

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 11TH JULY, 2023 AT 7.30 PM
IN THE PRINCES THEATRE AT THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Scott (Chairman), Casey (Vice-Chairman), Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Davidson, Doyle, Everett, Fairley, Fowler, Griffiths, Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, Land, McWilliams, Morrison, Newton, Oxley, Placey, Platt, Skeels Jr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, Turner and White
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), 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), Madeline Adger (Leadership Support Manager), Kai Aberdeen (Theatre General Manager (Technical)), Keith Durran (Committee Services Officer), Bethany Jones (Committee Services Officer) and Chanelle Field (Communications Assistant)

22. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alexander, Ferguson, Harris, Kotz, Lennard and Wiggins.

23. MINUTES

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

RESOLVED that the minutes of the under-mentioned meetings of the Council be approved as correct records and be signed by the Chairman:-

(a) the ordinary meeting of the Council held on 2 March 2023; and

(b) the annual meeting of the Council held on 23 May 2023.

24. DECLARATIONS OF INTEREST

In respect of Item 14 on the Agenda (Motion to Council on Notice under Council Procedure Rule 12 - North Falls Project Transport Proposals), Councillor Fairley declared a Disclosable Pecuniary Interest in relation to land owned and farmed by her husband in Horsley Cross and Little Bromley, together with a water extraction licence for a bore hole which might be affected by the construction of sub/connector stations and/or cable routes. In addition, five other Fairley owned farms (all relatives) as well as other friends' farms were impacted along the currently proposed, preferred routes for both North Falls and Five Estuaries, which were the routes published within their respective consultation documents. This was a Non-Registerable Interest.

Councillor Fairley further informed Council that a dispensation had been granted to her by the Council's Monitoring Officer both in relation to the DPI and the Non-Registerable Interest regarding family interests, in order for her to be able to participate in debates, votes and to remain in Council meetings, on the subject matter of National Grid's Great Grid Upgrade and any wind farm developments, which came forward, where National Grid had offered connection to GGUNT (formerly EAG) at Little Bromley. Those currently included Five Estuaries, North Falls and, more recently, Tarchon Interconnector.

The Dispensation had been granted pursuant to the criteria of Section 33(2)(c) of the Localism Act 2011. The Monitoring Officer's reason for granting the dispensation was as follows:-

"The reason for the decision is on the grounds that it is in the interests of persons living in the authority's area for the dispensation to be granted. Councillor Fairley is the sole ward Councillor for the area and the Council is not the decision maker regarding the proposals, although it has an opportunity to voice its residents' and businesses' concerns, and act in the best interests of the District. The land area to be impacted within the District of Tendring is vast, although acknowledging some family members own land within the area."

25. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Scott) reported that it had been quite an eventful time over the last few weeks for both himself and his Vice-Chairman (Councillor Casey). They had had the privilege of going to many events, too many to mention them all, but particular highlights had included:-

- (1) Cinque Port Liberty of Brightlingsea;
- (2) Grassroots AGM;
- (3) Jack Petchey Foundation – Summer Open Day;
- (4) The Tendring Show; and
- (5) Alresford 'Picnic in the Park'.

Councillor Scott recorded his appreciation to those organisations and communities that had invited himself and Councillor Casey to these events.

26. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

27. STATEMENTS BY THE LEADER OF THE COUNCIL

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

28. STATEMENTS BY MEMBERS OF THE CABINET

There were no statements made by members of the Cabinet on this occasion.

29. **PETITIONS TO COUNCIL - REPORT OF THE CHIEF EXECUTIVE - A.1 - PETITION TO COUNCIL: SUSPEND PROPERTY DEALING AND DEVELOPMENT OF TDC LAND PARCELS IN GREAT AND LITTLE OAKLEY AND OFFER THE LAND TO THE PARISH COUNCILS**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of a petition submitted by Tom Howard, as lead petitioner. The petition had stated:-

"We call on Tendring District Council to immediately suspend the property dealing procedure and any plans to develop or sell for development the following sites in the Great Oakley and Little Oakley: • Woodlands, Great Oakley – Ref GO001G • Sparrows Corner, Great Oakley – Ref GO002G • Seaview, Little Oakley – Ref LO001H • Bayview Crescent – Ref LO002BH • Bayview Crescent, Little Oakley – Ref LO002CH Furthermore, we request that Tendring District Council explores alternative options that would retain this important amenity land in these rural Parishes. We specifically request, that Tendring District Council initiates discussions with Great Oakley Parish Council and Little Oakley Parish Council to explore options for them to take on all of these sites either via purchase for a nominal fee (e.g. £1 per plot) or a 99 year lease with a nominal peppercorn rent (e.g. £1 per annum) in exchange for the Parish Councils taking on the maintenance liability".

As asset management was an executive function the Cabinet was the appropriate body to consider this matter. Accordingly, this matter had been investigated and a report prepared and presented to the meeting of the Cabinet held on 23 June 2023.

At that meeting, and in accordance with the Council's approved scheme, Mr Howard, as the lead petitioner, had been invited to address Members and to outline the action that the petitioners wanted the Council to take. The Cabinet had then discussed and deliberated on the petition and the report and had decided:-

"That Cabinet notes the petition, thanks the petitioner and requests that these views and others are taken into account as and when the property dealing procedure unfolds, subject to available resources."

Mr Howard had subsequently been informed of the Cabinet's decision and the decision had been published on the Council's website by way of the Minutes of that meeting.

As the sole purpose of this report under the Petitions Scheme was to inform Council of the outcome of the Cabinet's consideration of Mr. Howard's petition, it was therefore moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

RESOLVED that the contents of this report be received and noted.

30. **PETITIONS TO COUNCIL - REPORT OF THE CHIEF EXECUTIVE - A.2 - PETITION TO COUNCIL: BEACH HUT LEASE CHANGES**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of an e-petition submitted by Dale Westall, as lead petitioner, on 30 June 2023. The petition had been validly signed by 164 persons and stated:-

“We the undersigned petition the Council to have the Cabinet of the Council reconsider its decision that all Beach Hut licenses be changed to leases and further, we petition the Cabinet of the Council that Beach Hut Association members be shown the cost, length, and terms of the leases prior to them being put in place.

No evidence has been provided to substantiate claims of problems incurred by lack of security of tenure due to existing licensing system.

Insufficient information has been provided to demonstrate improved security of tenure. A 7-year lease is insufficient improvement and leases of over 7 years will attract Land Registry fees making hut ownership prohibitive and reduce saleability of huts.

What will the additional benefits of purchasing said lease be that have not been enjoyed over decades without any problems under the existing system?

Unnecessary bureaucracy which will inevitably incur extensive cost for administrative staff at Council.

Inadequate information has been given regarding certainty of lease renewal upon expiry and cost involved.

Despite 69.1% of hut owners disagreed/strongly disagreed to the proposal, it was still passed.”

In accordance with the Council’s approved scheme for dealing with petitions, the matter would now be investigated and a report would be prepared and presented to the Cabinet on the basis that it contained between 30 and 500 signatures and related to a matter that was an Executive function under the law.

Members were aware that the next practicable ordinary meeting of the Cabinet would be on 6 October 2023.

At that meeting, and in accordance with the Council’s approved scheme, Dale Westall, the lead petitioner, would be invited to address the Cabinet, explain the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Cabinet’s decision would, subsequently, be confirmed in writing to Mr. Westall and the decision would also be published on the Council’s website via the Minutes of that meeting.

It was moved by Councillor M E Stephenson, seconded by Councillor Barry and:-

RESOLVED that the receipt of the Petition and the contents of the report be noted.

31. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

One question had been received, on notice, from a member of the public on this occasion.

Question

Jan Vincent asked the Chairman of the Planning Committee, Councillor Maria Fowler:-

"Will Tendring District Council please issue a Section 215 of the Town & Country Planning Act on Goldenbell Ltd, Landlord of Bel-Air Chalet Estate, St. Osyth Beach Essex to have the rubbish removed and the Estate cleared and cleaned to a reasonable state in accordance with:-

Section 215 - Power to require proper maintenance of land.

- (1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.*
- (2) The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.*
- (3) Subject to the following provisions of this Chapter, the notice shall take effect at the end of such period as may be specified in the notice.*
- (4) That period shall not be less than 28 days after the service of the notice.*

I trust Tendring District Council Planning Authority will consider the amenity is adversely affected by the condition of this land?"

Councillor Fowler replied to that question as follows:-

"Mrs. Vincent, thank you for your question.

I recall that in July of last year you asked my predecessor Councillor White if the Council would issue a notice under Section 215 of the Town & Country Planning Act to tackle the poor standard of the roads and lighting at Bel-Air. The request this time is that the Council issues a Section 215 notice to seek the removal of rubbish and the cleaning and tidying of the estate.

As advised last year by Councillor White and our then Assistant Director of Planning, it was not considered appropriate at that time to issue a Section 215 notice – mainly because the roads and lighting were internal to the privately owned Chalet Estate that are not adopted nor available to the general public. Therefore, the amenity enjoyed by the wider public and neighbours was not affected.

And I understand however at this time, based on the photographs provided by yourself, some of the rubbish in question is visible and affects public land, accordingly there could be a detrimental impact on public amenity and a stronger case for action. Our Planning Enforcement Team is investigating the matter further and will be giving serious consideration to the use of Section 215, if required, but must consider informal action first. And I shall ask our Director of Planning to keep me updated on those investigations. Thank you."

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

There was no such report of the Leader of the Council for Members to consider on this occasion.

33. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

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

- (a) Human Resources & Council Tax Committee of Thursday 23 February 2023;
- (b) Tendring & Colchester Borders Garden Community Joint Committee of Monday 27 February 2023;
- (c) Community Leadership Overview & Scrutiny of Tuesday 7 March 2023;
- (d) Resources and Services Overview & Scrutiny of Monday 13 March 2023;
- (e) Standards of Wednesday 15 March 2023;
- (f) Audit of Thursday 30 March 2023; and
- (g) Planning Policy & Local Plan Committee of Tuesday 18 April 2023.

34. MOTION TO COUNCIL ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 12 - MISTLEY NORMAN PRIMARY SCHOOL

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

“This Council –

- (a) is aware that Mistley Norman Primary School shut its doors to its pupils at the end of the Easter Term just gone;*
- (b) is also aware that the Diocese of Chelmsford Vine Schools Trust took the decision to close this school when Reinforced Autoclaved Aerated Concrete was discovered. This is a lightweight material used in the 1960s primarily because it was a cheap way to provide buildings such as schools, but sadly it can collapse without warning, and to repair the problem the necessary works have been estimated to cost £1.9million, a staggering amount of money;*
- (c) notes that arrangements were made to transport pupils by bus to nearby Lawford Church of England Primary School, only three miles away from Mistley, which fortunately has spare capacity following an extension of seven new classrooms last year;*
- (d) notes that very unfortunately on Tuesday 13th June, the CEO of the Vine Schools Trust, took the decision to write to all parents, without consulting with Essex CC, to inform them that as: “There are no funds available to undertake the necessary repairs, the school building cannot be used for the foreseeable future, and quite possibly, ever again”. She further stated that: “Unfortunately, the school is no longer*

able to finance the free bus. Therefore, parents and carers will have to transport their own children to and from Lawford if they wish to keep them with us”;

- (e) *is conscious that the CEO, following a huge backlash from parents, sent a second letter out on Thursday 15th June, again with no consultation with ECC’s Education Team, which said: “Mistley Norman will not be closing at the end of this term, and we expect children to return in the Autumn term. We will be arranging for the school to continue, but in another setting”. Sadly, there was no mention of transport to the alternative setting;*
- (f) *is informed that a parents’ meeting was organised on the following evening Friday 16th June where disappointingly, Councillor Terry Barrett and Councillor Carlo Guglielmi as Ward Councillors were refused entry but it is understood that the CEO told parents that this setting was 10 miles away in Ramsey and that the free bus would continue;*
- (g) *struggles to understand how driving children an extra 20 miles each day, five days per week would be better than the current 6 miles;*
- (h) *is concerned that, so far, the CEO has not provided this Council with an opportunity to support the dozens of extremely worried parents whose children’s future education was hanging in the balance;*
- (i) *is further concerned that, going by the information provided to us, the CEO seems to have completely dismissed the possibility of securing the necessary funding and that Mistley will be deprived of its much valued and much needed Primary School, especially when there are still well over 700 new family homes yet to be built;*
- (j) *is greatly concerned that, in view of all these uncertainties, the Vine School Trust has already made up its mind to shut the school for good;*
- (k) *therefore requests the Leader of the Council, the Cabinet Member for Partnerships and the Council’s Chief Executive to work alongside our colleagues at Essex County Council, the Regional Director (formerly School Commissioner), and the MP for Harwich and North Essex to ensure that the Vine School Trust secures funding to carry out the necessary repairs, or to demolish the current building and replace it with a fit for purpose sustainable new structure; and*
- (l) *further requests that its Officers work with Essex County Council to ensure that the future of the nearby newly built Pre-School is safeguarded, given the chronic shortage of Early Years places, and identify an alternative operator, should the Trust choose not to run the setting any longer.”*

Councillor Guglielmi formally moved the motion and Councillor Barrett formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Guglielmi then explained the purpose of the Motion and Council proceeded to debate it.

Councillors Barrett, Fairley, Baker, Placey, Guglielmi and M E Stephenson spoke during the debate on this matter.

Councillor Guglielmi's motion on being put to the vote was declared unanimously **CARRIED**.

35. MOTION TO COUNCIL ON NOTICE UNDER COUNCIL PROCEDURE RULE 12 - NORTH FALLS PROJECT TRANSPORT PROPOSALS

Earlier on in the meeting, as detailed under Minute 24 above, Councillor Fairley had declared a Disclosable Pecuniary Interest and a Non-Registerable Interest in this item. Councillor Fairley had also informed Council that she had been granted a Dispensation by the Monitoring Officer in order to allow her to take part in the debate on this item and to vote thereon.

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

"This Council –

- (a) is aware that the District of Tendring has seen a series of proposals come forward to transport Green Energy from where it is being produced to where it will be needed. The first proposal, East Anglia Green, which is being led by National Grid, held its non-statutory consultation last year and is seeking to provide the necessary and vital infrastructure to process and transport this energy; two further schemes, the Five Estuary and the North Falls will be reliant on the provision of this to progress their individual projects;*
- (b) is also aware that North Falls is currently consulting on a £2bn proposal to link the offshore windfarms to a national grid substation located between Ardleigh and Little Bromley. Should the East Anglia Green project linking Norwich to London be approved by the Secretary of State, the North Falls project will entail substantial construction effort, over 3 to 4 years, affecting much of the Tendring Council area. The principle of gaining a community benefit from this project for the areas effected has not been given any consideration in the consultation. The North Falls consultation finishes on 14th July 2023;*
- (c) believes that, if the Secretary of State is mindful to approve National Grid's East Anglia Green proposal, the North Falls transport proposals will be inadequate;*
- (d) therefore notes that the North Falls Project proposes building a temporary haul road around Thorpe-le-Soken, Little Bromley and Ardleigh, for elements of the works traffic, whilst all of the heavy equipment will still need to be transported through the villages;*
- (e) further notes that there has been a long-standing argument for a Thorpe-le-Soken bypass and supports a permanent road as part of the project that will not only remove any heavy equipment from the village but also be a worthy long-term legacy of this important project; and*
- (f) therefore calls upon the Leader of the Council to write to the North Falls Project, the Government, and Essex County Council to include this permanent road within the Scheme, as well as asking them to develop plans to provide cheaper electricity to all the villages along the route; to develop a compensation scheme to all landowners and farmers involved; and to set up a compensatory fund to be used by*

Essex Highways for the eventual reinstatement of any highways asset damaged and overused during construction.”

Councillor Everett formally moved the motion and Councillor Turner formally seconded the motion.

Pursuant to the provisions of Council Procedure Rule 16.6, Councillor Everett, with the consent of his seconder (Councillor Turner), then formally altered the wording of his motion so that it read as follows:-

“This Council –

- (a) is aware that the District of Tendring has seen a series of proposals come forward to transport Green Energy from where it is being produced to where it will be needed. The first proposal, National Grid’s Great Grid Upgrade Norwich to Tilbury formerly known as East Anglia Green, held its non-statutory consultation last year and is seeking to provide the necessary and vital infrastructure to process and transport this energy; three further schemes, the Tarchon Interconnector, Five Estuaries and North Falls will be reliant on the provision of this to progress their individual projects;*
- (b) requests officers to invite and host North Falls, Five Estuaries, Torchon Interconnector and National Grid to a briefing for Tendring District Councillors on the collective impact of their projects; and*
- (c) is also aware that North Falls is currently consulting on a £2bn proposal to link the offshore windfarms to a national grid substation located between Ardleigh and Little Bromley. Should National Grid’s Norwich to Tilbury project be approved by the Secretary of State, the North Falls project, together with the Five Estuaries and Tarchon Interconnector, will entail substantial construction effort, over 3 to 4 years, affecting much of the Tendring Council area. The principle of gaining a community benefit from this project for the areas effected has not been given any consideration in the consultation. The North Falls consultation finishes on 14th July 2023;*
- (d) believes that, if the Secretary of State is mindful to approve National Grid’s Norwich to Tilbury proposal, the North Falls transport proposals will be inadequate;*
- (e) therefore notes that the North Falls and Five Estuaries Projects propose building a temporary haul road around Thorpe-le-Soken, Little Bromley and Ardleigh, for elements of the works traffic, whilst all of the heavy equipment will still need to be transported through the villages;*
- (f) further notes that there has been a long-standing argument for a Thorpe-le-Soken bypass and supports the exploration of a permanent road as part of the project that will not only remove any heavy equipment from the village but also be a worthy long-term legacy of this important project; and*
- (g) therefore calls upon the Leader of the Council to write to the North Falls and Five Estuaries Projects, the Government, and Essex County Council to include this permanent road within the Scheme, as well as asking them to develop plans to provide cheaper electricity to all the villages along the route; to develop a compensation scheme to all landowners and farmers involved; and to set up a*

compensatory fund to be used by Essex Highways for the eventual reinstatement of any highways asset damaged and overused during construction.”

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Everett then explained the purpose of the Motion, as altered, and Council proceeded to debate it.

Councillors Bray, Land, Guglielmi, Fairley, Platt, Bush, Baker, Talbot, Turner, Everett and M E Stephenson spoke during the debate on the motion, as altered.

Pursuant to the provisions of Council Procedure Rule, Councillor Everett, supported by 8 other Members present, demanded a recorded vote on his motion, as altered.

The vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Amos	Baker		Alexander
Bray	Barrett		Ferguson
Codling	Barry		Harris
A I Cossens	Bensilum		Kotz
M A Cossens	Bush		Lennard
Everett	Calver		Wiggins
Fairley	Casey		
Griffiths	Chapman BEM		
Guglielmi	Davidson		
P B Honeywood	Doyle		
S A Honeywood	Fowler		
Land	I J Henderson		
McWilliams	J Henderson		
Platt	Morrison		
Skeels	Newton		
Turner	Oxley		
	Placey		
	Scott		
	Smith		
	Steady		
	G L Stephenson		
	M E Stephenson		
	Sudra		
	Talbot		
	Thompson		
	White		

Councillor Everett's motion, as altered, was thereupon declared **LOST**.

Council thereupon proceeded to debate Councillor Everett's original motion as contained within the Council Book.

Councillors Land, Guglielmi, Turner, M A Cossens, Calver, I J Henderson, Bray, Everett and M E Stephenson spoke during this debate on the original motion.

Pursuant to the provisions of Council Procedure Rule, Councillor Guglielmi, supported by 8 other Members present, demanded a recorded vote on Councillor Everett's original motion.

That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Amos	Baker		Alexander
Bray	Barrett		Ferguson
Codling	Barry		Harris
A I Cossens	Bensilum		Kotz
M A Cossens	Bush		Lennard
Everett	Calver		Wiggins
Fairley	Casey		
Griffiths	Chapman BEM		
Guglielmi	Davidson		
P B Honeywood	Doyle		
S A Honeywood	Fowler		
Land	I J Henderson		
McWilliams	J Henderson		
Platt	Morrison		
Skeels	Newton		
Turner	Oxley		
	Placey		
	Scott		
	Smith		
	Steady		
	G L Stephenson		
	M E Stephenson		
	Sudra		
	Talbot		
	Thompson		
	White		

Councillor Everett's original motion was thereupon declared **LOST**.

36. RECOMMENDATIONS FROM THE CABINET - MOTION TO COUNCIL: RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

Council further considered the following motion which had been moved by Councillor Steady and seconded by Councillor Chapman BEM at the meeting of the Council held on 2 March 2023 and which had been referred by the then Chairman of the Council to Cabinet for its consideration on the grounds that this motion clearly concerned an Executive function:-

“That this Council resolves to recommend to Cabinet that –

- (a) any future capital receipts arising from the disposal of surplus land be ring-fenced for investing back into the town or parish it is located in, and in the case of Brightlingsea this would include the proceeds from the future disposal of land in Dover Road identified in the report to Cabinet on 15 July 2022; and*
- (b) the relevant Town / Parish Council be consulted on any such investment proposals.”*

The Cabinet had duly considered Councillor Steady’s motion at its meeting held on 23 June 2023 and it had decided: *“that Cabinet, following the explanation of the motion and in accordance with the current Council Procedure Rule 12.8, does not recommend that the Council should support this motion in its original format.”*

Pursuant to the provisions of Council Procedure Rule 16.7, Councillor Steady withdrew his motion with the consent of his seconder (Councillor Chapman BEM).

37. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COUNCIL'S TWO OVERVIEW AND SCRUTINY COMMITTEES - A.3 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2023/2024 AND A REVIEW OF THE WORK CARRIED OUT DURING 2022/2023

Council considered the respective proposed work programmes for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the remainder of 2023/24. Council also received the proposed ‘Annual Report 2022/23’ for overview and scrutiny work undertaken through those Committees.

Members were aware that, under the Council’s Overview and Scrutiny Procedure Rules (O&SPR), the Constitution stated, in relation to the Work Programme (O&SPR 7), that:

“Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year’s activities to the Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis.”

In submitting their proposed work programmes for 2023/24, the Overview and Scrutiny Committees had taken into account:-

- *the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6*
- *the planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council’s Business Plan;*
- *the need for statutory timetables to be met;*
- *the expressed wishes of members of the committee;*
- *requests from the Cabinet to carry out reviews and/or suggestions from the liaison meetings held under the Cabinet & Overview and Scrutiny Protocol; and*
- *requests from Members and/or Group Leaders in accordance with O&SPR 8.*

In addition, under Article 6.02 of the Constitution the separate Overview & Scrutiny Committees (OSCs) performed the role of overview and scrutiny in relation to:-

Community Leadership Overview and Scrutiny Committee

“To perform the role of Overview and Scrutiny and its functions in relation to:-

- *Community Leadership developing the external focus of overview and scrutiny on “district-wide” issues’ (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.*
- *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
 - *Community Safety*
 - *Health and Well-being*
 - *Economy, Skills and Educational Attainment*
- *Community engagement, development and empowerment*
- *Leisure and Tourism (except matters relating to budgets)*
- *Housing Strategy and Homeless Service (except the Housing Revenue Account)*
- *Emergency Planning*

The Community Leadership Overview & Scrutiny Committee will also act as the Council’s designated “crime and disorder committee” for the purposes of Section 19 of the Police and Justice Act 2006 and will have the power –

- (a) *to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities[*] of their crime and disorder function;*
- (b) *to make reports or recommendations to the local authority with respect to the discharge of those functions.*

** “The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for crime and disorder strategies) in relation to the local authority’s area.*

In fulfilling that function the Community Leadership Overview & Scrutiny Committee will have the power (whether by virtue of section 9F(2) or 21(2) of the Local Government Act 2000 or regulations made under section 9JA(2) or 32(3) of that Act or otherwise) to make a report or recommendation to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

The crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder function as the committee considers appropriate but no less than once in every twelve month period.”

Resources and Services Overview and Scrutiny Committee

“To perform the role of Overview and Scrutiny and its functions in relation to the effective use of the Council’s resources including approval of discrete researched and evidenced reviews on the effectiveness of:

*Financial Forecast Budget setting and monitoring (including General Fund & Housing Revenue Account)
Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)
Procurement and Contract Management
Transformation and Digital Strategies
Customer Service and Standards”*

In considering the Work Programme of enquiries to submit for approval to Council, the separate Overview and Scrutiny Committees had had regard to the Corporate Plan 2020-24 and the themes of that Corporate Plan. Those themes were:

- Delivering High Quality Services;
- Building Sustainable Communities;
- Strong Finances and Governance;
- A Growing and Inclusive Economy; and
- Community Leadership through Partnerships.

The Overview and Scrutiny Committees had each formally reviewed the work carried out in 2022/23 and had considered items for inclusion in their respective proposed Work Programmes for 2023/24 as follows:

Community Leadership Overview and Scrutiny Committee – 3 July 2023; and
Resources and Services Overview and Scrutiny Committee – 27 June 2023.

Those formal approvals had followed informal development of concepts by Members of the two Committees. All Councillors on Tendring District Council had been provided with the opportunity to contribute proposals for Work Programme items for 2023/24.

Both Committees had received a report on a meeting between the Chairmen of those Committees, the Leader of the Council, the Deputy Leader, the Chief Executive, Deputy Chief Executive and Head of Democratic Services & Elections held on 20 June 2023. A number of suggested possible enquiries had been identified at that meeting.

Having considered all of the above, the two Overview and Scrutiny Committees had then determined their proposed Work Programmes for 2023/24 and those were now submitted for approval by Council along with a review of the scrutiny function at the Council in 2022/23 as performed through the two Committees. This had been developed in dialogue with the Chairmen of the two Committees and a draft had been submitted at the Committee meetings already referenced above.

Appendix Ai to report A.3 set out the proposed work programme for the Community Leadership Overview and Scrutiny Committee, Appendix Aii set out the proposed work programme for the Resources and Services Overview & Scrutiny Committee and Appendix B set out the review of the scrutiny function in 2022/23. All were submitted for consideration by Council.

It was also reported that both of the Overview and Scrutiny Committees had approved arrangements for the appointment of relevant Task and Finish groups to take forward enquiries to be confirmed prior to the next respective Committee meetings.

It was moved by Councillor Steady, seconded by Councillor P B Honeywood and:-

RESOLVED that Council –

- (a) approves the proposed work programmes for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the 2023/24 Municipal Year, as set out in Appendices Ai and Aii respectively; and
- (b) notes the work carried out by those Committees in the year 2022/23, as set out in Appendix B.

38. REPORT OF THE CHIEF EXECUTIVE - A.4 - MEMBERSHIP OF COMMITTEES

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

Community Leadership Overview & Scrutiny Committee

Councillor Codling had been appointed to serve in place of Councillor S A Honeywood.

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

Human Resources & Council Tax Committee

Councillor Guglielmi had been appointed to serve in place of Councillor Griffiths.

Licensing & Registration Committee

Councillor Thompson had been appointed to serve in place of Councillor Baker.

Resources and Services Overview & Scrutiny Committee

Councillor S A Honeywood had been appointed to serve in place of Councillor Codling.

Standards Committee

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

Council noted the foregoing.

39. SEATING PLAN FOR MEETINGS OF THE FULL COUNCIL IN THE 2023/2024 MUNICIPAL YEAR

Council considered a proposed the seating plan for its meetings to be held during the remainder of the 2023/2024 Municipal Year.

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

RESOLVED that the proposed seating plan for meetings of the Full Council to be held during the remainder of the 2023/2024 Municipal Year be approved and adopted.

40. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

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

Question One

Councillor Chris Griffiths asked Councillor Gina Placey, the Portfolio Holder for Partnerships:-

“As you are aware, the previous Conservative led administration secured £317,000 from the Police, Fire and Crime Commissioner for Essex Safer Streets Fund towards projects that include upgrades to our existing CCTV cameras and 29 new CCTV cameras for Clacton Town Centre, along with an improved Control Centre and increased monitoring.

Can you please update this Council as to when you expect to see this much needed project completed and fully operational?”

The Partnerships Portfolio Holder replied as follows:-

“The Council successfully secured Safer Streets funding early in 2023. Due to the cost of the cameras and installation, the Council has had to go through a procurement process in accordance with the Council’s procedures. At the end of May 2023, the successful bidder was informed and the Council has very recently received the signed contract from the Supplier.

It is envisaged that the work will commence in mid July 2023. Completion of the CCTV and additional lighting (first stage) of the project should be completed within 3 months of the start date (mid October).

The improvements to the Control Centre and monitoring of the CCTV cameras will be taking place whilst the CCTV and lighting works are carried out in the Town Centre. It is predicted that the Community Safety Team and two part time CCTV operators will be recruited and commenced employment before the completion of the project to enable the system to be fully operational.

The system will be fully operational by early October 2023.”

Question Two

Councillor Paul Honeywood asked Councillor Mick Barry, the Portfolio Holder for Leisure & Public Realm:-

“This June, I have received more emails and phone calls raising concerns about our Clacton seafront and beaches than ever before.

Volunteers, using their spare time to remove large amounts of litter from our seafront and beaches, have also been in touch to highlight their concerns.

Concerns include both black and blue waste bins left overflowing, insufficient bins to cope with demand and a clear impression that our current services are being overwhelmed.

It is worrying to hear that used blue gas canisters are being found amongst the litter left on our beaches.

Given we have the peak season ahead of us can the Portfolio Holder tell this Council what additional action, above that already planned, will be taken to tackle these problems?"

The Leisure & Public Realm Portfolio Holder replied as follows:-

"Thank you very much Councillor Honeywood for your question, which is highlighting an issue that I am sure previous administrations have had to deal with on many occasions. It is a difficult seasonal issue and one that is covered by the Summer Plan for our beaches and seafronts.

May I firstly say that I am grateful for the time taken by volunteers in helping to keep our beaches and open spaces clean and free from litter.

Our officers and staff continue to monitor and inspect our seafront areas and I can confirm that additional blue seafront bins are being installed by our contractor to assist with the collection and storage of litter and waste generated by the very welcome visitors to our beaches and promenades.

Whilst these blue seafront litter bins provide a greater capacity to store litter we will continue to raise awareness and ask visitors, when confronted with a full litter bin to either take their waste home with them or find a bin with spare capacity.

With the main school holiday period commencing later this month the frequency of litter bin emptying will be further increased to reflect the increased footfall and demand placed upon the seafronts.

As Portfolio Holder for this area I am pleased that we are attracting visitors and confirming our strong tourist economy, but also mindful that we have to deal with the problems that comes with this success."

Councillor Honeywood then asked a question of clarification to which Councillor Barry then responded.

41. URGENT MATTERS FOR DEBATE

No urgent matters had been submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p) for this meeting.

The Meeting was declared closed at 9.24 pm

Chairman