

## COUNCIL

18 MAY 2021

### RETURNING OFFICER'S REPORT

#### DECLARATION OF RESULT OF POLL

#### WEST CLACTON & JAYWICK SANDS WARD

The result of the by-election in the West Clacton & Jaywick Sands Ward of the District held on 6 May 2021 was 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 was duly elected a Councillor for the West Clacton & Jaywick Sands Ward of the District of Tendring and has made a Statutory Declaration of Acceptance of Office.

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

**IAN DAVIDSON**  
**RETURNING OFFICER**

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## COUNCIL

18 MAY 2021

### RETURNING OFFICER'S REPORT

#### DECLARATION OF RESULT OF POLL

##### EASTCLIFF WARD

The result of the by-election in the Eastcliff Ward of the District held on 6 May 2021 was as follows:-

Andrew Phillip Hartnell Baker	414 votes
Danny 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 was duly elected a Councillor for the Eastcliff Ward of the District of Tendring and has made a Statutory Declaration of Acceptance of Office.

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

**IAN DAVIDSON**  
**RETURNING OFFICER**

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**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.**

<b>Present:</b>	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
<b>In Attendance:</b>	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.

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**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 9<sup>th</sup> 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 15<sup>th</sup> 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 3<sup>rd</sup> 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.

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**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:

- 
- (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 28<sup>th</sup> 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 28<sup>th</sup> 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 16<sup>th</sup> 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 (4/5<sup>th</sup> 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**

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**MINUTES OF THE ANNUAL MEETING OF THE COUNCIL,  
HELD ON TUESDAY, 27TH APRIL, 2021 AT 7.31 PM  
THE MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

<b>Present:</b>	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Barry, Bush, Calver, Casey, Cawthron, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles, Land (in the Chair for items 1 - 4 (part)), McWilliams, Miles (except item 15 (part)), Morrison, Newton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Elizabeth Ridout (Leadership Support Manager), William Lodge (Communications Manager), Keith Durran (Democratic Services Officer), Karen Hards (IT Training Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Luke Rosier (IT Officer)

**1. CHAIR**

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Councillor Daniel Land, until his successor became entitled to act as Chairman.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted on this occasion.

**3. RETIRING CHAIRMAN'S ANNOUNCEMENTS**

The retiring Chairman (Councillor D J Land) led the Council in a silent tribute to the memory and life of dedicated public service of HRH The Prince Phillip, Duke of Edinburgh.

**4. ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE 2021/2022 MUNICIPAL YEAR**

It was moved by Councillor Stock and seconded by Councillor G V Guglielmi that Councillor Bray be elected Chairman of the Council.

The vote on the election of the Chairman of the Council resulted as follows:-

Councillors   Voting   Councillors   Voting   Councillors   Councillors

---

<u>for Councillor Bray</u>	<u>Against Councillor Bray</u>	<u>Abstaining</u>	<u>Absent</u>
Alexander	Cawthron	Bush	None
Allen		Calver	
Amos		Davidson	
Barry		Fowler	
Bray		I J Henderson	
Casey		J Henderson	
Chapman		Morrison	
Chittock		Scott	
Clifton		Wiggins	
Codling			
Coley			
Davis			
Fairley			
Griffiths			
G V Guglielmi			
V E Guglielmi			
Harris			
P B Honeywood			
S A Honeywood			
King			
Knowles			
Land			
McWilliams			
Miles			
Newton			
Placey			
Porter			
Skeels			
Steady			
G L Stephenson			
M E Stephenson			
Stock OBE			
Talbot			
Turner			
White			
Winfield			

It was therefore **RESOLVED** that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Bray be elected Chairman of the Council for the 2021/2022 municipal year.

Councillor Bray was thereupon invested with the badge and Chain of Office and made a Statutory Declaration of Acceptance of Office.

Councillor Bray thanked Members for the honour and privilege that they had bestowed upon him. He then paid tribute to the work undertaken by the retiring Chairman (Councillor Land) and for the care and commitment he had shown to his civic office.

Councillor Bray announced that The Reverend David Murray would continue in his role as Chairman's Chaplain and that TCVS would be his chosen charity for his year in Office. He further informed Council that he would be supporting Councillor Harris in a Keep Britain Tidy District-wide campaign against littering, fly tipping and dog fouling and that a theme for his year would be 'A Better Normal for Tending'.

Councillor Land thanked Members for their support over the past two years and for being "so patient, kind and accommodating". He stated that whilst he had done the "traditional things" he had also "mixed it up a little" and he had enjoyed every minute learning about the different areas of the District. He also thanked the Chief Executive and his Officers for all of their support and many kindnesses. In particular, he paid tribute to the Leadership Support Manager, Mrs Elizabeth Ridout, whose support and assistance had been indispensable.

## 5. **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2021/2022 MUNICIPAL YEAR**

It was moved by Councillor G V Guglielmi and seconded by Councillor Stock OBE that Councillor Harris be elected Vice-Chairman of the Council.

It was then moved by Councillor M E Stephenson and seconded by Councillor I J Henderson that Councillor Casey be elected Vice-Chairman of the Council.

The vote on the election of the Vice-Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor Harris</u>	<u>Councillors Voting for Councillor Casey</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	None	None
Amos	Barry		
Bray	Bush		
Chittock	Calver		
Codling	Casey		
Coley	Cawthron		
Davis	Chapman		
Fairley	Clifton		
Griffiths	Davidson		
G V Guglielmi	Fowler		
V E Guglielmi	I J Henderson		
Harris	J Henderson		
P B Honeywood	Knowles		
S A Honeywood	Miles		
King	Morrison		
Land	Placey		
McWilliams	Scott		
Newton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		
Stock OBE	Wiggins		
Talbot			
Turner			

White  
Winfield

**RESOLVED** that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Harris be elected Vice-Chairman of the Council for the 2021/2022 municipal year.

Councillor Bray expressed his thanks to Members for their support and stated that he was very proud and privileged to be the Vice-Chairman of the Council. Councillor Harris paid tribute to Councillor Casey and to the former Chairman and he pledged that he would do his utmost to support the Chairman, Members and Officers during the coming year.

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

There were no such announcements on this occasion.

**7. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

**8. SIZE OF MEMBERSHIP OF COMMITTEES ETC.**

Council noted the size of membership of the Council's Committees and Sub-Committees as follows:-

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(7)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(9)
Licensing and Registration	(9)
Planning	(9)
Planning Policy & Local Plan	(11)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

**9. ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO THE POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL**

Council noted the allocation to the political groups formed on Tendring District Council of seats on those bodies that were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

**10. APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE 2021/2022 MUNICIPAL YEAR**

The Council gave consideration to a Schedule of Members that it was proposed by political Group Leaders should serve on each of the Council's bodies, which were



subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

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

**RESOLVED** that the Committees and Sub-Committee of the Council, subject to the Rules of Political Proportionality be, and are, hereby appointed for the 2021/2022 municipal year and that their membership be as set out hereunder:-

Audit Committee

Councillors Alexander, Coley, Fairley, King, Miles, Placey and Steady.

Community Leadership Overview and Scrutiny Committee

Councillors Amos, Chittock, Clifton, Codling, Davidson, Davis, Miles, Skeels and Steady.

Human Resources and Council Tax Committee

Councillors Amos, Calver, Chapman, Chittock, Griffiths, S Honeywood, Knowles, Morrison and M Stephenson.

Licensing and Registration Committee

Councillors Casey, Clifton, Coley, Davis, V Guglielmi, J Henderson, McWilliams, Skeels and Winfield.

Planning Committee

Councillors Alexander, Bray, Casey, Codling, Fowler, V Guglielmi, Harris, Placey and White.

Planning Policy and Local Plan Committee

Councillors Allen, Bush, Chapman, Fairley, G Guglielmi, I Henderson, S Honeywood, Newton, Scott, Turner and Winfield.

Resources and Services Overview and Scrutiny Committee

Councillors Allen, Barry, Codling, Griffiths, Harris, Land, Morrison, Scott and M Stephenson.

Standards Committee

Councillors Amos, Fowler, J Henderson, Land, Steady, Turner and Wiggins.

Miscellaneous Licensing Sub-Committee

Councillors Casey, Coley, Davis, V Guglielmi and J Henderson.

**11. APPOINTMENT OF THE TOWN AND PARISH COUNCILS STANDARDS SUB-COMMITTEE FOR THE 2021/2022 MUNICIPAL YEAR**

Council noted that the appointment of Members to serve on the Town and Parish Councils Standards Sub-Committee would take place at the next meeting of the Standards Committee as the membership of that Sub-Committee was required to be chosen from the membership of the Standards Committee.

**12. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES ETC. FOR THE 2021/2022 MUNICIPAL YEAR**

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

**RESOLVED** that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2021/2022 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Coley	Alexander
Community Leadership Overview & Scrutiny	Chittock	Amos
Human Resources & Council Tax	Chapman	Griffiths
Licensing and Registration	Winfield	V Guglielmi
Planning	White	Bray
Planning Policy & Local Plan	Turner	Fairley
Resources and Services Overview & Scrutiny	Vacant	Vacant
Standards	Land	Steady
Miscellaneous Licensing Sub-Committee	V Guglielmi	Coley

It was then moved by Councillor Allen, and seconded by Councillor Barry that Councillor M E Stephenson and Councillor Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee.

On being put to the vote it was:-

**RESOLVED** that Councillors M E Stephenson and Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2021/2022 municipal year.

**13. REPORT OF THE MONITORING OFFICER - A.1 - THE COUNCIL'S CONSTITUTION**

Members were reminded that, in accordance with Council Procedure Rule 1.1 (xi), it was normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The full text of the Council's Constitution could be found on the Council's website and Members had recently been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors.

The Corporate Finance and Governance Portfolio Holder (Councillor G V Guglielmi) recorded his thanks to the members of his Review of the Constitution Portfolio Holder Working Party for their constructive participation in the work of that body.

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

**RESOLVED** that the Council's Constitution be reaffirmed.

**14. REFERENCE FROM CABINET - A.2 - PROGRAMME OF MEETINGS: 2021/2022 MUNICIPAL YEAR**

The Council gave consideration to a proposed timetable of meetings of the Council and its Committees for the 2021/2022 municipal year.

The programme of meetings also included dates for All Member Briefings in order to assist Members in keeping their diaries up-to-date.

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

**RESOLVED** that -

- (a) the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.2 of the Reference from Cabinet, be approved; and
- (b) the proposed dates for All Member Briefings for Members be noted.

**15. REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - CLACTON AND HOLLAND-ON-SEA CLIFF STABILISATION PHASE 2: REQUEST FOR FUNDING**

It was reported that, since February 2020, three areas of cliff in Holland-on-Sea had collapsed or been identified as likely to collapse. Whilst monitoring of the movement was continuing to take place the design of remedial measures had been completed and tenders had been invited, received and assessed as it had been felt that if no action was taken further cliff collapse was likely which would expose the Council to significant reputational, financial and legal risk.

Council was informed that the lowest tender received was in the sum of £1,930,212.92. An allocation of funding in excess of this would be considered to be prudent in order to allow for contingencies and potentially increasing material costs.

It was for those reasons that the Portfolio Holder for Corporate Finance & Governance (Councillor G V Guglielmi) had submitted a report to the formal meeting of the Cabinet that had been held on Friday 23 April 2021 that, inter alia, had requested Cabinet to recommend to Council that it authorised the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme.

Members were made aware that the provisions of the Financial Procedure Rules, as set out in Part 5 of the Council's Constitution and specifically Section 6.15 (Part 5.37) required the approval of Full Council for the use of this reserve. Conventionally, the Annual Meeting of the Council did not consider general business. However, in this case the Portfolio Holder had proposed that an exception to that convention be accepted in

order to enable the Coastal Protection Team to accept the tender for the work as early as reasonably practicable. A timely commencement would maximise the proportion of work that could be attempted during summer weather; reduce the risk of increasing material prices; and address urgent stability work more quickly.

Prior to the commencement of the meeting the Committee Services Manager had circulated to all Members of the Council the text of Cabinet's decision on this matter, which had been to recommend to Council that it authorised the use of the £1.5m beach recharge reserve in order to fully fund the proposed cliff stabilisation scheme.

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

**RESOLVED** that the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme be approved.

**16. APPOINTMENT OF MEMBER AUTHORITY REPRESENTATIVES TO SERVE ON/AT THE GENERAL ASSEMBLY OF THE LOCAL GOVERNMENT ASSOCIATION**

In accordance with Council Procedure Rule 1.1 (xiv) the Council was requested to appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Council was aware that two of the Members appointed must be the Leader and Deputy Leader of the Council.

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

**RESOLVED** that, in addition to the Leader and Deputy Leader of the Council, Councillors Coley and I J Henderson be appointed to represent Tendring District Council as Member Authority Representatives at the General Assembly of the Local Government Association.

The Meeting was declared closed at 8.41 pm

**Chairman**

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND  
SCRUTINY COMMITTEE,  
HELD ON MONDAY, 22ND MARCH, 2021 AT 7.30 PM  
IN THE [HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

<b>Present:</b>	Councillors Chittock (Vice-Chairman), Amos, Clifton, Davidson, Davis, King, Miles and Steady
<b>Also Present:</b>	Councillor Turner and Mc Williams
<b>In Attendance:</b>	Anastasia Simpson (Assistant Director of Partnerships), Michael Carran (Assistant Director (Economic Growth and Leisure)), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Democratic Services Officer), Karen Hardes (IT Training Officer) and Matt Cattermole (Communications Assistant)
<b>Also in Attendance:</b>	Jonathan Denby (Head of Corporate Affairs, Greater Anglia) and John Smock (Secretary of the Tendring Transport Liaison Board and Chairman of Ontrack Rail Users Association)

**6. CHAIRMAN FOR THE MEETING**

In the absence of the Chairman of the Committee (Councillor Skeels), the Chair was occupied by the Vice-Chairman (Councillor Chittock).

**7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Skeels, there was no substitute.

**8. MINUTES OF THE LAST MEETING**

The Minutes of the meeting of the Committee held on Monday 1 March 2021 were approved as a correct record and were then signed by the Chairman.

Consideration of the Minutes of the meeting of the Committee held on Monday 8 February 2021 was deferred to enable the live stream recording of the meeting to be checked as to whether the minutes were accurate in respect of the recommendations for the Mitigation Measures for Impact of Public Firework Displays item (minute 17 refers).

**9. DECLARATIONS OF INTEREST**

There were none on this occasion.

**10. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**11. RAIL FARES - THE ANNUAL INCREASE IN FARES AND THE IMPACT ON RESIDENTS AND THE AFFORDABILITY OF COMMUTING FROM THE AREA.**

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**11.1 A Question and Answer section with Jonathan Denby (Head of Corporate Affairs) from Greater Anglia**

The Committee received an oral report from Jonathan Denby (Head of Corporate Affairs at Greater Anglia). He explained how rail fare pricing was guided by policy set by Central Government and how each year, usually in July, there was a fair increase and that since 2005 the rate of rise varied between the standard Retail Price Index rate and the Retail Price Index plus 1.

The Committee also heard that while some rail fares were set solely by Greater Anglia, due to the fact that the rest were set by Central Government, meant they had to adjust their fares accordingly or the discretionary pricing would be off kilter, with the regulated fares.

In response to the question, Mr Denby advised that “emergency” buttons, by which passengers could call for assistance were built into ticket machines at unstaffed railway stations. Mr Denby agreed that perhaps more could be done to support apprentices to access greater Anglia’s railway services. He agreed to look at this issue further with his colleagues in order to improve Railway Stations in the area. The level of Government funding for access to Railways provided to greater Anglia would need to increase. Lobbying to achieve this could be something for the Council to consider.

After an informative discussion across a varied set of matters including but not limited to, passenger safety, disabled access, value for money and environmental factors the Committee thanked Mr Denby for his time.

**11.2 John Smock, Hon. Sec. of the Tendring District Transport Liaison Board AND Hon. Chair to "ONTRACK" will give an oral presentation on rail fares.**

The Committee heard an introduction from Councillor Nicolas Turner as Chairman of the Tendring Transport Liaison Board as he explained how they have been working to *“make the railways work better for Tendring Transport Liaison Board”*.

John Smock (secretary for the TTLB and the Chairman of Ontrack the Rail Users Association) gave an oral report and explained the history of rail fares until modern day pricing and how for the last 2 years there had been a consultation, sponsored by the Department of Transport, for a rail fares review.

It was reported to the Committee that there had been a steady decline in the purchase of annual, season, monthly and weekly train tickets and he questioned how the rail companies would change to suit to new working patterns of people only travelling to work a few days a week.

It was also reported to the Committee that the December 2021 time table consultation submitted to the TTLB and Ontrack from Greater Anglia, was insufficient in its ability to have met the need for economic growth in the district as well as the transport needs for a growing population due to housing developments and the new Free Port status in Harwich.

The Committee heard that the TTLB, Ontrack, Essex County Council, Essex Railways Federation and Rail Future were just some of the groups who wanted a rail service that

ran trains every half an hour at every station in Essex and also had a service that started earlier and finished later.

After an informative discussion across a varied set of matters including but not limited to, passenger safety, disabled access, value for money and environmental factors, the Committee thanked Mr Smock for his time.

## **12. PRESENTATION ABOUT TENDRING4GROWTH**

The Committee received an oral update from Michael Carran (Assistant Director of Economic Growth and Leisure) surrounding “Tendring4Growth” which was approved by Cabinet on the 24 January 2020 (Minute 102 refers).

Cabinet had approved that:

*“Tendring4Growth will be a catalyst to create growth through partnership and investment across the District. T4G in action will bring together partners, local businesses and communities to ensure growth in the district is sustained and that it benefits all who live and work in Tendring.”*

The report submitted to the mentioned meeting of Cabinet was circulated to members of this Committee for background information.

It was reported that the key outcomes of Tendring4 Growth that were desired would be as followed:

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring’s tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities

The Committee heard how through the initiative it was planned to help new and existing business with the following:

- Generic business support (Information, Advice and Guidance);
- Proactive outreach services, embracing new and established businesses;
- Sector specific support linked to the district’s growth sectors (Clean Energy, Blue Tech, Assisted Living, Tourism & Leisure, Creative and Cultural);
- Business planning;
- Cash-flow management;
- Marketing and communications;
- Assisting businesses with funding applications;
- B2B networking;
- Events and conferencing;
- COVID safe working and COVID recovery support;
- New ways of working; and
- Sign-posting businesses to IAG provided by other local, regional and national agencies (e.g. BEST Growth Hub, South East Local Enterprise Agency, Government).

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The Committee also heard that a new website was being built so business could access the service and a public outreach campaign was to start shortly.

After a short question and answer session the Committee thanked Michael Carran for the presentation and noted the contents of the report.

**13. RECOMMENDATIONS MONITORING REPORTING**

The Committee NOTED the contents of the report.

**14. SCRUTINY OF PROPOSED DECISIONS**

There were no forthcoming decision at this time.

**15. WORK PROGRAMME**

The Committee discussed the forthcoming Overview and Scrutiny Annual report to Council and Members were asked to look over the Committees work for the last two years and note any pieces of work that resonated with them. That piece of work could then be added to the Annual Report.

The Committee decided to arrange an informal meeting in early April to discuss what can be put onto the work programme for 2020/21.

It was also noted in this record of the issue of levels of suicide in the District. Also that the services to those more prone to attempt suicide and preventative measures had been agreed by the Chairman and Vice Chairman of the Committee to be added to the work programme.

Other suggestions for the future work programme were:

- Recycling initiatives in partnership with local councils.
- Opportunities to support sports clubs to open up/extend the use of leisure facilities.
- Effectiveness of remote learning at school during pandemic.
- Social Housings waiting list-demand and supply for families of different sizes, preferences/location etc.

The meeting was declared closed at 9.45 pm

**Chairman**



**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,  
HELD ON THURSDAY, 25TH MARCH, 2021 AT 10.30 AM  
THE MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

<b>Present:</b>	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley, King, Miles (except items 21 - 24), Placey and Steady
<b>In Attendance:</b>	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment))(items 21 and 22 only), Craig Clawson (Internal Audit Manager), Ian Ford (Committee Services Manager), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant) and Karen Hardes (IT Training Officer)
<b>Also in Attendance</b>	Lisa Clampin (Lead Partner – BDO LLP, the Council's appointed External Auditor)

**21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence submitted or substitutions on this occasion.

**22. MINUTES OF THE LAST MEETING**

It was moved by Councillor Alexander, seconded by Councillor Fairley and:-

**RESOLVED** that the Minutes of the last meeting of the Committee held on Thursday 25 February 2021 be approved as a correct record.

Further to Minute 17(1) – Internal Audit Plan Progress 2020/21 and at the request of the Chairman of the Committee (Councillor Coley), the Internal Audit Manager gave an update on progress made in relation to the Planning Enforcement follow-up audit and the Princes Theatre audit actions implementation. In addition, the Assistant Director (Housing and Environmental Health) updated Members on the progress made on the implementation of a new Housing Allocations IT system.

**23. DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

**24. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were no Questions on Notice on this occasion.

**25. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - INTERNAL AUDIT PLAN 2021/22 AND MARCH 2021 PERIODIC UPDATE**

There was submitted a report by the Council's Internal Audit Manager (A.1) which sought the Committee's approval for the Internal Audit Plan for 2021/22. The Draft Internal Audit Plan was before the Committee as an Appendix A to that report.

The Committee was reminded that Public Sector Internal Audit Standards required that the Internal Audit Manager -

1. Established a risk based Internal Audit Plan, at least annually, to determine the priorities of the Internal Audit function, consistent with the Council's goals.
2. Had in place a mechanism to review and adjust the plan, as necessary, in response to changes to the Council's business, risks, operations, programmes, systems and controls.
3. Produced a plan that took into account the need to produce an annual Internal Audit opinion.
4. Considered the input of senior management and the Audit Committee in producing the plan.
5. Assessed the Internal Audit resource requirements.

It was reported that the 2021/22 Internal Audit Plan had been developed using a risk based approach, taking into account the Council's Corporate Objectives, Corporate Risks and Emerging Risks. A Risk Assessment process had also been undertaken on all auditable areas (the "Audit Universe") of the Council in order to enable the Internal Audit Manager to provide an opinion on the effectiveness of governance, risk management and internal control processes within the organisation and provide reasonable assurance to the Audit Committee.

Members were informed that existing knowledge of the auditable areas and historical data on operational processes within each service area had allowed for a practical assessment on whether a full audit, a leaner audit or a more balanced approach was required. Every audit within the Plan would include a section on the impact of COVID-19 on the service area rather than have a separate audit covering the entire organisation. In this way Officers could continually monitor the impact throughout the year and provide a more detailed level of assurance overall.

The Committee was made aware that discussions had been held with Management Team members individually and collectively. The feedback from Management Team had been taken into account and incorporated within the Plan presented to the Committee. The Committee now had the opportunity to input into the draft plan.

Members were reminded that the establishment for the Internal Audit function was currently 3.6 fte, however it had not operated at this level for some time. As reported previously two members of the Internal Audit Team had left the organisation leaving 3 fte currently working within the team. The Internal Audit Team had worked hard to deliver the 2019/20 audit plan whilst holding vacancies. Due to the organisation moving towards digitalisation and the Internal Audit Team already working paperless this had allowed the Team to stream line its processes and work smarter by targeting its resources and undertake 100% sample testing due to the availability of electronic data. It was therefore proposed that the Internal Audit Team remained with 3 fte whilst retaining the current budget to commission support from a third party for specialist audit days when needed.

The Committee was informed that the proposed Annual Audit Plan had been developed based on the current resource establishment and by using the Team's adaptation to new innovative techniques and leaner ways of working. The number of audit days

proposed was 450 which remained unchanged from the 2020/21 Audit Plan. The Plan had been created with the following in mind:-

- A leaner more practical audit plan had been developed using a risk based approach, knowledge of all operational processes within service areas, historical assurance opinions and an understanding of where procedural changes had occurred around the Council;
- A hybrid structure of both internal and external resource would provide additional resilience within the team as well as provide different experience, skills transfer for more junior staff and access to a hub of audit resource; and
- The impact of COVID-19 would be assessed within all auditable areas identified to ensure a consistent level of assurance could be provided.

The Committee was advised that the Plan would be kept under review during the year, in consultation with the Council's senior management, and taking account of changes to the Council's priorities, operations and risk. Changes to the Plan would be brought to the attention of the Committee for its approval.

The Committee also received the following update on progress made since the previous meeting of the Committee on the following completed audit:-

#### **GDPR – Data Sharing Agreements**

This audit was now completed and had received an overall audit opinion of Adequate Assurance. There had been one significant recommendation raised during the audit meeting the requirements to be reported to the Audit Committee, namely:-

#### **Issue identified**

##### **Out of date Data Protection Policy**

The current Data Protection Policy could be viewed as 'Out of Date' as it had originally been written in May 2018 as a response to GDPR, and it was intended that it be reviewed annually. As well as questions whether the Policy reflected current GDPR regulations and best practice since the implementation of the Act, it was considered to be beneficial to enhance or support the section on Information Sharing Agreements (ISA) or Data Sharing Agreements (DSA)

#### **Agreed Action:**

That the DPO would record all reviews of the Data Protection Policy in the amendment history on page 2 of that policy. A formal review would be undertaken every two years or as required due to a known requirement. A review would also be undertaken of the policy in line with the findings of the audit.

Following discussion, it was moved by Councillor Steady, seconded by Councillor Alexander and:-

**RESOLVED** that –

- (a) subject to the minor textual additions put forward by the Chairman of the Committee at the meeting, the Internal Audit Plan for 2021/22 be approved; and
- (b) that the existing arrangements for updating the Plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with significant amendments reported to the Committee as part of the periodic Internal Audit reporting arrangements.

**26. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - THE AUDIT COMMITTEE'S WORK PROGRAMME 2021/11**

There was submitted a report by the Council's Assistant Director (Finance & IT)(report A.2) which presented for approval the Committee's proposed work programme for the period April 2021 to March 2022. The work programme was before the Committee as an Appendix to the report.

Members were aware that, in addition to the regulatory and statutory activities undertaken by the Committee such as the Statement of Accounts, Corporate Governance and Risk Management, the Committee was also required to review and scrutinise:

- the work and performance of the Internal Audit function;
- the outcomes from the work of the Council's External Auditor; and
- progress made against audit recommendations and other items identified by the Committee.

Members were made further aware that, during the year, other matters apart from those set out above might be presented to the Committee for consideration. Given the on-going regulatory and statutory workload and the various additional activities undertaken by the Committee, any additional items that might arise would need to be considered against the proposed work programme and included for reporting at the appropriate meeting, or considered for inclusion in subsequent work programmes.

Although not included in the formal work programme, it was recognised that the Committee might wish to develop training opportunities, especially going into 2021/22 following the revised mandatory training requirements for members of the Committee. Such opportunities would either form part of future meetings or, where necessary, separate arrangements would be made.

The Committee was aware that there had been a significant impact on resources over the past year due to the on-going COVID 19 pandemic, which had had a knock-on effect on the timing of specific activities and associated reporting, so it had not been possible to present a number of items originally planned for this meeting of the Committee. However, in consultation with the Chairman of the Committee, it was proposed to include an additional meeting in April 2021 in order to enable those outstanding items to be completed and presented to the Committee as timely as possible, given that the next formal meeting after March 2021 would ordinarily be in July 2021.

It was reported that another impact from COVID 19 was the change in the timetable for the production and audit of the Council's Statement of Accounts. The Government had decided to implement this change on an initial two year period, which reflected their

initial response to the wider Redmond review recommendations. The change to the timetable was as follows:

Key Activity	Existing Date	Revised Date
Publication date for <b>Draft</b> Statement of Accounts (Pre-Audit)	1 June	1 August
Publication date for <b>Final</b> Statement of Accounts (Audited)	31 July	30 September

The Committee was informed that the above change could be accommodated within the existing timetable of meetings, but the Final Statement of Accounts would now be presented to the September meeting of the Committee instead of the July meeting of the Committee.

In addition to the above, the Council was still waiting for the Government's response to the wider Redmond review into the effectiveness of external audit. It was currently proposed to update the Committee as part of the Table of Outstanding Issues reports included within the work programme rather than it featuring as a stand-alone item. However, this would be reviewed once the Government had formally announced their response.

It was also reported that, as the year progressed, it might be necessary to review items on the work programme as some reports / activities and associated timescales could be subject to change or would need to be flexible, especially given the current impact of the coronavirus pandemic which might see disruption continue over a prolonged period of time. As appropriate, the Chairman of the Committee would be consulted on any significant changes to the work programme.

Having considered the proposed Work Programme it was moved by Councillor Fairley, seconded by Councillor Placey and:-

**RESOLVED** that the Audit Committee's Work Programme for 2021/22 be approved, subject to the Annual Review of the Anti-Fraud and Corruption Strategy being moved to a later meeting of the Committee from its originally scheduled meeting in January 2022.

## 27. **EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Miles, seconded by Councillor Alexander 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 8 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.

## 28. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - B.1 - RISK BASED VERIFICATION POLICY**

**RESOLVED** that, following the annual review for 2021, the Risk Based Verification Policy, as set out in Appendix A to the Officer report, be approved.

The meeting was declared closed at 11.33 am

**Chairman**

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,  
HELD ON WEDNESDAY, 21ST APRIL, 2021 AT 10.00 AM  
IN THE MEETING TO BE HELD PURSUANT TO STATUTORY INSTRUMENT  
2020/392. LINK TO LIVE STREAM WILL BE FOUND AT  
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

<b>Present:</b>	Councillors Land (Chairman), Steady (Vice-Chairman), Fowler, J Henderson, Turner and Wiggins
<b>Also Present:</b>	Sue Gallone (Independent Person), Clarissa Gosling (Independent Person), David Irvine (Independent Person) and Jane Watts (Independent Person)
<b>In Attendance:</b>	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Sue Honeywood, with no substitute on this occasion.

**2. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the last meeting of the Committee, held on Wednesday 3 February 2021 be approved as a correct record.

**3. DECLARATIONS OF INTEREST**

There were none on this occasion.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**5. REPORT OF THE MONITORING OFFICER - A.1 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE**

There was submitted a report (A.1) by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of their membership on those committees which provided regulatory type functions. The report also detailed training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had attended Licensing Refresher Training in October 2020

Members were made aware that members of the Planning Committee had been invited to a session on Section 1 of the Local Plan following receipt of the Planning Inspector's letter confirming soundness.

It was reported that one Member also received training for the Planning Committee during 2020.

It was also reported that a Member Training Session on Planning Appeals had been held on 20 April 2021, where with the exception of one member, the Planning Committee members all attended together with a number of other interested members.

It was noted that due to the current COVID-19 Pandemic Members had received training to enable them to continue conducting Committee meetings remotely using Skype for Business and Microsoft Teams and there had also been regular All Member Briefings throughout the year.

The mandatory training referenced in this report also formed part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" as reported to this Committee on 2 October 2019 (Minute 14 referred). It was clear that the development of that overall training provision as envisaged in the Statement had been adversely impacted by the Covid-19 pandemic. However, other training had been enhanced to address, for instance, use of IT for remote meetings and undertaking scrutiny in a remote meeting setting.

In relation to the general position on training for Councillors, Council on 16 March 2021 had endorsed the following as part of its consideration of the report of the Monitoring Officer on the outcome of the latest review of the Constitution:

*"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."*

The specific views expressed by the Review of the Constitution Portfolio Holder Working Party, included:

*"There was support from Members for E-learning and a webinar based approach especially an E-learning modular approach whereby participants had to answer Questions to a high enough success rate in order to be deemed to have sufficient knowledge of that topic and be Passed;*

*Essex County Council be put forward as an approach to emulate; and*

*Officers investigate a suitable mechanism for regular Member input going forward such as a cross-party Member Working Group."*

It was intended to take the above forward following the elections on 6 May 2021 in view of restricted capacity among Officers and Councillors prior to that.



Members asked questions of the Monitoring Officer specifically in relation to the continuation of remote meetings and the Monitoring Officer confirmed that the legislation that allowed remote meetings to take place during the COVID-19 Pandemic was due to end on 7<sup>th</sup> May 2021 and that the Government had not renewed the legislation. This would mean that after that date meetings would have to be held in person.

The suggestion of the Constitution Review Working Party to have regular Member input in the form of a cross-party Member Working Group in relation to E-Learning was discussed and Councillor Turner expressed a willingness to be the Committee's representative on such Working Group. All the Members of the Committee agreed with the suggestion.

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

**RESOLVED** that the Committee -

- (a) notes the contents of the report and its Appendix;
- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training events in order to comply with the requirements of the Council's Constitution and;
- (c) To appoint a member of the Standards Committee on the Cross-Party Member Working Party and at the current time the representative would be Councillor Turner.

**6. REPORT OF THE MONITORING OFFICER - A.2 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS**

There was submitted a report (A.2) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of, interests made by Members in the period 20 February 2019 to 31 March 2021. The report provided statistics and related information on –

- 1) the Register of Members' Disclosable Pecuniary Interests;
- 2) the number of declarations of interest made at meetings;
- 3) the use of blank dispensations; and
- 4) the number of offers of gifts and hospitality that had been registered by Members during this period.

Having considered the information submitted the Committee noted the contents of the report.

**7. WORK PROGRAMME FOR 2021/22**

The Committee gave consideration to its work programme for the 2021/2022 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Henderson and seconded by Councillor Turner and:–

**RESOLVED** that the Annual Work Programme for 2021/2022 be approved.

## 8. **QUARTERLY COMPLAINTS UPDATE**

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on existing cases together with general details of new cases, without providing any names, and went through them with the Committee. There had been no requests for dispensations from Members.

DISTRICT	TDC CLLR	Closed	No further action	IP consulted – related to behaviour in a remote meeting	
PARISH (X3)	PUBLIC	Closed	No further action	Related to alleged failure to declare interests at a very difficult meeting. All Councillors apologised for the oversight and MO has offered to provide training to the Parish Council.	
DISTRICT	MO	With investigator	Pending	Deputy MO is dealing with the case due to conflict. Case has been referred for investigation.	
New Cases since last update:					
Council	Complain ant	Current status		Final outcome	Comments
DISTRICT	MEMBER OF THE PUBLIC	CLOSED		No further action	Complaint was historical (over a year old) and refers to matters relating to a council decision and separate legal proceedings .

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TOWN	TOWN COUNCIL LORS (x3)	With MO to go to Cllr subject member of the complaint to respond to.	Pending	Behaviour complained of refers to bullying.
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The Committee noted the foregoing.

The meeting was declared closed at 10.34 am

**Chairman**

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,  
HELD ON THURSDAY, 22ND APRIL, 2021 AT 10.30 AM  
THE MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

<b>Present:</b>	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley, Miles (except items 29 - 33 (part)), Placey and Steady (except items 35 – 38)
<b>In Attendance:</b>	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Craig Clawson (Internal Audit Manager), Ian Ford (Committee Services Manager), Clare Lewis (Fraud and Risk Manager), Kai Aberdeen (Theatre General Manager (Technical)) (items 29 - 33 (part) only) and Keith Durran (Democratic Services Officer)
<b>Also in Attendance:</b>	Lisa Clampin (Lead Partner) (except items 35 – 38) and Aphrodite Lefevre (Director & Engagement Lead) – both representing BDO LLP, the Council's appointed External Auditor

**29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence submitted or substitutions on this occasion.

**30. MINUTES OF THE LAST MEETING**

It was moved by Councillor Fairley, seconded by Councillor Placey and:-

**RESOLVED** that the Minutes of the last meeting of the Committee held on Thursday 25 March 2021 be approved as a correct record.

**31. DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

**32. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were no Questions on Notice on this occasion.

**33. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT: MARCH 2021 - APRIL 2021**

The Committee had before it a report submitted by the Council's Internal Audit Manager (A.1) which provided a periodic update on the Internal Audit function for the period March to April 2021.

Further to Minute 17 (25.2.21) the Council's Theatre General Manager (Technical) (Kai Aberdeen) attended the meeting and updated the Committee on the progress made in relation to the audit actions that had been required following the 'Improvement Required' outcome of the Princes Theatre Audit.

It was reported that a total of five audits had been completed since the previous update to the Audit Committee in March. Four of the five audits completed had received a

satisfactory level of assurance. One audit (Fleet Management) had received an overall opinion of 'Improvement Required'.

Fieldwork had been completed on a further three audits with the draft report yet to be finalised.

Fieldwork was ongoing on another six audits of which three were close to completion, therefore the majority of audit resource for the 2020/21 Internal Audit Plan would be used for the final three audits with the Revenues and Benefits Department.

#### Quality Assurance

Members were aware that the Internal Audit function issued satisfaction surveys for each audit completed. In the period under review 100% of the responses received had indicated that the auditee had been satisfied with the audit work undertaken.

#### Resourcing

It was reported that there had been no changes to the resources available to the Internal Audit Manager since the previous update in March 2021. The Internal Audit Plan was expected to be completed in order to provide the Head of Internal Audit's Annual Opinion.

The Internal Audit Team continued to support the Silver Cell and Community Hub in the COVID-19 Emergency Planning response. The impact on resourcing was however marginal at this stage.

#### Outcomes of Internal Audit Work

The Public Sector Internal Audit Standards (PSIAS) required the Internal Audit Manager to report to the Committee on significant risk exposures and control issues. Since the last such report five audits had been completed and the final report issued. Four audits had received an 'Adequate Assurance' audit opinion. One audit had received an 'Improvement Required' audit opinion.

#### Fleet Management – 'Improvement Required' Audit Outcome

##### 1. Fleet Management Policy

Members were informed that there was no Fleet Management Policy in place which would set the standards and regulations for employees to comply with when using Council vehicles. There was a set of guidelines for staff to follow, however, they did not incorporate key legislative requirements and lacked key processes and procedures to ensure adequate accountability and effective monitoring was in place, ensuring all operational requirements were recorded in one policy.

#### Agreed Audit Action:

*That a Fleet Management Policy be finalised, reviewed and communicated in order to ensure fleet operations and drivers were compliant with both legal and corporate requirements, effectively monitored and provided adequate accountability.*

## 2. Fleet Management Structure

It was reported that the Council planned to appoint a Transport Manager with the relevant qualifications, who would have responsibility to manage all of the Council's fleet. Currently, the Officer acting up as Transport Manager was responsible for managing all Council vehicles, excluding Building Services vehicles.

### Agreed Audit Action:

*That the Transport Manager has responsibility of all Council Fleet, including Building Services to mitigate the risk of vehicles being inadequately managed.*

## 3. Departmental Vehicle Tracking

The Committee was made aware that Service Managers had use of the Hubio Tracking Software. This was a real time monitoring system, which should be used to monitor and manage vehicle use and to regulate the purposes for which the Council's fleet was being used for. However, not all vehicles were able to be tracked due to the increased number of lease vehicles being used within the Building Services Team and Engineering Team as well as the tracking systems available not being used as effectively as possible through system errors and irregular monitoring.

### Agreed Audit Action:

*All vehicles to be fitted with Hubio trackers that could be removed and installed when lease vehicles were changed in order to ensure that all vehicles being used by Council staff could be continuously monitored. There would be an additional cost to the service which was currently being explored.*

## 4. Fuel Card System

Members were advised that the majority of fuel cards were allocated to a vehicle rather than an employee, this allowed flexibility to use different drivers for each vehicle. However, this created a lack of accountability if the fuel cards were abused and driver records were not kept up to date. Without restrictions in place regarding fuelling activity, it was difficult to monitor fuel consumption. Anything outside of business use, could be classified as a benefit and had further financial implications on the employee and the Council.

### Agreed Audit Action:

*Controlled fuelling processes and procedures were to be included within the Fleet Management Policy which all drivers must agree to and follow ensuring that adequate accountability was in place*

*Both avenues of allocating to individual staff or vehicle were to be explored regarding the allocation of fuel ID cards. Both processes would require improved supplementary processes to ensure adequate controls were in place.*

### Management Response to Internal Audit Findings

Members were aware that there were processes in place to track the action taken regarding findings raised in Internal Audit reports and to seek assurance that appropriate corrective action had been taken. Where appropriate, follow up audits had been arranged to revisit significant issues identified after an appropriate time. There were currently no high severity issues overdue (by more than or less than three months).

Having considered and discussed the contents of the Internal Audit Manager's report and its appendix:-

It was **RESOLVED** that the contents of the report be noted.

**34. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - ANTI-FRAUD AND CORRUPTION STRATEGY**

There was submitted a report by the Council's Assistant Director (Finance & IT)(report A.2) which presented to the Audit Committee for its approval an updated Anti-Fraud and Corruption Strategy.

It was reported that the Council's Anti-Fraud and Corruption Strategy had last been updated in March 2020 and it remained subject to an annual review process which had recently been completed.

An amended strategy was attached as Appendix A to the aforementioned report which reflected a number of minor amendments emerging as part of the annual review process but overall the Strategy remained based on CIPFA's Code of Practice on managing the risk of fraud and corruption as adopted by the Committee at its meeting held on 22 March 2018. The Strategy set out the Council's commitments along with the following key areas:

- *Purpose, Commitment and Procedure;*
- *Legislation and General Governance;*
- *Definitions;*
- *Standards, Expectations and Commitment;*
- *Roles and Responsibilities;*
- *Prevention;*
- *Detection and Investigation; and*
- *Resources Invested in Counter Fraud and Corruption.*

The intention was to continue to include the scope for prosecutions within the Anti-Fraud and Corruption Strategy itself and include the relevant framework against which prosecutions would be considered. Those changes had been included within the 'Detection and Investigation' section of the Strategy. The Strategy would continue to be subject to an annual review process.

Members were informed that the amendments to the Strategy also reflected the response to the COVID 19 pandemic where fraud risks had unfortunately increased during such difficult times. Work remained on-going in terms of lessons learnt from the last 12 months and further changes to the Strategy were likely to be required, especially as relevant regulatory bodies were expected to publish updated anti-fraud and corruption guidance following the COVID 19 pandemic. Subject to the scale and timing



of potential changes, a revised Strategy would be presented to the Committee during the year or form part of the annual review early in 2022.

Updates against the Council's Anti-Fraud and Corruption Strategy Action Plan were also included within the aforesaid Appendix A.

The Committee formally commended the Officers within Financial Services for putting in place pro-active anti-fraud checks in relation to the issuing of the central Government financed Covid-19 amelioration business grants.

It was moved by Councillor Alexander, seconded by Councillor Fairley and:-

**RESOLVED** that the amended Anti-Fraud and Corruption Strategy, as set out in Appendix A to item A.2 of the Report of the Assistant Director (Finance & IT), be approved, subject to the incorporation within of the minor alterations and additions agreed at the meeting.

**35. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - AUDIT COMMITTEE: TABLE OF OUTSTANDING ISSUES**

The Committee had before it a report submitted by the Assistant Director (Finance & IT) (A.3) which presented to the Committee the progress on outstanding actions identified by the Committee, together with updates on other general issues that fell within the responsibilities of the Committee.

The Committee was informed that there were three appendices to this report which contained:

- 1) updates against general issues previously identified by the Committee;
- 2) updates against recommendations made by the External Auditor; and
- 3) the latest position against the Annual Governance Statement Action Plan for 2020/21;

It was reported that, to date, there were no significant issues arising in respect of the items identified in Appendices A and B, with work remaining in progress or updates provided elsewhere on the agenda, where appropriate. However, there had been a significant impact from COVID 19 in terms of progressing the actions reported in Appendix C as quickly as originally anticipated. However, activity remained in progress against all actions and work would continue into 2021/22 as required.

**Redmond Review**

The Committee was aware that Sir Tony Redmond, a former council treasurer and local government ombudsman, had been asked by the Government to look at the effectiveness of external audit, as a summary of recommendations emerging from Sir Tony's review had been presented to it at its meeting held in October 2020.

Members were also aware that Sir Tony had made 23 recommendations relating to the quality, timeliness and sustainability of local audit, and the transparency of local authority accounts. The Government had grouped its initial response into the following

five themes, which had been reported to the Committee at its meeting held on 25 February 2021:-

- *Action to support immediate market stability;*
- *Consideration of system leadership options;*
- *Enhancing the functioning of local audit, and the governance for responding to its findings;*
- *Improving transparency of local authorities' accounts to the public; and*
- *Action to further consider the functioning of local audit for smaller bodies.*

Many of those responses had indicated that the Government would either be liaising with the relevant stakeholders or would be further considering some of the recommendations, with the Government's full response expected during the spring of 2021. This remained the case and any further announcements made by the Government would be reported to the Committee at the earliest opportunity.

Having discussed the contents of the report and its appendices:-

It was **RESOLVED** that the progress made against the actions set out in Appendices A to C to item A.3 of the report of the Assistant Director (Finance & IT) be noted.

### **36. DATE OF FURTHER SPECIAL MEETING OF THE COMMITTEE**

The Committee was requested to formally agree the date of a further special meeting of the Committee in order to enable Members to consider the remaining items on the Committee's work programme namely:-

- (1) External Auditor's Audit Plan for the Year Ending 31 March 2021;
- (2) External Auditor's Certification of Claims and Returns Annual Report; and
- (3) Update on the Council's Corporate Risks.

It was:-

**RESOLVED** that a further special meeting of the Committee be held on Thursday 27 May 2021, commencing at 10.30 a.m.

### **37. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Alexander, seconded by Councillor Miles 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 10 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 HELD ON THURSDAY 25 MARCH 2021**

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

**RESOLVED** that the Exempt Minute of the last meeting of the Committee held on Thursday 25 March 2021 be approved as a correct record.

The meeting was declared closed at 11.35 am

**Chairman**

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## COUNCIL

18 MAY 2021

### REPORT OF CHIEF EXECUTIVE

#### A.1 **CHANGE IN MEMBERSHIP OF POLITICAL GROUPS**

(Report prepared by Ian Ford)

I formally advise 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 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).

I also advise 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 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).

Councillors Stock and Stephenson 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 at that time. The results of that review will be reported to Council at its meeting due to be held on 13 July 2021.

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

**IAN DAVIDSON**  
**CHIEF EXECUTIVE**

**COUNCIL**

**18 MAY 2021**

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

**A.1 CHANGE IN MEMBERSHIP OF POLITICAL GROUPS**

Notice of Wish to be treated as a Member of a Political Group (Conservative) signed by Councillor Nash and dated 7 May 2021.

Notice of Wish to be treated as a Member of a Political Group (Tendring Independents) signed by Councillor Baker and dated 7 May 2021.

## MEETING OF THE COUNCIL

18 MAY 2021

### REPORT OF THE MONITORING OFFICER

#### A.2 REVIEW OF THE COMPLAINTS PROCEDURE

(Report prepared by Ian Ford)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To consider the recommended change to the Complaints Procedure (contained within Part 6 of the Council's Constitution) put forward by the Standards Committee.

##### **EXECUTIVE SUMMARY**

The Standards Committee, at its meeting held on 3 February 2021 (Minute 13 refers) gave consideration to a report of the Monitoring Officer (A.2) in relation to undertaking a review of the Complaints Procedure and to recommend any changes to Full Council for adoption.

The Committee was aware that the Standards Framework included the Complaints Procedure (contained within the Members' Constitution Booklet) and that the Council's statutory duty was to promote and maintain high standards of conduct and building public confidence by demonstrating a commitment to maintaining positive behaviours in relation to all seven principles of public life. The current Procedure, which was attached as Appendix A to the Monitoring Officer's report, had been initially adopted by full Council in November 2013 and subsequently amended in 2017 following a review and recommended changes from the Standards Committee. The Monitoring Officer had delegated authority throughout the Procedure to undertake key elements of the complaints process in order to maximise independence from the political process.

At the meeting of the Standards Committee the Monitoring Officer explained that the Local Government Ombudsman had looked at this Council's Complaints Procedure on a couple 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 said 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. Therefore, it was important that the Procedure was made as clear as possible to anyone using it.

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 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, it 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 were recommended by the Monitoring Officer at that time.

Having considered and discussed the information provided in the Monitoring Officer’s report 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 additional text “subject to the necessary Legal Jurisdiction Criteria Test being applied”.

#### **RECOMMENDATION(S)**

**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.”**

#### **BACKGROUND PAPERS FOR THE DECISION**

Report of the Monitoring Officer (A.2 – Review of the Complaints Procedure) to the Standards Committee on 3 February 2021.



By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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