

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 29TH MARCH, 2022 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Amos, Barry, Bush, Calver, Casey, Chapman BEM, Chittock, Clifton, Davidson, Fairley, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Land, McWilliams, Miles, Morrison, Newton, Placey, Porter, Scott, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Michael Cook (Licensing Manager), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

135. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Allen, Baker, Cawthron, Codling, Coley, Davis, Fowler, Knowles, Nash and Skeels.

136. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the budget and council tax setting meeting of the Council held on Tuesday 15 February 2022 be approved as a correct record and be signed by the Chairman.

137. DECLARATIONS OF INTEREST

Councillor Fairley declared a Personal Interest in respect of Agenda Item 14 – Report A.2 – Freeport East Business Case insofar as a relative was a landowner of a field at Horsley Cross which was proposed, within the bid, to be the location for a Customs site. However, she had applied the test within the Members’ Code of Conduct and in view of the current high level stage of the proposals she did not consider herself to be prejudiced on this matter and so she would remain in the meeting.

138. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Bray) informed Members that he had spent time in recent weeks raising money and generally helping out with charitable efforts relating to the crisis in the Ukraine. He had been overjoyed to see the immense public response across the District and he thanked everyone involved.

139. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

140. STATEMENTS BY THE LEADER OF THE COUNCIL

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

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

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

“Herewith my report to all Fellow Councillors on the latest business with TDC’s Climate Change Agenda, where it may appear we have lots of words and not much action, but things are slowly moving forward.

With every Authority in the country seeking the services of a contractor to supply their requirements, this obviously puts contractors in the driving seat to some extent, but our officers are working to achieve the best packages for Tendring.

Totally within our direct control are our intentions to fit Solar Panels and necessary battery storage to our Council Houses and Public Buildings, and next Tuesday Lee Heley and Tim R. Clarke are meeting the consultant for a scheduled 1.5-hour session to discuss opportunities for solar energy derived from panels on the rooves of our council homes and the viability of more commercially focused schemes.

The Green Homes Grant scheme phase 2 delivered by the South Essex Energy Hub seeks to save energy wasted through current inefficient home insulation. Currently we have the highest referral rate of interested residents in Essex. 40 surveys have been completed, and in round 3 of the scheme, Tendring has £1.8m to be spent on properties in that round. The Council has also bid for £17,000 of that to support capacity, including promoting the take up of the scheme locally.

Energy audits of our buildings are complete, and the Council will be developing proposals for energy improvements to boilers, temperature controls, better monitoring of data and other ways to reduce heat loss. Lee gave me as an example, the fitting of swimming pool covers in our leisure centres.

One of the most obvious signs for us as Members, will be the first electric charging point to be installed in the Town Hall car park in April. Officers are also reviewing options for Electronic Vehicle (EV) charging in the car parks that are best placed to support the needs of electric vehicle owners, such as destination seaside / tourist car parks, or car parks located in areas where many households do not have off-road parking of their own. The feasibility of rapid chargers in our leisure centres is also being considered. All this requires a great deal of research to establish that power is available for such chargers, particularly the high power for rapid chargers, which could mean considerable infrastructure work for the power companies before we can make those decisions.

The Government have just announced a new local electric vehicle infrastructure (LEVI) pilot funding, and officers will examine the detail of this to see what benefit TDC may derive from this ‘pilot funding.’ We are currently bidding for a Government grant specifically to support EV infrastructure in the new Starlings car park / open space project in Dovercourt.

I have attended two national 'Zoom' conferences on Climate Change. One by the Public Sector Executive and the other by the Local Government Association, where a new name for me was the 'Global Covenant of Mayors' whose speaker joined us from Brussels. I expect to hear more from this organisation in future. At both I asked questions which were answered, concerning my objection to much of the talk being 'Urban' based and little thought of Rural areas, such as we have in Tendring. There was much talk of virtually ceasing personal motor vehicle use in favour of walking, cycling and bus travel, knowing that Transport is responsible for just under 30% of the country's noxious emissions, but when I said all this is OK for an urban population, but what about the rural population - are they expected to stay at home where no bus route exists? I was told they should car share! Not the most helpful answer, I must say.

I note we have a planning application from Bluefield Renewable Developments Ltd expressing the wish to provide an update about their planning application for a solar farm on land to the north of Hartley Wood, Row Heath, Clacton-on-Sea. I would suggest if others have received this invitation, that it be politely rejected, leaving the matter to Councillor John White and our planning department.

One local organisation, our own TDALC representing Tendring's 27 Towns and Parishes, debated at their last meeting the continuation of remote Zoom meetings or a return to Face-to-Face meetings. The Members present unanimously decided to continue with Zoom meetings, with the additional benefit that Members not using their cars to attend meetings, would have a small contribution to reducing our Carbon emissions.

The phrase "Great Oaks from little acorns grow", comes to mind!

Thank you colleagues."

142. 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 (Councillor Stock OBE) as follows:-

"Chairman, Councillors and members of the public, 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 two years in which we have collectively witnessed such a monumental impact on our personal and professional lives.

I would like to begin this statement by expressing my sincere condolences to anyone who has lost a family member, friend or colleague as a direct or indirect result of Coronavirus over the course of this pandemic, and my thoughts also go out to all those who have been negatively impacted by the events of the past two years, whether that be through missed or delayed medical treatments or diagnoses, the impact on mental health and relationships, or the financial impact. I also wish to pay tribute to the incredible efforts of our dedicated key workers, our partners and all those who worked through the pandemic delivering essential services during such an unprecedented and difficult time.

I would like to take this opportunity to announce that, with fellow Councillors, we are working towards the establishment of a fitting memorial for the District to remember all those impacted by the pandemic.

Chairman, before I continue with my speech, I would also like to take a moment to reflect on what is happening globally and how, as a Council, we stand united with the people of Ukraine. The invasion by Russia is rightly very worrying and concerning for us all, and as mentioned at Cabinet a few weeks ago, a letter of solidarity has been sent to the Prime Minister to show support for the UK Government's sanctions against Russia and to condemn Russia's actions. This letter was signed by the Leaders of all the Council's political groups on the Council. We know that many Tendring residents have offered to house refugees and of course this Council will be there to help and support in whatever way we can.

The situation in Ukraine is a clear and stark reminder that the security of the United Kingdom, and the ability of our country to be a force for good in the world, and to offer help to our fellow nations in their hour of need, is inextricably linked to the strength of our economy, both nationally and locally. After two years of lockdowns and the most restrictive measures ever imposed upon the freedoms of individuals and businesses in this country, the economy is recovering really well, with record job vacancies and unemployment back down to pre-crisis levels. The steps taken by the Government in Westminster in swiftly introducing the various business and job-protection schemes, most notably the furlough scheme, combined with the rapid response by local authorities, in particular Tendring District Council, in getting as much financial help to our small businesses as we possibly could, as fast as was humanly possible, have all contributed to our businesses and employers being in the best possible position given all that has been endured since the start of the pandemic.

Chairman, the steps the country is taking to sanction Russia are not cost-free for us at home; and the biggest impact will be the cost of living for working families. Just one example that has been felt immediately is the price of heating oil; since the invasion just over a month ago the cost of heating oil has more than doubled, and that has a direct impact for the great many residents in Tendring who are dependent on oil for their heating. We had already been bracing for the huge rises coming very soon to electricity and gas bills, as well as the general rate of inflation rising to levels not seen for many years; nobody will be unaffected by the cost-of-living increases that are already starting to bite hard and as an Authority we will continue to support our communities and do what we can to ameliorate the situation.

But despite the negative effects of rising inflation we are now seeing optimistic signs of the economy bouncing back, especially now that all COVID restrictions have ended, and 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 now have our new Council meeting room, created as part of the Transformation Project, and it was a significant moment when we were able to meet again in person just before Christmas in this new, improved space.

Our workforce has shown fantastic resilience, flexibility and a determination to deliver, with teams being required to react swiftly to the closure, re-opening and further closures

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. Not only have they been undertaking additional duties to support the response to the pandemic, but they have also been continuing with their day jobs across the organisation, ensuring that services continued to operate as near as possible to 'business as usual'.

As part of our ongoing COVID-19 response, Council staff rose to the call for mutual support from the NHS. Many staff were deployed to the vaccination centres and supported the emergency response. We also had staff working as Covid Ambassadors across the District, supporting businesses and residents.

Chairman, our staff are well-known for always striving to achieve the best and as an example of this, seven car parks within Tendring in 2021 have been awarded a top safety accreditation from the British Parking Association.

Each car park was assessed on the quality of lighting, cleanliness, security measures and quality management to give an overall review of safety; it is a tremendous achievement for the Council.

At last month's Council meeting, we agreed a "fiercely ambitious" budget to deliver key projects across the District, whilst keeping the council tax rise to less than inflation. We plan to deliver important projects already underway, including the workspace and covered market in Jaywick Sands, the redevelopment of the Starlings site in Harwich and the replacement of the cremators at Weeley Crematorium.

Over the past couple of years, the Revenues team have had to completely reverse their normal operations, which is to collect money, and instead they had to learn how to pay it out; a completely unprecedented situation! It has been a mammoth task with well over £50m being paid out. They have also had to be there to support our residents with other financial help along with making sure the usual housing benefits payments are made on time. The services within Finance and IT go quietly unnoticed most of the time, but they are always busy behind the scenes and provide an essential cog in the overall machinery of the Council.

Chairman, with the Queen's Platinum Jubilee rapidly approaching, we proposed an extension of the Members' Small Grants scheme, with each Councillor allocated £1,000 funding to spend in their local areas for events. I am already starting to hear about exciting plans for events in local communities and I am looking forward to the celebration events, and I would urge all Members to get their applications in as soon as possible.

The Council's approach to financial management, priority setting, stewardship and ambition continues to make a difference for residents and businesses, as well as looking after the District and the natural environment that we have across Tendring.

On the subject of the environment, I am pleased to let you know that as a Council we have cut our carbon emissions by over a quarter over the past three years. The Authority's emissions have dropped from 5,083 tonnes in 2018/19 to 3,881 tonnes in 2020/21. The Council has added insulation to offices and installed LED lighting, and we plan to accelerate as we embed climate change considerations into everything we do across the Council. That is a fantastic achievement, and we also urge partners, businesses and residents to join us on this journey.

Last year, the "Back to Business" approach galvanised the Council to counter the impacts of the pandemic. The Council has responded to the economic challenges faced

in the District. We contracted with specialist provider Colbea up to 2024 to run services to support businesses in Tendring. Between April 2021 and December 2021, Colbea advised over 90 local firms, focusing on smaller enterprises. Three quarters of those supported have been sole traders.

The Council has also provided active engagement for residents during the pandemic and attracted tourists to the coast. The Octopus Ahoy! Sculpture trail ran for 10 weeks in the summer of 2021, with an App to download and 30 octopus sculptures to locate; participants earned prizes for scanning each one. The sculptures displayed art by local artists, and also engaged local primary schools, with smaller octopus sculptures in a school trail.

The Clacton 150 Anniversary flights took place in August 2021 with as many as 75,000 onlookers spread along Clacton's coastline.

The Council installed a Clacton Heritage Trail from Jaywick Sands to Holland Haven through Clacton town centre, to tell the story of Clacton and celebrate Clacton's 150th Birthday. The trail covers more than five miles of coastline and engages with local schools, elder care settings and the wider community. It includes interactive technology to bring Clacton's history to life.

Restoration works on the Scheduled Monument and Grade II listed Treadwheel Crane, a unique building in Historic Harwich, are progressing well. Dating back to 1745, Harwich's Treadwheel Crane is considered to be the only surviving example of a man-operated double-wheeled crane in the country.

Works to refurbish the health suite and wet-side changing areas at Clacton Leisure Centre were completed in December. The £575,000 investment in the District leisure facilities saw the sauna and health suite – now re-named the Wellbeing Zone – completely revamped, along with new changing cubicles, showers and toilets at the Tendring District Council-run (TDC) facility.

I do also have to mention, that we hosted the first Santathon in December 2021, with more than 80 people dressed as Father Christmas taking part in a fun run to raise funds for Community Voluntary Services Tendring. This was certainly a sight to behold and a lot of fun. Some of you may have also spotted our Council Chairman among the participants. Well done everyone who took part.

One of our key projects this year is to transform the derelict Starlings site in Harwich into a new carpark which will double as an events space. Starlings will accommodate 51 car parking spaces, including four disabled parking bays and at least four electric charging points. The development will include new public toilets and landscaping. The site will be made level so that it can accommodate one-off events such as markets, travelling fairgrounds and open-air theatres, encouraging footfall and supporting the town's economic recovery. I look forward to seeing this exciting regeneration project finally come to fruition over the next few months.

In November, the Council secured almost £2m of funding from the South East Local Enterprise Partnership in support of our ambitious plans to further improve and deliver a 9,500 sq. ft. managed workspace facility, with a market and community garden. Build inflation pushed the project costs up when we went out to tender in November, but I was pleased to be with Essex County Council last month when they announced they will

meet the additional costs, so the contractors can get on site to start building. Whilst it is based in Jaywick Sands, this eye-catching new building will provide high quality, reasonably priced office space for small firms from across Tendring to set up shop, with advice on hand from experienced professionals. This is a great example of us helping businesses in Tendring to build back from the pandemic.

Section Two of the Local Plan has finally been agreed; we now have in place a robust planning policy that allow us to be masters of our own destiny in respect of what gets built where, at least as far as the current planning system allows. And our plans to increase our stock of council homes is progressing extremely well. The Council has retained ownership of its housing stock, which currently comprises well over 3,000 homes 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 daily repairs and routine maintenance jobs. Detailed assessments of prospective development sites and potential acquisitions are ongoing, and the Cabinet is committed to completing these assessments and achieving its target of 100 additional homes. Adding additional homes to our stock is a key part of the Housing Strategy 2020-25. 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.

Chairman, 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. We have developed a Tendring Education Strategic Board, which includes District Headteachers, ECC, Academy leads and the Department for Education. This Board is planning a celebration event on 16th June so that children across the District can showcase their achievements throughout the pandemic and I would like to mention one particular project that took place over the past year - Street Tag.

Street Tag sees a number of virtual 'check in' points put up around the area, with people earning points for tagging in using the app and travelling between them in a physically active way. Points can also be earned by completing online fitness classes. In the last season, which ran from 1 July until 12 October 2021, school teams – which include pupils, parents and staff – did the equivalent of 25,850,637 steps and travelled 25,174 miles. That is the circumference of the planet in three months – what an achievement!

We also work closely with Health colleagues through the Alliance Board and this work has influenced the creation and development of the diagnostics hub at Clacton Hospital. The diagnostics hub has just this month been recognised as the best in the country – and Tendring District Council has been congratulated for our role in its delivery. Partnership work includes influencing, facilitating and in some cases delivering through partners across the District.

Finally, Chairman, I am extremely proud of the role this Council has played, working closely with the Port and with other public sector partners on the submission of the successful Freeport East bid to Government. The Freeport's tax sites are now designated in law and going forward, Freeport East will become a legal entity in its own right as a company limited by guarantee with directors being appointed from the key partners, including this Council and Essex County Council, with the detail on the Company functions and structure being discussed with my Working Party prior to Tending formally signing up. To be simplistic about it, Freeport for us means the development of Bathside Bay, not as the container terminal that was envisaged 20 years ago, but as a huge dockside industrial and commercial area supporting the employment of thousands of people. So, I attended the recent Planning Committee meeting where the Bathside Bay application was determined, and I have to say I was greatly impressed with the intelligent and sophisticated way in which the members of that Committee dissected and dealt with what must surely be the most complex and complicated planning application that has ever come before the Council. To massively simplify things, the existing planning consent was due to expire 29th March 2022, which is today, and if that were to happen then it will be highly improbable that any such consent would be granted in the future due to the way that such large applications now have to be determined. The application was unanimously approved by the committee but only after addressing the concerns raised by Natural England with a well informed and worded condition that will safeguard the current and future significance of the sensitive areas concerned. The Secretary of State formally notified us of his assent late yesterday evening following conversations with Council Officers and Civil Servants confirming he is satisfied that the proposed conditions and legal agreements will ensure compliance and the safeguarding of the natural environment and he will not intervene. But even then, there still had to be evidence that the works had been commenced, and I have today been advised by our planning officers that they are satisfied that such works have begun and therefore the permission is enacted. I can say quite clearly to Members that I have never been more optimistic that Bathside Bay will actually be developed and that it will fulfil its potential to become a nationally significant employment site.

Our planning and legal officers have really excelled with this application, and although there will doubtless be more work to do, our officers have really gone the extra mile and I am very proud of them all.

In closing Chairman, it is truly remarkable to me that we have been able to achieve so much together throughout the past twelve months and I know that next year will see even more tremendous achievements by this Council, for and on behalf of our residents and businesses.

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

Councillors I J Henderson, M E Stephenson, Barry, Morrison and Scott addressed the Council during the debate on the Leader of the Council's Statement. Councillor Stock OBE responded to the points made by those Members.

143. PETITIONS TO COUNCIL

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

144. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

145. REPORT OF THE LEADER OF THE COUNCIL - 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.

(1) Transfer of funds from Additional Restrictions Grant to Business Adaptations Grant

It was reported that, on 21 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), on behalf of both the Business & Economic Growth Portfolio Holder (Councillor Newton) and the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi), and in view of the urgency of the issue concerned, and 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 Business & Economic Growth Portfolio Holder's and the Corporate Finance & Governance Portfolio Holder's joint decision relating to the transfer of funds from the Additional Restrictions Grant to the Business Adaptations Grant would be exempt from the Council's call-in procedure.

The Business & Economic Growth Portfolio Holder's and the Corporate Finance & Governance Portfolio Holder's joint decision had been as follows:-

"To transfer £195,000 from the latest Additional Restrictions Grant (ARG) funding to the Business Adaptations Grant (BAG) scheme to support the Covid-19 recovery scheme to those applicants who applied after available funding had been allocated."

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

"During December 2021 Government announced a further phase of the ARG and allocated Tendring District Council £195,000 to provide enhanced business support.

This particular phase of the grant would need to be spent by the end of March 2022 or returned to Government. This criteria offers very limited time to develop a proposal and implement a scheme.

At a meeting on 11th January 2022 it was agreed to seek clarification from the Department for Business, Energy and Industrial Strategy (BEIS) as to whether the £195,000 could be transferred from the ARG to support the BAG scheme. The amount transferred to the BAG scheme would cover the shortfall from the funds being allocated and the amount of applications received before the end of the scheme.

Confirmation has now been received by BEIS that they support the transfer. To comply with the guidance received from BEIS a new form will be produced and sent to the businesses who have recently applied for BAG but were unsuccessful due to all available money being allocated or had been rejected without the opportunity to provide missing information.”

(2) Award of the construction contract for the Jaywick Sands Market site

It was further reported that, on 25 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, and 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 his decision relating to the award of the construction contract for the Jaywick Sands site would be exempt from the Council’s call-in procedure.

The Interim Corporate Director’s decision had been as follows:-

“To award the construction contract for the Jaywick Sands Market site development to TJ Evers Limited as the lowest tender received, as a matter of urgency due to the expiration of the tenders received.”

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

“During October 2021, with Cabinet’s approval Tendring District Council carried out the tender process for the construction of the Jaywick Market site with its Professional Team: HAT Projects (Architects), Potter Raper (Cost Consultants) and Daniel Connal Partnership (Construction, Design and Management Consultants).

On 3 December 2021 the Council’s cost consultants Potter Raper produced a revised cost appraisal based on the Council’s tender pack and the latest market information on the cost of materials. This work indicated that the total construction cost of the scheme had likely increased from £2.1m to at least £2.7m.

On 6 December 2021 the Council received tenders from building contractors as part of the Council’s procurement exercise, which came in significantly above the budget. The lowest tender was from TJ Evers Limited, which after value engineering came in at £3,877,239, over £1.1m greater than the cost consultant’s recent estimate. This gives a total scheme value of £4,407,182, which is £1.98m over the total budget currently allocated of £2,427,000 to secure delivery.

During a Cabinet meeting on 28th January 2022 permission was given to increase TDC’s allocation by a further £254,465 and to explore external funding to a value of £1.68m. The Council approached the South East Local Economic Partnership (SELEP) and Essex County Council (ECC) for the potential for additional investment in the project.

ECC have now committed to provide the necessary funding with a public announcement on the 25th February 2022 in Jaywick Sands.

However, providing the extra funding externally has taken a significant period of time and has pushed the project to the end of the tender values period. Therefore, to avoid a further increase in tender prices the project needs an exemption from the call in period to enable us to issue the Letter of Intent to the contractor before the tender price period expires.”

(3) Jaywick Market Project Contingency Fund

Council was informed that, on 11 March 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and 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 decision of Portfolio Holders relating to the creation of a contingency fund for the Jaywick Market Project would be both exempt from the need to give 28 days’ notice of that decision and also the Council’s call-in procedure.

The joint decision of the Corporate Finance & Governance Portfolio Holder, the Business & Economic Growth Portfolio Holder and the Housing Portfolio Holder had been to:-

“(a) set aside the remaining funds within the existing Business Investment and Growth Budget of £411,000 to provide an available construction contingency amount of £481,000 for the Jaywick Market site project; and

(b) that the additional £411,000 additional set aside funding will be released back into the Business Investment and Growth Budget if not required.”

It was felt at that time that any delay likely to be caused by the 28 day prior notification and call-in processes would have seriously prejudiced the Council’s and the public’s interest for the following reasons:-

“In January 2022, a report was presented to Cabinet which not only provided a summary of the project progression is also requested further funding from both Tendring District Council of £254,465, sought permission to seek further external funding of £1,680,182 and requested permission to award the contract to the lowest tender bid.

Essex County Council agreed to provide the extra funding and a decision was published to award the contract to T J Evers on the 3rd March 2022. As part of the above arrangements, a total construction contingency sum of £150,000 was identified.

During contract negotiations, some omissions to the tender value were found and some of the proposed value engineering savings were found to be unsuitable. Along with the additional costs identified by the Council’s Architects due to the extended period of the project, the total additional construction costs for the project have increased by £80,000. This puts an immediate pressure on the original project contingency sum of £150,000.

To address this issue, it is currently proposed to set aside the remaining funds within the existing Business Investment and Growth Budget of £411,000. Although this would result in an amount in excess of the more usual contingency allowances (of up to 10%),

it does provide extra assurance. However, the project will be managed to limit the use of the revised contingency amount wherever possible.

By taking the above approach, the available construction contingency amount would increase to a total of £481,000.

As the project will be delivered over a relatively short time period, this additional set aside of funding may be able to be 'released' during the construction phase as risks change (e.g. once 'out of the ground') or at the end of the project, which will be early next year. All remaining funds will be returned to the Business and Investment Growth Fund once the project is complete.

Although the existing Business Investment and Growth budget is being set aside as the project contingency, the Service are currently exploring whether savings can be identified elsewhere within the wider directorate budgets to support the project. Although it is too early to confirm the scale of these potential savings, any savings that are identified will enable the Business Investment and Growth budget to be 'repaid' which in turn would then become available to support other projects within the Corporate Investment Plan."

Council noted the foregoing.

146. MINUTES OF COMMITTEES

It was moved by Councillor Stock OBE and:-

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

- (a) Community Leadership Overview & Scrutiny of Monday 10 January 2022;
- (b) Resources and Services Overview & Scrutiny of Wednesday 12 January 2022;
- (c) Audit of Thursday 27 January 2022;
- (d) Community Leadership Overview & Scrutiny of Monday 31 January 2022;
- (e) Standards of Wednesday 2 February 2022;
- (f) Resources and Services Overview & Scrutiny of Monday 7 February 2022;
- (g) Human Resources & Council Tax of Thursday 24 February 2022; and
- (h) Tendring Colchester Border Garden Community Joint of Monday 28 February 2022.

In respect of item (h) above, Councillor Scott asked a question in relation to Minute 6 (Draft Plan for the Tendring Colchester Borders Garden Community Development Plan Document) and specifically the number and timing of the public consultation exhibition events on the DPD in Elmstead Market. The Chairman of the Tendring Colchester Border Garden Community Joint Committee (Councillor Turner) duly responded to that question.

147. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - RUSSIA'S INVASION OF UKRAINE

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

“Tending District Council unreservedly condemns the unprovoked aggression of Russia in invading Ukraine and stands in solidarity with the Ukrainian people and supports the British Government in its diplomatic and economic measures against the Russian State.”

Councillor Stock OBE formally moved the motion and Councillor Scott formally seconded the motion.

Councillor Stock OBE then gave his reasons why they felt that it would be appropriate for the motion to be dealt with at the meeting, namely that it was a matter of urgency given the ongoing situation in Ukraine, including the refugee crisis.

The Chairman (Councillor Bray) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

Councillor Stock OBE then explained the purpose of the Motion in accordance with the provisions of Council Procedure Rule 12.4.2.

Councillors I J Henderson, Calver, G V Guglielmi, Clifton, Miles and Bray contributed to the debate on the motion.

On being put to the vote the motion was declared unanimously **CARRIED**.

148. REFERENCE FROM THE CABINET - A.2 - FREEPORT EAST BUSINESS CASE

Earlier on in the meeting and for the reason set out in Minute 137 above, Councillor Fairley had declared a Personal Interest in relation to this item.

Council had before it a reference report from the Cabinet (report A.2) which sought to update it on the submission of the Freeport East Full Business Case, including the Council's participation in the governance of Freeport East and the approach to business rate retention. The reference report also recommended that Council agree that Freeport East be included within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-24, as previously adopted by Full Council.

A copy of the published Leader of the Council's report to the meeting of the Cabinet held on 25 March 2022 on Freeport East was attached as an appendix to the reference report. Members had been made aware, in advance of the Council meeting, of the text of the Cabinet's formal decision taken at that meeting which was:-

“That Cabinet -

- a) formally supports the Freeport East Full Business Case to be submitted by East Suffolk District Council to the Government;*

- b) *agrees to the approach to local business rate retention, as set out in the Full Business Case and summarised in the Leader's report;*
- c) *agrees that the Leader of the Council and Officers can participate in the governance proposals set out in the Full Business Case on the principle that Tendring District Council becomes a member of the body set up to govern the Freeport;*
- d) *notes that any decision to formally become part of the governing body will be taken by the Leader of the Council, in accordance with previous delegations, following consultation with his Portfolio Holder Working Party;*
- e) *approves the Leader of the Council appointing a Member representative to that governing body;*
- f) *assigns £160,000 to pay for projects in support of Freeport East to be agreed through the Freeport governance structure and notes that the Full Business Case sets out the expectation that this sum should be repaid to the Council from future retained business rates; and*
- g) *recommends to Full Council that Freeport East be confirmed within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-2024, as previously adopted by Full Council."*

Councillors Bush and I J Henderson addressed the Council on the subject matter of this item.

It was moved by Councillor Stock OBE and:-

RESOLVED that Council –

- a) supports and endorses the decisions made at Cabinet on 25 March 2022 on the Leader of the Council's Freeport East Full Business Case Report; and
- b) confirms that Freeport East be included within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-24, as previously adopted by Full Council.

149. JOINT REFERENCE FROM THE CABINET AND THE LICENSING & REGISTRATION COMMITTEE - A.3 - ADOPTION OF STATEMENT OF LICENSING POLICY (GAMBLING ACT 2005)

Council considered a joint reference from the Cabinet and the Licensing & Registration Committee (report A.3) which requested it to agree and adopt the Council's Statement of Gambling Policy.

Members were informed that the Council was required to review and renew its Statement of Gambling Policy (also known as a Statement of Licensing Principles) every three years in accordance with the requirements of the Gambling Act 2005. The policy had to be adopted by Full Council on recommendation from the Cabinet and the Licensing and Registration Committee and published on the Council's web site and by way of a public notice in the newspaper.

It was reported that the current review and renewal of the policy had been subject to a public consultation and a final draft of the policy had been scrutinised and agreed by the Licensing and Registration Committee at its meeting held on 17 January 2022 and, subsequently, by the Cabinet at its meeting held on 25 February 2022.

It was moved by Councillor McWilliams, seconded by Councillor Winfield and:-

RESOLVED that -

- (a) the Council's Statement of Gambling Policy, as set out at Appendix A to item A.3 of the Joint Reference from the Cabinet and the Licensing & Registration Committee, be agreed and adopted;
- (b) the Council's revised Statement of Gambling Policy be published via the Council's website and by way of a public notice in the local newspaper; and
- (c) the Council's revised Statement of Gambling Policy comes immediately into force.

150. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.4 - ANNUAL REVIEW OF THE CONSTITUTION

Council considered a joint report of the Monitoring Officer and the Cabinet (report A.4) which, in accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, sought its approval of the recommended changes to the Constitution put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for that purpose.

It was reported that, at its meeting held on 25 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 this purpose.

Members were informed that the main proposals covered a number of miscellaneous amendments to the Council Procedure Rules, Articles of the Constitution, Overview and Scrutiny Procedure Rules, the Property Dealing Procedure and the Procurement Procedure Rules in order to ensure that the Council's Constitution remained effective, efficient and consistent at an operational level.

In addition, there were proposals relating to matters including the size of Committees (following a review previously requested by Full Council), start times for meetings of the Council and various Committees, consideration of motions at Full Council meetings, training for members of an overview and scrutiny committee, moving to a "paperless" working environment, and a protocol for the live webcasting of meetings.

The Portfolio Holder's report and accompanying appendices which were considered by Cabinet at its meeting on 25 February 2022 were attached as Appendices to the joint report.

The Cabinet's decision at its meeting held on 25 February 2022 had been as follows:-

*“RESOLVED -**1. That Cabinet RECOMMENDS TO COUNCIL that:*

- (a) the Council’s Constitution be amended to reflect the proposed changes, as set out in Appendices A – K, & M attached hereto this report, and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council;*
- (b) with effect from the Annual Meeting of the Council on 26 April 2022, the Committees listed below be reduced in size as follows:-*
 - Audit = 5 Members (from 7 Members);*
 - Human Resources & Council Tax = 7 Members (from 9 Members);*
 - Licensing & Registration = 7 Members (from 9 Members); and*
 - Planning Policy & Local Plan = 9 Members (from 11 Members).*
- (c) the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.*
- (d) commencing with the newly elected Council in May 2023, Members of the Tendring District Council will operate in a “paperless” environment e.g. by providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents.*
- (e) in the meantime Members of the Tendring District Council continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.*
- (f) in relation to Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees), the Monitoring Officer be authorised to define what is meant by the word “mandatory” and to also decide whether the training offered/provided is/was sufficient and “fit for the purpose” to be contained within guidance and issued to members of those Committees accordingly.*
- (g) the reduction in the number of formal scheduled meetings for the Council’s overview and scrutiny committees should be maximised to focus on the principles established in the Executive – Overview & Scrutiny Protocol and work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council’s Corporate Plan.*
- (h) the Protocol for the webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees, as set out in Appendix L, be approved and incorporated into Part 6 of the Constitution and that it comes into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.*

(i) Council notes that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-

- Article 12 (Officers);
- Removal of those provisions within the Council's Constitution that had been inserted in accordance with the (now defunct) "Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]";
- The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee; and
- The list of Proper Officers within the Scheme of Delegation."

Council was made aware that the Cabinet had further resolved:-

2. "That Cabinet agrees that:

- (a) the definition of a Key Decision, as contained in Article 13.03 of the Council's Constitution, be reviewed as part of the annual review of the Council's Treasury Strategy;
- (b) the Councillor Development Portfolio Holder Working Party be requested to consider and report back to Cabinet whether, in the light of the Centre for Governance & Scrutiny's recommendation, members of this Council's overview and scrutiny committee(s) should receive mandatory training; and
- (c) the Deputy Chief Executive & Monitoring Officer be requested to produce and submit to the Leader of the Council, for his consideration, terms of reference and a scheme of delegation for a Road Naming Portfolio Holder Working Party."

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

- (a) the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A – K, & M attached hereto this report, and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.
- (b) with effect from the Annual Meeting of the Council on 26 April 2022, the Committees listed below be changed in size as follows:-

Audit = 5 Members (from 7 Members);
Human Resources & Council Tax = 7 Members (from 9 Members);
Licensing & Registration = 10 Members (from 9 Members); and
Planning Policy & Local Plan = 9 Members (from 11 Members).

- (c) the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.

- (d) the Portfolio Holder's Working Party continue to work on the principle of, commencing with the newly elected Council in May 2023, Members of the Tendring District Council will operate in a "paperless" environment e.g. by providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents, with a further report to come back to Cabinet and Council during 2022 for a decision prior to any formal changes in practices being implemented.
- (e) in the meantime Members of the Tendring District Council continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.
- (f) in relation to Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees), the Monitoring Officer be authorised to define what is meant by the word "mandatory" and to also decide whether the training offered/provided is/was sufficient and "fit for the purpose" to be contained within guidance and issued to members of those Committees accordingly.
- (g) the reduction in the number of formal scheduled meetings for the Council's overview and scrutiny committees should be maximised to focus on the principles established in the Executive – Overview & Scrutiny Protocol and work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council's Corporate Plan.
- (h) the Protocol for the webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees, as set out in Appendix L, be approved and incorporated into Part 6 of the Constitution and that it comes into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.
- (i) it is noted that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-
- Article 12 (Officers);
 - Removal of those provisions within the Council's Constitution that had been inserted in accordance with the (now defunct) "Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]";
 - The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee; and
 - The list of Proper Officers within the Scheme of Delegation.

Councillor M E Stephenson then moved and Councillor I J Henderson seconded that paragraph (a) of Councillor Guglielmi's motion be amended to read as follows:-

- (a) subject to the exception in (a)(i) below, the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A – K, & M attached hereto this report, and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council;

(a)(i) the strikethrough in Section 1 – Council Meetings, Rule 3(x) be removed (so as to reinstate the said text) so that the Full Council continues with the practice of receiving the minutes of Committees (with the exception of the Licensing and Registration Committee and the Planning Committee) so that Members may continue to ask questions and receive answers from the relevant Councillors on any of those items.

Councillors Calver, Scott, G V Guglielmi, I J Henderson, M E Stephenson and Stock OBE all addressed the Council during the debate on the amendment.

Councillor Stephenson's amendment on being put to the vote was declared **CARRIED**.

Councillor Guglielmi's motion, as amended, on being put to the vote as the substantive motion was declared **CARRIED**.

151. JOINT REFERENCE FROM THE CABINET AND THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.5 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2022/23 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

Council had before it a joint reference report from the Cabinet and the Resources and Services Overview & scrutiny Committee (report A.5) which sought to enable it to review and approve the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury indicators).

It was reported that, on 25 February 2022 (Minute 135 referred), the Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder in relation to the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury Indicators).

At that meeting it had been: "**RESOLVED** that Cabinet agrees that -

- a) *the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) be submitted to Full Council for its approval, subject to consultation with the Resources and Services Overview and Scrutiny Committee; and*
- b) *the Portfolio Holder for Corporate Finance and Governance be authorised to explore potential borrowing options associated with the redevelopment of the Honeycroft site for inclusion within the Annual Capital and Treasury Strategy that would be presented to Full Council on 29 March 2022."*

Council was informed that the Resources and Services Overview and Scrutiny Committee had considered the Strategy at its meeting on 14 March 2021. The report had been noted with no further comments raised.

A copy of the published Corporate Finance and Governance Portfolio Holder's report to the Cabinet meeting held on 25 February 2022, together with the Annual Capital and Treasury Strategy 2022/23 were attached as appendices to the joint reference report.

Honeycroft Site, Lawford

In line with recommendation b) highlighted above, Members were made aware that work remained on-going in terms of exploring the funding / borrowing options associated with the redevelopment of the Honeycroft site. Therefore, it had not been possible to include further details at this stage. However, separate reports would be presented to Cabinet and Full Council as necessary to take the project forward during 2022/23.

Councillor I J Henderson asked a question of the Portfolio Holder to which Councillor G V Guglielmi duly responded.

It was moved by Councillor G V Guglielmi and:-

RESOLVED that the Council approves the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators).

152. 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 appointments had been duly made since the last ordinary meeting of the Council, namely:-

Community Leadership Overview & Scrutiny Committee

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

Standards Committee

Councillor V E Guglielmi had been appointed to serve in place of Councillor Amos.

Council noted the foregoing.

153. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

154. URGENT MATTERS FOR DEBATE

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

The Meeting was declared closed at 9.30 pm

Chairman