

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 25TH JANUARY, 2022 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Calver, Chapman BEM, Chittock, Clifton, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, King, Knowles, Land, McWilliams, Newton, Placey, Porter, Scott, Skeels, Steady (except items 118 - 123), G L Stephenson, M E Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive) (except items 112, 117 and 118), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Kai Aberdeen (Theatre General Manager (Technical)), Keith Durran (Committee Services Officer), Will Fuller (Planning Officer), Paul Woods (Planning Officer), Eleanor Storey (Development Technician) and Matt Cattermole (Communications Assistant)

101. CHAIRMAN'S OPENING REMARKS

The Chairman wished everyone present a Happy New Year and welcomed them to this the first meeting of the Council in 2022.

The Chairman reminded everyone present that currently in a theatre such as the Princes Theatre mask wearing was a legally mandatory Covid-19 precautionary measure and we that all present needed to respect this for this meeting. It was a personal responsibility to adhere to it.

The Chairman also informed Council that Agenda Item 20 (Report of the Chief Executive – A.7 – Councillor's Non-Attendance at Meetings) had been withdrawn on the ground that it was premature.

102. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bush, Casey, Cawthon, Codling, Miles, Morrison and Nash.

103. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council held on 30 November 2021 be approved as a correct record and be signed by the Chairman.

104. DECLARATIONS OF INTEREST

In relation to Agenda Item 11 (Minutes of Committees) and specifically Minute 45 (Joint Use Facilities Options Report) of the minutes of the meeting of the Resources and

Services Overview & Scrutiny Committee held on 13 December 2021, Councillors I J Henderson and J Henderson both declared a Personal Interest.

The Chief Executive (Ian Davidson) informed Council that he had to declare a Personal Interest in relation to Agenda Items 16 (Pay Policy Statement 2022/23) and 17 (Change to the Terms and Conditions of the Post of Chief Executive) as he was named in both reports. He stated that he would leave the meeting whilst those two matters were debated and decided upon.

105. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

Holocaust Memorial Service

The Chairman informed Council that he would be attending the Holocaust Memorial Service at 11.00 a.m. in the Sunken Rose Garden on Clacton Seafront. Anyone wishing to attend would be very welcome.

'Santathon'

The Chairman thanked everyone who had participated or been involved in the organising of this event. It had been a lot of work but it had resulted in a fabulous day attended by a number of Councillors and a large number of public. It had raised a great number of smiles and not a small amount of money for numerous charities including the Chairman's Charity. It had even made Anglia News and he hoped it would become an annual event.

Chairman's Raffle

The Chairman informed Members that the draw for his Chairman's Raffle was approaching. Anyone wishing to purchase raffle tickets should let him know and he would arrange it.

Mistley Parish Council

The Chairman stated that he had been pleased to attend a recent meeting of Mistley Parish Council to present them with a Foundation Award.

Alresford Christmas Lights

The Chairman announced that he had been delighted to be invited to Alresford to officially turn on their Christmas Tree lights.

Councillor Scott, on behalf of Alresford Parish Council, thanked him for doing so especially as it had been at very short notice.

Pride of Tendring awards

The Chairman reminded Members that the Pride of Tendring awards evening would be held on 11 February 2022. If anybody was intending to attend but had not yet purchased their tickets they were requested to do so as soon as possible.

Councillor Jayne Chapman BEM

The Chairman congratulated Councillor Chapman on her award of the British Empire Medal in the New Year's Honours List and led Members and Officers in a standing ovation to Councillor Chapman.

106. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

107. STATEMENTS BY THE LEADER OF THE COUNCIL

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

108. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

"In January 2021, I came to our Council meeting to say that Climate Change had been added to my Portfolio and that since I knew nothing about the subject, and rather guessed that many other Members were in a similar position, I would try to update the Council at each Main meeting, with progress being made by TDC towards its stated objective of being Net Carbon Zero by 2030.

We now have a Corporate Director, Lee Heley who is responsible for Climate Change Matters at Management Board level and who sent me a comprehensive note in anticipation of this meeting from which I have cribbed much of the detail I now report.

The Council has seen reductions in carbon emissions. 5,083 tonnes of carbon dioxide were emitted in 2018/19. This was reduced to 4,546 tonnes in 2019/20 and 3,881 tonnes in 2020/21. The pandemic has meant there has been less usage of facilities since March 2020, but further practical steps to reduce emissions are currently underway. The closure of our Weeley Council Offices will reduce CO2 emissions by 55 tonnes based on 2020/21 usage – stopping the oil-fired heating alone will cut emissions by 41 tonnes. More widely, the Council has 'opted in' to purchase carbon neutral electricity as part the Crown Commercial Services framework arrangements for procurement, effective from April 2022.

Since I last spoke the Council has applied for Government funding to support the installation of the charging points at the planned Starlings Carpark in Dovercourt, which if successful would enable eight cars to charge at once. Ian Taylor [Head of Public Realm] informs me that, in pursuit of the Council's aim to provide EV charging points to meet future demand for electric vehicles, the Council is currently undertaking a survey to consider financial requirements and practical considerations for introducing EV points on priority car parks. We have proposals for introducing EV points in Council buildings and are continuing to work with other stakeholders such as the County Council and the North Essex Parking Partnership to provide EV charging points on our streets.

The new Local Plan on our agenda tonight for approval, suggests themes of sustainability, protecting the environment and the impact of Climate Change which runs through the new Plan, including many Planning Policies which promote the natural

environment, guard against flood risk, promote the use of sustainable construction methods, encourage the use of public transport, active travel, and guide developments for renewable energy installations.

Policy PPL10 sets out clear guidance around the energy efficiency and use of renewable energy in new residential development, which will no doubt empower our Planning Committee to encourage developers to consider these matters in their applications. Planning Officers are also preparing a Climate Change Supplementary Planning Document which will expand upon and give interpretation to those climate-focused Policies.

There have been benefits for the wider Tendring District. Over £2.5 million has been awarded for spending in the district via the 'Green Homes Grant Local Authority Delivery Scheme', which will improve the energy efficiency of homes of low-income households living in the District.

Recently completed works at our own Council offices includes efficient LED lighting and automatic controls. The work also features the use of air source heat pumps and a completely reinsulated roof at the Pier Avenue Offices.

Two little snippets showing the way T.D.C is now operating. The first fully electric vehicle, a van in the service of the IT team is now in use, and secondly [Councillor] Alex Porter, Portfolio Holder for Leisure (with special responsibility for electric charging) has just made a formal decision to install a charging point in the Town Hall car park.

And finally, I would let all fellow Members know that training on 'Carbon Reduction' will be provided for members. The Council is in discussions with professional providers to offer sessions, and Members will be advised when this learning is set up for them. Thank You Colleagues, for your attention."

Councillor Talbot then responded to questions put to him on his Statement by Councillors Allen, I J Henderson and M E Stephenson.

109. PETITIONS TO COUNCIL

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

110. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

111. REPORT OF THE LEADER OF THE COUNCIL - A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council received a report from the Leader of the Council which notified Members of any recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules.

Transfer of funds from Additional Restrictions Grant to Business Adaptations Grant

It was reported that, on 28 November 2021, the Interim Corporate Director (Project Delivery) (Lee Heley), in conjunction with the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi), and in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the Corporate Finance & Governance Portfolio Holder's decision relating to the transfer of the remaining funds from the Additional Restrictions Grant to the Business Adaptations Grant be exempt from the Council's call-in procedure.

The Corporate Finance & Governance Portfolio Holder's decision was as follows:-

"To transfer up to £511,000 from the Additional Restrictions Grant (ARG) to support the Business Adaptations Grant (BAG) scheme: the amount transferred should cover the shortfall in the BAG scheme between existing funding and eligible grant applications received before the BAG scheme ends, capped at £511,000."

It was felt at the time that any delay likely to be caused by the usual key decision and call-in processes would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The Council needed to be able to pay money out to local businesses who successfully applied for grants as quickly as possible, and to meet the Government's expectation of making all payments under the Business Adaptations Grant scheme by the end of December 2021, with our published application deadline of 15 December."

The demand from local businesses for the Business Adaptations Grant (BAG) scheme outstrips existing funding. The unspent funds from the Additional Restrictions Grant (ARG) must return to Government at the end of March 2021, offering very limited time to develop alternative proposals.

The alternative course of action would be to end the Business Adaptations Scheme early as the current funding is used up. The Council would likely then need to return ARG funding to Government unspent, and disappoint local firms who fit the BAG grant criteria."

Council noted the foregoing.

112. MINUTES OF COMMITTEES

Councillors Allen, Fowler, I J Henderson and Calver asked questions of the Chairman of the Human Resources & Council Tax Committee (Councillor Chapman BEM) in relation to Minute 79 (5.1.22) – Report A.1 – Change to the Terms and Conditions of the Post of Chief Executive and specifically in relation to a statement of the Leader of the Council (Councillor Stock OBE) contained therein.

Councillors Chapman BEM and Councillor Stock OBE responded to those questions.

The Chief Executive (Ian Davidson) declared a Personal Interest and left the meeting whilst the above questions were asked and answered.

Councillors Barry and Steady asked questions of the Chairman of the Resources and Services Overview & Scrutiny Committee (Councillor M E Stephenson) in relation to Minute 45 (13.12.21) – Joint Use Facilities Options Report and specifically in relation to the relationship between this Council and the Sigma Trust and the level of investment by Sigma Trust in the joint use facilities.

Councillor Stephenson responded to those questions.

It was moved by Councillor Stock OBE and:-

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

- (a) Resources and Services Overview & Scrutiny of Monday 1 November 2021;
- (b) Resources and Services Overview & Scrutiny of Monday 13 December 2021;
- (c) Human Resources & Council Tax of Wednesday 5 January 2022; and
- (d) Planning Policy & Local Plan of Tuesday 11 January 2022.

NOTE: In accordance with the provisions of Council Procedure Rule 19.5 Councillors Allen, Clifton, Davidson, Fowler, I J Henderson, J Henderson, Knowles and Placey required that their names be recorded in the Minutes as having abstained from voting in respect of receiving and noting the minutes of the meeting of the Human Resources & Council Tax Committee held on 5 January 2022.

113. MOTIONS TO COUNCIL

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

114. RECOMMENDATIONS FROM THE CABINET

No recommendations from the Cabinet had been submitted to the Council on this occasion.

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

No reports had been submitted to the Council by an overview and scrutiny committee on this occasion.

116. REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.2 - FORMAL ADOPTION OF SECTION 2 OF THE LOCAL PLAN

It was reported that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 11 January 2022 (Minute 30 referred), had considered a comprehensive report of the Acting Director (Planning) which:-

- a) reported the Local Plan Inspectors' final conclusions on the legal compliance and 'soundness' of Section 2 of the Council's new Local Plan following consultation on

their recommended ‘Main Modifications’ and the subsequent receipt of their final report on 24th November 2021;

- b) reported that, by incorporating the Inspectors’ recommended Main Modifications, the Section 2 Local Plan met the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) sought the Committee’s agreement that the modified Section 2 Local Plan be now recommended to Full Council for formal adoption.

Having considered all of the information and advice contained in the Officer report and its appendices the Planning Policy and Local Plan Committee had unanimously resolved that it:-

- 1) *“notes the findings of the Planning Inspectors’ ‘Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2’ received on 24th November 2021 (attached as Appendix 1 to the Acting Director (Planning)’s report) and their final ‘Schedule of Main Modifications’ (attached as Appendix 2 thereto); and*
- 2) *recommends, subject to the agreement of the Leader of the Council, to Full Council:*
 - (i) *the formal adoption of the ‘modified’ Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 3 to the aforesaid report) i.e. incorporating the Inspectors’ final Main Modifications, as well as the other ‘Additional Modifications’ and ‘Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and*
 - (ii) *that authority be delegated to the Acting Director (Planning), in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:*
 - (a) *make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in Appendix 3), in the event that any are discovered before its final publication;*
 - (b) *agree the insertion of an appropriate ‘foreword’ into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and*
 - (c) *agree an appropriate and up-to-date set of photographs of the District for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.”*

A copy of the published report (and its appendices) of the Acting Director (Planning) to the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022, were attached as appendices to item A.2 of the Reference from the Planning Policy & Local Plan Committee.

Councillors I J Henderson, Baker, Scott, Land, G V Guglielmi, Barry, Steady, M E Stephenson, Stock OBE and Turner each, in turn, addressed the Council on the subject matter of this item.

It was moved by Councillor Turner, seconded by Councillor Stock OBE and:-

RESOLVED unanimously that Council approves:-

- (i) the formal adoption of the 'modified' Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 4 to this reference report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications' and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and
- (ii) that authority be delegated to the Acting Director (Planning), in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:
 - (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in the aforesaid Appendix 4), in the event that any are discovered before its final publication;
 - (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and
 - (c) agree an appropriate and up-to-date set of photographs of the District for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.

With the permission of the Chairman (Councillor Bray), Councillor Turner, in his capacity as Chairman of the Planning Policy & Local Plan Committee (PPLPC), then made the following statement:-

"Thank you Chairman. Thank you Council. To get this level of/unanimous support is humbling. The PPLPC has over the period of this Council met 12 times. Read, studied and debated reports amounting to over 3000 pages, none of them easy reading. All requiring thought and study. May I thank all present and past Members for their contributions, ideas and due diligence. Thank you to my deputy, Councillor Zoe Fairley for her support and advice, always there when needed and for bringing the farming and rural voice to the table.

I must thank Mr Guiver, our acting Director for Planning and his team of 3 plus 2 advisors, for their work, attitude and expertise. A fine example of this was our frustration at not getting the final letter from the Inspector for the major and minor modifications needed to make our Plan sound, legally compliant, in time for the November Full Council. The Authority was given 3 weeks in which to respond. Mr Guiver and his team turned it around within 24 hours.

Mrs Lisa Hastings our Deputy CEO and Monitoring Officer has given the Committee excellent advice, reminding me of the processes and keeping us timely and most importantly legal.

Mr Ian Ford has taken our minutes accurately and served the Committee quietly, efficiently and very well. Thank you to you all for your support.

We did it!

"Why is your Authority so late in getting this plan adopted?"

We started work on a new Plan around 2009 some 13 years ago. With changes in Government, this Council and changes of National Planning Policy strategy and add to that planning dictates we became hamstrung by the Planning Inspectorate. The processes, the hurdles we have had to comply with and jump over are many and numerous. I have forgotten how many Public Consultations we have made from 2011 until now. This means that we were effectively controlled by the Planning Inspectorate, or as I call them the 'Jackboots of the State'. I am sure every Member can attest to that. Planning permission refused only to find that the Planning Inspectorate grant the permission on appeal. That goes against the wishes and more often than not is detrimental to the Ward. We have seen long established communities radically changed and without recourse: No right of reply.

Well no longer! This plan is robust and is already showing its worth in the latest appeal decisions. It is a living document; we review every 5 years. 2028 that is the time to make changes and fine tune. Once agreed, the plan is extended until 2038, etc.

This Plan will serve all of us and most importantly the Residents of Tendring well."

117. REFERENCE FROM THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE - A.3 - PAY POLICY STATEMENT 2022/23

The Chief Executive (Ian Davidson) declared a Personal Interest in this matter and withdrew from the meeting whilst it was deliberated and decided upon.

Council was aware 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 workforce, 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.

That statement was also required to be published on the Council's website following each review and approval by Full Council.

It was reported that the Pay Policy Statement 2022/23 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 informed that the Human Resources & Council Tax Committee had considered the contents of the Pay Policy Statement 2022/23 at its meeting held on 5 January 2022 (Minute 80 referred) and had resolved to recommend its approval to Full Council.

In addition, the Human Resources & Council Tax Committee at that meeting held on 5 January 2022 (Minute 79 referred) had considered a request from the Chief Executive to reduce his hours by 25% (with a consequential reduction in his salary of 25% which would amount to £43,899.70 per annum) and had resolved to recommend to Full Council that the Chief Executive's request be granted. However, the draft Pay Policy Statement 2022/23 now before Members had been drafted on the basis of the Chief Executive's current salary.

Therefore, it was Officers' recommendation to Council that, in the event that the Chief Executive's request to reduce his hours was approved by Full Council, the Assistant Director (Partnerships) be authorised to amend the Pay Policy Statement 2022/23 accordingly and to also re-publish it on the Council's website.

It was moved by Councillor Chapman BEM and unanimously:-

RESOLVED -

- that, subject to resolution (b) below, the Pay Policy Statement 2022/23, as set out in the Appendix to this report, be adopted; and
- that, in the event that the Chief Executive's request to reduce his hours by 25% (with a consequential reduction in his salary of 25% which would amount to £43,899.70 per annum) is approved by Full Council, the Assistant Director (Partnerships) be authorised to amend the Pay Policy Statement 2022/23 accordingly and to also re-publish it on the Council's website.

**118. REFERENCE FROM THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE -
A.4 - CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF
EXECUTIVE**

The Chief Executive (Ian Davidson) declared a Personal Interest in the subject matter of this item and withdrew from the meeting whilst it was deliberated and decided upon.

It was reported that the Human Resources & Council Tax Committee ("the Committee"), at its meeting held on 5 January 2022 (Minute 79 referred), had considered a joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) which had submitted a request from the current Chief Executive post holder that his hours of employment be reduced by 25%.

Having considered the Chief Executive's request and its implications for this Council the Committee had:-

"RESOLVED that this Committee -

- (a) *notes the request of the current Chief Executive to reduce his hours of employment from 37 hours to 27.75 hours;*
- (b) *supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and*
- (c) *recommends to Full Council that:*
 - (i) *the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;*
 - (ii) *this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and*
 - (iii) *the post will remain at 37 hours on the Council's establishment."*

A copy of the published joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) to the meeting of the Human Resources & Council Tax Committee held on 5 January 2022, was attached as an appendix to item A.4 of the Reference from the Human Resources & Council Tax Committee.

The Chairman of the Human Resources & Council Tax Committee (Councillor Chapman BEM) paid a personal tribute to the Chief Executive (Ian Davidson).

It was moved by Councillor Chapman BEM and:-

RESOLVED unanimously that Council approves that:-

- (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;
- (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and
- (iii) the post will remain at 37 hours on the Council's establishment.

119. REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.5 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING - (COUNCILLOR ALAN COLEY'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12)

Council recalled that, at its meeting held on 30 November 2021 (Minute 90 referred), it had before it a motion submitted by Councillor Coley pursuant to the provisions of Council Procedure Rule 12 in which he proposed that the Council requested the Cabinet to extend the application of Article 4 Directions in the District. That Motion was worded as follows:-

"In order to preserve Tendring's uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring."

At the meeting of the Council, Councillor Coley had formally moved the motion. Councillor G V Guglielmi had then formally seconded the motion.

The motion had thereupon stood referred to the Planning Policy & Local Plan Committee ("the Committee") for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

Councillor Coley's motion had then been duly submitted to the meeting of that Committee held on 11 January 2022 (Minute 31 referred).

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Coley had attended that meeting to answer any questions and/or points of clarification, if requested.

At that meeting during the consideration of this matter the Chairman of the Committee (Councillor Turner) had read out the following statement:-

"The making of an Article 4 Direction is only justified on a local basis to address locally specific problems and must be justified with evidence. It is not a one-size fits all 'blanket' solution to all general concerns about our national planning system. In the meantime this Committee's work continues with the review of our Conservation Areas (CAs) – we have 15 more to go. The review of CAs provides the perfect opportunity to consider the need for Article 4 Directions on an area-by-area basis. The Committee involves the Parishes and the Members effected as we review their CAs, by asking for their comments. At this stage relevant problems and solutions to local needs can be found. Further, where planning issues arise I am sure that with the Local Plan adopted, the NPFF and building regulations, there will be solutions."

Having considered Councillor Coley's motion and in order to enable this matter to be brought to a conclusion at this meeting of the Full Council, the Planning Policy & Local Plan Committee had:-

"RESOLVED that -

- (a) *Council be informed that this Committee does not support Councillor Coley's motion; and*
- (b) *this Committee further recommends instead to Cabinet and Council that a further report on this matter be prepared and brought back to the Planning Policy & Local*

Plan Committee and that such report focus firstly on the ward of Lawford, Manningtree and Mistley.”

It was moved by Councillor Turner that -

- (a) *Council does not support Councillor Alan Coley’s Motion; and*
- (b) *Council requests that a further report on this matter be prepared and brought back to the Planning Policy & Local Plan Committee and that such report focus firstly on the ward of Lawford, Manningtree and Mistley.*

Councillor Coley moved and Councillor G V Guglielmi seconded that Councillor Turner’s motion be amended to read as follows:-

- (1) *That this Council does not support Councillor Alan Coley’s Motion in its original form;*
- (2) *That, however, Council recognises the urgent need to conserve and protect areas of conservation, amenity, biodiversity, heritage and the established areas of industrial and commercial activity, in the District;*
- (3) *That a further report on these matters should therefore be prepared and brought back to the Planning Policy and Local Plan Committee within 3 – 6 months; and*
- (4) *That all District Council members be consulted, in order to inform the work of the Planning Policy & Local Plan Committee, as it formulates a response concerning both Parished and Unparished areas.*

Councillors P B Honeywood, Fairley, Calver, Scott, M E Stephenson, Allen, Turner, Stock OBE, G V Guglielmi and Coley each, in turn, addressed the Council on the subject matter of Councillor Coley’s amendment.

Councillor Coley’s amendment on being put to the vote was declared **LOST**.

Councillor Turner’s motion on being put to the vote was declared **CARRIED**.

120. REPORT OF THE CHIEF EXECUTIVE - A.6 - CHANGES IN MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following appointment had been duly made since the last ordinary meeting of the Council, namely:-

Resources and Services Overview & Scrutiny Committee

Councillor Amos had been appointed to serve in place of Councillor Land.

Council noted the foregoing.

121. REPORT OF THE CHIEF EXECUTIVE - A.7 - COUNCILLOR'S NON-ATTENDANCE AT MEETINGS

This item was withdrawn on the ground that it was considered to be premature.

122. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

123. URGENT MATTERS FOR DEBATE

There were no urgent matters for Council to debate on this occasion.

The Meeting was declared closed at 9.13 pm

Chairman