after consulting my Cabinet Colleagues, to write again to Towns and Parishes, asking if they can let me know of any action their Council is taking arising from the above request. I have no wish to interfere with their sovereign powers, but I am just asking for information. I will of course report this to Members in my next statement to Council on 13th July. Thank you colleagues for your attention.”

Councillor Talbot then responded to questions put to him by Councillors I J Henderson, Allen, Baker and Griffiths.

26. PETITIONS TO COUNCIL

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

27. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No Questions had been submitted in accordance with Council Procedure Rule 10.1 on this occasion.

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

There was no such report on this occasion.

29. 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 22 March 2021;
- (b) Audit of Thursday 25 March 2021;
- (c) Standards of Wednesday 21 April 2021; and
- (d) Audit of Thursday 22 April 2021.

30. 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.

31. RECOMMENDATIONS FROM THE CABINET

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

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

There were no reports submitted by an overview and scrutiny committee for the Council to consider on this occasion.

33. REPORT OF THE CHIEF EXECUTIVE - A.1 - CHANGES IN MEMBERSHIP OF POLITICAL GROUPS

The Chief Executive formally advised Council that, following the by-election in the West Clacton & Jaywick Sands Ward held on 6 May 2021 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Jayne Belinda Nash had served formal notice on the Council that she wished to be treated as a member of the Conservative political group. That notice had been duly counter-signed by the Leader of the Conservative Group (Councillor Stock OBE).

The Chief Executive further advised Council that, following the by-election in the Eastcliff Ward held on 6 May 2021 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Andrew Phillip Hartnell Baker had served formal notice on the Council that he wished to be treated as a member of the Tendring Independents political group. That notice had been duly counter-signed by the Leader of the Tendring Independents Group (Councillor M E Stephenson).

Members were made aware that Councillors Stock and Stephenson had informed Officers that they wished to exercise their 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. The results of that review would be reported to Council at its meeting due to be held on 13 July 2021.

Council noted the foregoing.

34. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF THE COMPLAINTS PROCEDURE

Council was aware that the Standards Committee, at its meeting held on 3 February 2021 (Minute 13 referred) had considered a related report of the Monitoring Officer and had reviewed the Council's Complaints Procedure.

At that meeting of the Standards Committee the Monitoring Officer had explained that the Local Government Ombudsman had looked at this Council's Complaints Procedure on a number of occasions when a complainant who had been dissatisfied with the outcome of a complaint had gone to the Ombudsman for a further review. In all instances the Ombudsman had stated that this Council's procedures were robust and, if followed correctly, the Ombudsman would not look into the outcome of the complaint if the procedure had been correctly followed. Therefore, it was important that the Procedure was made as clear as possible to anyone using it.

The Monitoring Officer had further explained to the Standards Committee that through a recent referral to Essex Police, regarding an alleged Disclosable Pecuniary Interest offence under the Localism Act 2011, the Monitoring Officer had been requested to confirm that the Legal Jurisdiction Criteria Test had been evaluated and met prior to referring the complaint to the Police. The Monitoring Officer had been requested to provide assurance that the following had been applied prior to further Police involvement:

- (a) *The alleged conduct took place after the commencement of Section 34 of the Localism Act 2011.*
- (b) *The Subject Member was a member of the Council at the time of the alleged conduct.*
- (c) *The Subject Member was acting in an official capacity as a Councillor at the time of the alleged conduct.*
- (d) *The Subject Member was not acting as a member of another authority at the time of the alleged conduct.*
- (e) *If the facts are capable of establishment as a matter of evidence, the alleged conduct could be capable of a breach of the Code of Conduct.*
- (f) *That the complaint is not about dissatisfaction with the Council's decisions, policies and priorities.*

In the event that the above assurances could be made, the Police would consider commencing a criminal investigation, if crucially part (e) could be established regarding actual evidence, which the Monitoring Officer might be asked to provide.

The aforementioned test and evaluation had been undertaken implicitly by the Monitoring Officer however, it was not expressly referred to within the Complaints Procedure. Consequently, the Monitoring Officer had recommended to the Standards Committee that paragraph 4.5 of the Complaints Procedure be amended to state:

"If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power and obligation to notify or refer to the Police or other regulatory agencies, subject to the necessary Legal Jurisdiction Criteria Test being applied".

No other changes to the Complaints Procedure had been recommended by the Monitoring Officer at that time.

Consequently, the Standards Committee had decided to recommend to full Council that paragraph 4.5 of the Complaints Procedure contained within Part 6 of the Constitution be amended to include the proposed additional text.

Having considered the recommendation of the Standards Committee:-

It was moved by Councillor Land, seconded by Councillor Turner and:-

RESOLVED that paragraph 4.5 of the Complaints Procedure contained within Part 6 of the Constitution be amended to include the additional text: *“subject to the necessary Legal Jurisdiction Criteria Test being applied.”*

35. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

No Questions had been submitted by Councillors in accordance with the provisions of Council Procedure Rule 11.2 on this occasion.

36. URGENT MATTERS FOR DEBATE

There were no urgent matters for debate on this occasion.

37. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

38. EXEMPT MINUTE OF THE MEETING OF THE AUDIT COMMITTEE HELD ON THURSDAY 25 MARCH 2021

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

RESOLVED that the exempt minute of the meeting of the Audit Committee held on Thursday 25 March 2021, be noted.

The Meeting was declared closed at 8.10 pm

Chairman