

Public Document Pack

TENDRING DISTRICT COUNCIL

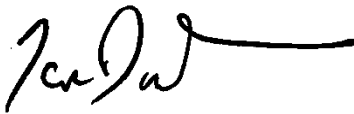
Committee Services
Room 29
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

3 July 2023

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 11 July 2023 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully



Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 11 July 2023

Prayers

1 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

2 Minutes (Pages 1 - 46)

The Council is asked to approve, as correct records, the minutes of:-

(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.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registrable Interests or Non-Registrable Interests, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

5 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

6 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

7 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

8 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 (Pages 47 - 48)

To report a petition received in accordance with the Scheme approved by the Council.

9 Report of the Chief Executive - A.2 - Petition to Council: Beach Hut Lease Changes (Pages 49 - 50)

To report a petition received in accordance with the Scheme approved by the Council.

10 Questions Pursuant to Council Procedure Rule 10.1 (Pages 51 - 52)

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

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

11 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

12 Minutes of Committees (Pages 53 - 128)

The Council will receive the minutes of the following Committees:

- (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.

NOTES:

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

13 Motion to Council on Notice pursuant to Council Procedure Rule 12 - Mistley Norman Primary School (Pages 129 - 130)

Council will consider a motion notice of which has been given, pursuant to the provisions of Council Procedure Rule 12, by Councillor Guglielmi.

14 Motion to Council on Notice under Council Procedure Rule 12 - North Falls Project Transport Proposals (Pages 131 - 132)

Council will consider a motion, notice of which has been given pursuant to the provisions of Council Procedure Rule 12, by Councillor Everett.

15 Recommendations from the Cabinet - Motion to Council: Ring-Fencing of Capital Receipts arising from the Disposal of Surplus Land (Pages 133 - 142)

Council will further consider and make a decision on the following motion which was moved by Councillor Steady and seconded by Councillor Chapman BEM at the meeting of the Council held on 2 March 2023 and which was referred by the then Chairman of the Council to Cabinet for its consideration.

16 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

The Council will consider the proposed work programmes for the two overview and scrutiny committees (i.e. the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee) for the 2023/2024 Municipal Year and will note the work carried out by those committees during 2022/2023.

(THIS REPORT IS "TO FOLLOW")

17 Report of the Chief Executive - A.4 - Membership of Committees (Pages 143 - 144)

To inform Council of changes in the membership of Committees that have occurred since the Annual Meeting of the Council on 23 May 2023.

18 Seating Plan for meetings of the Full Council in the 2023/2024 Municipal Year (Pages 145 - 146)

To enable Full Council to approve the seating plan for its meetings to be held during the remainder of the 2023/2024 Municipal Year.

19 Questions Pursuant to Council Procedure Rule 11.2 (Pages 147 - 148)

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

The time allocated for receiving and disposing of questions shall be a maximum of 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner.

20 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

Date of the Next Scheduled Meeting of the Council

Tuesday, 26 September 2023 at 7.30 pm - Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;

(3) Intrusive lighting/flash; or

(4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON THURSDAY, 2ND MARCH, 2023 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Harris (Chairman), V Guglielmi (Vice-Chairman), Alexander, Allen, Amos, Bray, Bush, Calver, Casey, Cawthron, Chapman BEM, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, I Henderson, J Henderson, P Honeywood, S Honeywood, Knowles, Land, McWilliams, Morrison, Newton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive)(except item 109), Lisa Hastings (Deputy Chief Executive & Monitoring Officer)(except item 109), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer)(except item 109), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Katie Wilkins (Human Resources and Business Manager), Amy Lester (Garden Community Planning Manager), Madeline Adger (Leadership Support Manager) and Keith Durran (Committee Services Officer)

90. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Baker, Barry, G V Guglielmi and Miles.

Councillor Baker had been unable to attend due to personal/family reasons.

Councillor G V Guglielmi had been unable to attend as he was recuperating from a surgical procedure.

Councillor Barry had been unable to attend as he had tested positive for Covid-19.

Councillor Miles had been unable to attend due to an ongoing health related matter.

91. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the budget and council tax setting meeting of the Council held on Tuesday 14 February 2023 be approved as a correct record and be signed by the Chairman.

92. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time though Councillor Allen indicated that he would declare an interest if there was any discussion during the

course of the meeting that specifically focussed on the parish of Frinton and Walton as he was a member of Frinton and Walton Town Council.

93. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Harris) referred to the fact that this was the last full Council meeting during his term of office and that this was also the last time that Members would be all together before the May District Council elections. He was conscious also that some Members would not be standing for re-election and that some Members may not be re-elected. He therefore wanted to take this opportunity to say 'thank you' to the following:-

- the Leader of the Council and the Deputy Leader of the Council – for asking him to stand for Chairman of the Council – he had been very surprised and delighted. It had been unexpected given that he was a first term Councillor.
- those Members who had had faith in him and had elected him Chairman. He hoped that he had done his best for everyone and that he had tried to be equal and fair to all Members.
- his Vice-Chairman (Councillor Val Guglielmi) – for all of her support and for standing in on those occasions when he could not make a civic engagement.
- TDC Officers and staff and, in particular, the Chief Executive and the Monitoring Officer for their advice and guidance, the Committee Services Manager for his advice notes and the Leadership Support Team (especially Emma Haward) for their support throughout his year in office.
- Mother Louise Oliver – for being his Chaplain and for her words of wisdom and personal support.

The Chairman stated that this had been the greatest honour and experience of his life to date and that the past 11 months had flown by. Much had happened of note including Queen Elizabeth II's Platinum Jubilee celebrations; the lighting of the Clacton Beacon; the death of Queen Elizabeth II and the proclamation of King Charles III.

He felt that his eyes had been opened as to the history of both Brightlingsea and Harwich, which he considered two jewels in Tendring's crown.

The Chairman was pleased to announce that, so far, over £3,000 had been raised for his chosen charities – the RNLI and veterans' groups in the District.

He had been proud to help to organise the first ever Veterans and Services Day, which had been an opportunity to thank veterans for their service and sacrifice. His special guests that day had been a number of World War II veterans from Clacton-on-Sea. He had been truly humbled and he very much hoped that this would become an annual event.

The Chairman paid tribute to the thousands of volunteers across the District whom he considered remarkable, unsung heroes without whom society could not function. He felt privileged to have been able to work alongside CVST, Clacton Lions, Rotary Club, mental health and cancer charitable groups, the Homes4Heroes veterans' charity and many more.

The Chairman invited Members and residents to attend the Town Hall on Monday 13 March 2023 at 10.00 a.m. for the Commonwealth Day flag raising followed by refreshments in the Parlour.

Finally, he informed Members that when he passed on his Chain of Office to his successor he would be joining the league of past Chairmen from where he would offer his support to the new Chairman and continue to support as many as possible of the charities and contacts that he had made during his year on office.

Members' responded to the Chairman's speech with a round of applause.

94. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

95. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council extended his grateful thanks to Councillors Allen and Bush for 'harrying' him and he apologised for taking so long to make the following announcement.

The Leader was pleased to announce that, after a scouring of the Council's budgets, Officers had come up with an allocation of £200 per Member to put towards the community celebrations of the Coronation of King Charles III on 6 June 2023.

He was aware that the Council would be entering its pre-election period on 13 March 2023 and he was anxious that no Member ran the risk of being accused of the offence of "treating voters". Therefore, Officers would be drawing up a strict set of criteria which would be circulated to Members by email. He urged Members to respond as soon as possible to that email and to submit their requests straight away.

The Leader then responded to questions put to him by Councillors Allen, Bush and Scott.

96. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

"Good evening, colleagues. tonight, barring emergencies, is the final Full Council Meeting of this four year cycle, and nobody knows at this stage who will be elected or re-elected to form the new administration from the 4th of May onwards. Therefore, I must treat this as my 'Swan Song' today, with what is my 13th statement.

I am pleased that data for 2021/22 shows that while Council carbon emissions rose as expected in coming out of the pandemic lockdowns, emissions from electricity, gas and fuel oil are lower than the pre-Covid 2019-20 year.

Clearly in this coming year, the new administration will put in train the process towards a new 'Climate Change Action Plan', to aid us as a Council, from 2024 onwards in our

progress towards Tendring's Net Zero carbon emissions target by the end of this decade.

Many have said that the Government should be more involved by directing what they perceive to be the best way forward to achieve the Government's National Target of Net Zero Carbon by 2050, with the cash to actually 'prime the pump' to get that work done.

I have attended a number of Climate Change webinars with Net Zero Carbon as their target, including those dealing with the provision of Electric Vehicle charging points, many of which voice the good work done in other authorities, but one thing most convey is the large initial cost of almost turning the clock back to the days before the internal combustion engine, or before wide spread travel became a way of life, or before the mass production of consumables such as household equipment that use electricity, the same electricity that uses the old infrastructure, into which we now seek to install home charging points for domestic electric vehicles.

Moving from the 'General' to the 'Particular' is the answer, prepared by Officers, to the question I received from Councillor Mike Bush, who was asking about 'Pay Back' benefits of the proposed pool covers, to which I had referred in my last Council report. We expect the payback period for pool covers to be around two years. This is due to high energy costs and the high level of energy to heat pools. We expect that 260 tonnes of carbon would be saved annually across the three pools with the covers in place. The tender to purchase the new pool covers closes next week and the Council will appoint contractors shortly after to start installation.

Installing LED lights, (Light emitting diodes) will save only 0.3 tonnes a year within a typical council building and have a 6 to 7 year payback period. We also have the chance to install sensors, so lights only come on when people are in the building. The tender for LED lights in leisure centres closes in a fortnight, with work starting thereafter.

I have deliberately not spoken about new projects; these will be for the post 4th May administration to decide their own priorities."

97. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council as follows:-

"Chairman, Councillors and members of the public, I am delighted to present to you this year's State of Tendring address. This statement is intended to give you an overview of some of the Council's achievements over the past year, and as we come to the end of our four-year municipal cycle, it is also an opportunity to reflect on the journey we have been on as well as to consider the challenges that lay ahead.

As a Councillor, each of us represents our community and the interests of our residents; being an elected member is both rewarding and a privileged form of public service. It is undeniably a great honour to have the trust of our residents placed into our hands, and we are all in a position to make a difference to the quality of other people's daily lives and prospects. Being an effective Councillor requires both commitment and hard work and I keep going back to the heart of the Council's priorities and Community

Leadership. We lead the way in Tendring with innovative solutions, relentless positivity and a 'can-do' attitude, as we aim to improve the lives of the people who live here. Alongside this, we continue to work with our many partners, nationally, regionally and locally.

We recognise the issues facing our communities at the current time with the cost of living and we support our families and community groups through the Tendring Community Fund and with many other sources of support.

Chairman, it was once said that a week is a long time in politics, so it should come as no surprise that so much has happened over the past four years, during which time, amongst many other events we have had four Prime Ministers, we left the EU, we had the small matter of the Covid-19 outbreak to deal with and just a year ago Russia invaded Ukraine bringing war into Europe and all the consequences thereof.

But despite those huge and unprecedented problems Tendring District Council has shown that we can rise to these challenges, through sound financial management, embracing new ways of working, the ability to adapt and change our plans in often-rapid circumstances and our work with partners. All of this we do to support the residents of Tendring.

So here are but a few examples of the great work we have undertaken:

Levelling up funding for Clacton Town Centre

The Government has recently granted Tendring District Council £20 million to level up Clacton Town Centre. This really is a tremendous success for this Council and for the District. It is an absolute game changer, and we should be feeling very proud right now.

With this considerable sum of money, we can make significant infrastructure changes for the benefit of everyone – whether they live or work in the area, visit, or own a business. It was also pleasing to hear that the Government considered our bid for a Clacton Civic Quarter as a strong application.

Tendring/Colchester Borders

Work on the Tendring Colchester Borders Garden Community project continues to progress through strong partnership with Colchester City Council and Essex County Council. The Councils have been giving careful consideration to the many comments from residents and other interested parties during last year's public consultation, which will help shape the plans going forward. This year we expect to see the plans progress in more detail for further consultation and examination by a Government Planning Inspector, which will pave the way for the first planning applications. This 'once in a lifetime' development will deliver the highest standards of new eco-friendly housing, a range of opportunities for employment and education and an innovative new rapid transit system as well as the A120/A133 link road. In addition, it will deliver a network of green spaces and environmental features, which, in line with the overarching Garden

Community Principles, will bring the best aspects of the town and the country together for future generations.

Freeport East

Freeport East momentum continued over the last year, with the limited company which will drive this hub for global trade and regeneration forward, formally being incorporated in December; and I am proud to represent this Council as a founding member of the Board. Further to this, Freeport East was formally designated by the Government in January, taking a huge step forward in the drive to create 13,500 new jobs in the region and create an amazing opportunity for transformational change in our District. This project, Chairman, is quite simply the most exciting initiative in the East of England in the past half century, and I want to thank the members of my Freeport East Working Party, who have provided sound advice and critical challenge throughout the last year.

Starlings Site in Dovercourt

Work in Dovercourt is progressing to create a new car park, events space and public toilets, using the former Starlings garage and Queens Head Hotel, which burnt down a number of years ago, to create a new public space. This is a further example of our commitment to improving public spaces, but it is also an example of our dogged determination to prevail in the face of problems and cost increases and other unforeseen delays; these projects don't always go as smoothly as we might like but at Tendring we have a great track record of finding solutions to the most intractable problems and delivering in the face of adversity. So, yes, I acknowledge that this project has taken way longer than we hoped it would, but it is still going to be a triumph for this Council and for this District!

Businesses

This Council is extremely proud of our local businesses and appreciates their contribution to the local economy. In October last year, the Council ran themed business networking events under the Tendring4Growth banner, a skills fair, and an awards night to celebrate some of the amazing businesses in the Tendring District. Over 200 nominations were received for the awards, which ranged from Young Entrepreneur to Friends of the Environment. Feedback from those who participated was extremely positive, making the fortnight a huge success, which has led to the Council expanding Tendring4Growth to run a series of smaller events planned throughout 2023.

As the Leader of this Council, it has always been my mantra that I will do whatever I can to support any business that wants to come to any part of Tendring, subject obviously to the applicable regulatory and legislative requirements such as planning. It's a simple statement of positivity but it goes a long way to send out the right message to prospective employers.

The new multi-million-pound commercial workspace development in Jaywick Sands is also progressing at pace.

Chairman, the Government launched the **UK Shared Prosperity Fund** at the end of last year and allocated the Council £1,188,232 over three years to support three key themes: community and place, supporting local business, and people and skills. The Council is currently allocating money to six projects, which include; sports grants, improvements to the beachfront and funding for a project to help those most affected by the cost of living. Future projects will include recruiting a Town Centre Manager, providing more business support, grants for events, high street grants and other initiatives to enhance the local area and economy. There will also be an opportunity for partners to bid for grants to fund initiatives that align with those three main themes.

Airshow / Leisure

The **2022 Clacton Airshow** saw a return to a more traditional pre-Covid flights and events schedule; an estimated 250,000 visitors watched displays from the Red Arrows and participated in activities planned for the two days. We look forward to working with our key partners to celebrate the Clacton Airshow's 30th event in 2023. Our latest *Economic Impact of Tourism Report* highlights a strong return of visitors to the Tendring District with a 56% rise in overnight visitors following COVID-19.

A top cycle event also drew crowds into Clacton with 'Round Five' of a professional cycle race from the Sportsbreak.com Tour series.

We have installed new state of the art **gym equipment** at all three of the Council's Sports Facilities using top-notch equipment. But we recognise that fitness and the role it plays in health and wellbeing does not necessarily have to be based in a building and so we are doing a lot in the community to give people opportunities to take part in different activities, what I would call 'accidental activity'.

The **Princes Theatre Pantomime "Cinderella"** celebrated a return to viewer confidence, celebrating its most successful year to date. Over 14,300 people watched Cinderella find her Prince Charming. The shows included sell out School events that enabled children and young people to visit the Theatre and watch a live performance. We are thrilled that the Theatre received a record number of 5* reviews on Google and Trip Advisor, and sales for Aladdin in December 2023 are already looking very positive!

As our **National Lottery Heritage Funded Clacton150** project comes to an end, we continue to celebrate the importance of our coastal heritage. The Council is completing the new woodland at Burrs Road, Clacton. Children from the local primary school worked alongside our Public Realm Open Spaces team to plant the new woodland *and a new woodland trail will be installed during the spring.* With support from Historic England, we will survey the Dovercourt Leading Lights ahead of a further funding bid to restore these nationally important scheduled monuments.

Jaywick Sands Healthy Homes Initiative

The Jaywick Sands renaissance, includes working with the Community and partners, Jaywick Sands continues to get positive engagement on issues, which have far-

reaching national interest. Coastal Flooding and developing sustainable and safe communities does not only affect Jaywick Sands but is a national issue. The leadership and commitment that this Council has demonstrated has resulted in national organisations wanting to explore solutions to the challenges posed in an area like Jaywick Sands as some of these solutions may have wide-ranging impacts across the rest of the country. Where others fear to tread, Tendring District Council continues to lead.

During the year, the Council was awarded funding from the local NHS / North East Essex Health Alliance towards a project to improve housing conditions for those who privately rent their home in Jaywick Sands. Following on from a housing stock condition survey, the funding will pay for a dedicated Environmental Health team who will be based in the village with the first officers starting their new roles in March 2023. Whilst looking at housing issues the funding will also fund additional work to promote responsible waste disposal and recycling in the area and improve areas of open space creating a better neighbourhood for residents.

Landlord Fines upheld on appeal.

As a Council there are also times when to support residents, we have no choice but to take Enforcement action and tackle more difficult matters. Our Private Sector Housing Team attended a second tribunal hearing last year in respect of civil penalties that were issued to a landlord following breaches of housing management regulations. The House in Multiple Occupation was closed down by the team in 2019 and penalties were issued to the landlord. Following appeals, the Council's decision was upheld and a penalty issued for £23,000. This case demonstrates our continued commitment to enforcement and taking action against landlords who fail to comply with legal standards.

Accreditation / Achievements

Returning to more positive matters, do not just take our word that we are achieving success; there are plenty of examples of national recognition. The Council has achieved four Green Flags for Parks and Gardens, including Clacton Seafront Gardens, Weeley Crematorium, Cliff Park in Dovercourt and Crescent Gardens in Frinton. Tendring has also been awarded two Blue Flags for its beaches.

Six Tendring car parks have received top safety accreditation awards and achieved The Safer Parking Award Scheme, Park Mark.

The Council has also been awarded Gold accreditation in recognition for its work supporting the Armed Forces as part of the Ministry of Defence Employer's Recognition Scheme. This scheme publicly recognises employer's efforts to support defence personnel issues, such as employing reservists and veterans. These awards celebrate our initiative, hard work and dedication to improving services.

We also held our first in person Tendring Stars event for staff following the pandemic, recognising the professional and in many circumstances, the exceptional contributions of our staff right across the Council. We also had three very energetic Officers who

bounced their way through the event demonstrating a number of new exercise classes available in the Council Leisure facilities. Chairman, I saw them repeat the feat at your Pride of Tendring Awards.

Hard work, enthusiasm and the fantastic contribution to public services made by apprentices across Tendring and North Essex was celebrated at a special event held at the Town Hall during National Apprenticeship Week 2023. Celebrating its 40th birthday, each of the Career Track apprentices attending were awarded with certificates for their dedication towards achieving various qualifications.

Our Community Leadership work continues to expand and fits into three key strands namely Health, Education and Community Safety.

The creation of the Tendring Education Strategic Board has brought together Headteachers, Education professionals from Essex County Council and Tendring Officers to prioritise key issues for young people and schools. A number of focus areas have been identified including school attendance, speech and language, emotional wellbeing and skills. All of this work aims to support our young people to reach their full potential and provide as many opportunities as possible.

We are proud to have worked closely with health colleagues and to have been able to support the opening of the Clacton Hospital Diagnostics Hub. A fantastic service for residents to have access to local health care facilities, which when it is fully operational, will provide around 180,000 diagnostic tests per year. This will also save a number of car journeys to and from Colchester, also reducing our carbon footprint. We cannot take the full credit for this project but we have used our influence and brought a number of partners together to make this great facility for Tendring residents.

Over the past 12 months, Anti-Social Behaviour has reduced by 31.1% in the District. This is due to the joint working with Police colleagues, regular patrols and targeting hot spots for Anti-Social Behaviour and HATE crime. Additional engagement has also been undertaken with local businesses and the public to be a visible deterrent.

We continue to focus on support for the most vulnerable in our society, especially through the 'cost of living crisis'. As I mentioned before, we know that this year has been particularly difficult for many residents and we continue to provide hardship grants, alongside support through the Tendring Community Fund and we are working closely with our community partners including CVST, CAT and many other community hubs and organisations.

Whilst achieving all of this there have been numerous budget challenges and the Council is having to consider different ways of working and this work will continue. I draw your attention to the budget speech and reports at our meeting on 14th February and we will need to continue to develop a robust financial framework to deliver the savings to support an on-going financially sustainable position into the next administration and over the next few years.

Therefore, Chairman, to conclude:

We continue to face many challenges in Tendring, and notwithstanding the forthcoming elections, I urge Members to carry on contributing positively to address the issues and problems that the Council faces. There will be some really difficult decisions to make; it is likely that we will have to look at different ways of delivering services and that will not be easy.

I am more convinced than ever that success, however you chose to define it, for this Council, for this District and for our residents in particular, can only be achieved by us engaging positively and working constructively with our partners; in the public sector, the private sector and the voluntary sector, and also with each other across the Council chamber. And working collaboratively, with other people and other organisations is never easy. It requires humility, a willingness to compromise and the ability to understand someone else's point of view, and let's face it, these are not the attributes always associated with elected politicians!

But we are incredibly lucky here at Tendring to have a truly exceptional Chief Executive who has put together, through a combination of nurturing management and astute recruitment a team of directors and senior officers that is second to none and quite frankly the best team of local government officers on any council in the land. But even our officers are still just human beings at the end of the day, and we as Members need to ensure we play our part in helping to maintain a culture and an environment where the best talent in local government wants to come and work here, and those that are already here are motivated and inspired to go that extra mile and be ever more amazing.

Chairman, we face uncertain times nationally and internationally with the continuing war in Ukraine and the ongoing financial situation: none of us can know what the future holds or how it will affect us. So, we must continue to support our residents through whatever challenges emerge, working together, pro bono omnium."

Members showed their appreciation for the Leader's Statement with a round of applause.

Councillors Allen, I J Henderson and M E Stephenson 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.

98. PETITIONS TO COUNCIL

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

99. 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

Jeremy Rendle asked the Leader of the Council (Councillor Stock OBE) in relation to Seawick Road and Seaview Road, St Osyth:-

“Does the Council agree with the proposition (in which case, please outline the next steps to be taken by the Council in relation to the two roads), or disagree with the proposition (in which case, please provide a full and reasoned statement outlining the Council’s position on the applicability of s.230(7)?”

Background to Question:

“Seawick Road and Seaview Road in St Osyth are in a dangerous state and are in need of urgent repair. I acknowledge that they are 'Private Roads' and that they remain unadopted by TDC.

Section 230(7) of the Highways Act 1980 provides as follows:

“Without prejudice to the foregoing provisions of this section or to any other enactment for the time being in force relating to private street works, the street works authority and also, in the cases mentioned below, the district council may, in any street that is not a highway maintainable at the public expense, execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street.

The cases in which the district council may act under this subsection are those in which the street concerned [is situated in a non-metropolitan district and] is a footpath, bridleway or any such road as is mentioned in section 42(2)(c) above (urban roads).”

For completeness, s.42(2)(c) of the same Act does not preclude roads such as Seawick Road and Seaview Road.

PROPOSITION: TDC has a statutory power to carry out the urgent repairs required in Seawick Road and Seaview Road.”

Councillor Stock OBE replied to that question as follows:-

“Thank you, Mr Rendle, for your very interesting question. I did look up the legislation and I did read it but I am sure that everyone will be delighted to know that the response that I am about to give has been run by our Officers for technical and legal accuracy. Firstly, I need to clarify one point in the background to your question: Essex County Council is the adoption authority for roads and not the District Council, we are not the Highway Authority.

In direct response yes, the District Council does possess a statutory power as set out in the Highways Act 1980. However, it is just one of a vast range of discretionary powers that district councils have and the crucial distinction that needs to be made clear is that it is not a statutory duty.

The District Council can only make decisions within its Budget and Policy Framework, whilst taking into account various considerations. I appreciate the frustration that is felt, not just in Tendring but right across the entire nation at the state of unadopted roads, and also the state of adopted roads, even including the strategic highway network of

motorways and major A roads with increasing numbers of potholes and deteriorating surfaces. But for the avoidance of doubt this Council cannot fix those problems.

Not least because we must never take decisions in isolation and unfortunately, this situation with unadopted roads is mirrored right across every part of Tendring. If the District Council decided to repair one road, why would that one take priority over another one? How would this impact our financial position and the ability to deliver important statutory services and other important discretionary functions, which our wider residents and community of the District benefit from?

The Highways Authority is the primary authority in such matters, and it may be required to pay for any costs incurred through their highways budgets, which the District Council does not possess. There used to be an arrangement with Essex County Council to take such actions, but this ceased well over a decade ago when funding was withdrawn.

Ultimately, and this may be a harsh reality, it is the owners of private roads who are responsible for maintaining them, or alternatively, it falls to the property owners immediately abutting the road (known as "Frontagers") to ensure that access to, and egress from, their property is safe and appropriate. The Frontagers may also be liable for the costs of making up to adoptable standard, if undertaken by a local authority. Thank you."

100. 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.

101. 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 Tuesday 13 December 2022;
- (b) Resources and Services Overview & Scrutiny of Wednesday 11 January 2023;
- (c) Planning Policy & Local Plan of Monday 23 January 2023;
- (d) Audit of Thursday 26 January 2023;
- (e) Resources and Services Overview & Scrutiny of Wednesday 1 February 2023; and
- (f) Standards of Wednesday 8 February 2023.

102. REFERENCE FROM THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE - A.1 - DEVELOPMENT PLAN DOCUMENT: SUBMISSION VERSION PLAN - REGULATION 19

Council had before it a Reference Report and Appendices (A.1), which enabled it to consider the recommendations of the Tendring Colchester Borders Garden Community Joint Committee in relation to the Submission Version of the Development Plan Document, associated Sustainability Appraisal and other related evidence.

The Reference Report contained the following joint advice of Tendring District Council's and Colchester City Council's respective Monitoring Officers:-

"The recommendations from the Joint Committee being presented to the Full Councils at Tendring and Colchester, are with the intention of seeking decisions being taken by the Full Councils prior to the upcoming Local Elections, to enable the Regulation 19 consultations to commence shortly thereafter. A delay in determination until after the election period is likely to pose a high risk to the timetable for the overall Garden Community project and the delivery of the first phase of homes and associated infrastructure in accordance with the Housing Infrastructure Funding agreement with Homes England (subject to variation).

Section 1 Local Plan requires that planning permissions are not to be granted until the DPD has been completed and adopted, a delay to its adoption would have a knock-on effect to delivery on the ground. If agreed, the proposal is to consult on the DPD for six weeks later in 2023 following the Local Elections. The updated version of the Local Development Scheme (LDS), recommends a new timetable for the DPD. This takes into account the need to consult for a period of six weeks on the DPD, and charts a realistic timetable for independent Government Examination in Autumn/Winter 2023, with adoption of the DPD anticipated early in 2024.

Due to Pre-election Periods and post elections administration to form Councils, it is unlikely that decisions could be made by the Joint Committee until June/July 2023 and Full Councils in September. However, Officers would not be presenting the Submission Version Plan for consideration and public consultation if it did not meet the tests of soundness, based on evidence and taking into account the outcome previous stakeholder engagement under Regulation 18, and supported by a Sustainability Appraisal. Summary of the Regulation 18 consultation is included within the report to the Joint Committee highlighting the three main issues related to Green Buffers and Land South of the A133, Salary Brook and Crockleford Heath and Bromley Road. Technical evidence has been completed and changes incorporated into the Submission Version Plan on all three of these key issues.

It is important to remember that this stage of the process is plan making, setting policy direction and not the determination of planning applications, which will follow once the DPD is adopted as required by Section 1 of the Local Plans. There will be detailed s.106 planning agreements negotiated and in place, prior to planning permissions being granted. There may be details which members would wish to seek further assurances on, which relate to the later stages of the process, including planning obligations, commitments and delivery.

Essex County Council entered into a formal contract (Grant Determination Agreement) with Homes England for the Housing Infrastructure Fund. Tendring District Council and Colchester City Council signed a Memorandum of Understanding setting out how they will work together with Essex County Council towards their intended objective of unlocking development at Tendring Colchester Borders Garden Community (TCBGC). This included demonstrating the Local Planning Authorities' agreement with the content

of the Housing Delivery Statement and the Recovery and Recycling Strategy. Paragraph 2.3 is relevant for the purpose of this report, which states:

“The Parties will work together to ensure that TCBGC’s dependence on the HIF infrastructure is effectively and comprehensively articulated where evidence is available to demonstrate that dependence including through the preparation of Development Plan Documents, Supplementary Planning Documents, and other relevant documents.”

Therefore, Members should reflect the importance of the HIF for delivery of the Garden Community and do not seek, unnecessarily to put this funding at risk through its decision- making.

In setting up the Joint Committee, Tendring District Council, Colchester City Council and Essex County Council delegated certain functions, for the purpose of this report, to exercise the Council’s respective functions relating to overseeing the preparation of the joint TCBGC DPD and ensuring it:

- (a) is in accordance with the Local Development Schemes;*
- (b) includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;*
- (c) meets the “tests of soundness” as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;*
- (d) has regard to the adopted Section 1 of CBC & TDC’s Local Plan;*
- (e) has regard to the resources likely to be available for implementing the proposals in the document;*
- (f) other such matters the Secretary of State prescribes; and*
- (g) complies with the Council’s Statement of Community Involvement.*

The Joint Committee has carried out these functions and if approved, has satisfied itself to exercise a further delegated function and make recommendations to TDC and CBC in relation to the approval of the TCBGC DPD for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the 2004 Act, and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Full Council is therefore being requested to approve the Submission Version of the DPD, for Regulation 19 consultation and submitted to the Secretary of State’s Planning Inspectorate, for an examination process similar to that of the Section 1 and 2 of the Local Plan stages.

Without a DPD in place for the Garden Community, the Councils are in a weaker position with regards to our respective Local Plans. The principle of development in this area has been established in Section 1 and the Councils are under an obligation to move to the next phase. Section 1 contained Policies SP8 and SP9 requiring DPDs to set out how the new Garden Community will be designed, developed and delivered in phases, in accordance with a set of principles.

The Developer and their partners are committed to the Garden Community and up to the examination, and prior to the Section 106 negotiations, it is our advice for the

Councils to seek a Memorandum of Understanding with the developer focusing on some principles for delivery and wider relations.”

Council had had circulated to it prior to the commencement of the meeting an Addendum to the Reference Report, which informed it –

- (a) of the formal recommendations made by the Tendring Colchester Borders Garden Community Joint Committee at its meeting held on 27 February 2023 in relation to the Submission Version of the Development Plan Document, associated Sustainability Appraisal and other related evidence; and
- (b) that a Memorandum of Understanding had been signed by Essex County Council, Colchester City Council, Tendring District Council and Latimer (Tendring Colchester Borders Garden Community) Development Limited in order to govern the relationship, collaboration and co-operation of the aforementioned Parties in relation to the delivery of the A120-A133 Link Road to support the development of the Tendring Colchester Borders Garden Community.

Members were informed that the Joint Committee’s decision on this matter was:-

“That the Tendring Colchester Borders Garden Community Joint Committee –

- 1) *notes the content of this report which presents the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the ‘Development Plan Document’ or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise;*
- 2) *recommends to the Full Council of both Tendring District Council and Colchester City Council that they agree for the above-mentioned Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six-weeks’ public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;*
- 3) *that Full Council authority is sought for the Garden Community Planning Manager, in consultation with the TDC Director of Planning, the CCC Executive Director of Place and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to be given delegated authority to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;*
- 4) *notes the proposed activity for the Regulation 19 ‘Submission Version Plan’ consultation;*

- 5) *notes the representations received following the cancellation of the Joint Committee meeting of the 13th December 2022;*
- 6) *welcomes the completion of a Memorandum of Understanding which is intended to govern the relationship, collaboration and co-operation between the Councils and Latimer in relation to the delivery of both phases, at the earliest opportunity, of the A120-A133 Link Road which will support the development of the Garden Community; and*
- 7) *recommends that officers from the Councils work with Latimer to explore the possibility of entering into an agreement which would detail how the parties would work collaboratively for the duration of the project, delivering the vision for the future of the garden community.”*

A copy of the aforementioned Memorandum of Understanding was attached as an Appendix to the Addendum.

Councillors Bush, Scott, Allen, I J Henderson, Stock OBE, Bray and Turner each addressed the Council during the debate on this item.

It was moved by Councillor Turner, seconded by Councillor Bray and unanimously:-

RESOLVED - that Full Council, having taken into account the information contained in this Addendum (and its Appendix) in making its decision on the Submission Version of the Development Plan Document, associated Sustainability Appraisal and other related evidence, in particular, the decision made by the Tendring & Colchester Borders Garden Community Joint Committee, agrees that –

- a) the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the ‘Development Plan Document’ or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise, be published for six weeks’ public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;
- b) the Garden Community Planning Manager, in consultation with Tendring District Council’s Director of Planning, Colchester City Council’s Executive Director of Place and the Chairman and the Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, be authorised to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;
- c) welcomes the completion of a Memorandum of Understanding which is intended to govern the relationship, collaboration and co-operation between the Councils and

Latimer in relation to the delivery of both phases, at the earliest opportunity, of the A120-A133 Link Road which will support the development of the Garden Community; and

- d) endorses the recommendation that Officers from the Councils work with Latimer to explore the possibility of entering into an agreement which would detail how the parties would work collaboratively for the duration of the project, delivering the vision for the future of the garden community.

103. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

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

“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.”*

Councillor Steady formally moved the motion and Councillor Chapman BEM formally seconded the motion.

Councillor Steady then gave his reasons why he felt that it would be appropriate for the motion to be dealt with at this meeting, namely that:-

- the Council was coming to the end of its current four year cycle;
- the process of land disposal had already begun in Brightlingsea. Early link ups to policy had already been announced;
- there were opportunities in the pipeline to raise match funding for joint schemes between Brightlingsea Town Council (BTC) and Tendring District Council (TDC). BTC working with TDC Officers could reduce housing waiting lists. Therefore, dealing with the motion at this meeting would ‘tidy things up’ and create a platform for the new post-election Executive to build on and reduce the timescale for the delivery of schemes; and
- the extra funding from land disposals could fund a significant number of extra small schemes right across the District in every town and parish council area.

Councillor Chapman BEM then gave her reasons why she felt that it would be appropriate for the motion to be dealt with at this meeting, namely that:-

- now would be a better time to debate this motion as the present Members had the experience and knowledge gained from previous discussions of land disposals. Following the election there could be a significant number of new Councillors who might not fully understand the argument being made on this matter; and

- this would be an ideal time to demonstrate to residents that two Councils can work together to build out projects.

The Leader of the Council (Councillor Stock OBE) then responded and put forward reasons why it would be more appropriate for the motion to stand referred to the Cabinet. These included:-

- pointing out that, in his opinion, the current wording of the Motion meant that places in the District with a large number of Council owned assets would benefit at the expense of those without;
- the disposal of assets was an Executive function, as acknowledged in the motion itself, so this motion really had to go before the Cabinet in order for it to form a recommendation and return the motion to Full Council at a later date. No land would be sold off in the interim so there was nothing to fear on that score;
- pointing out that, in his opinion, even if the motion was considered and then unanimously approved at this meeting it would have 'zero effect'. He felt that it was a pointless exercise as it could not change what Cabinet could or could not do.

Having consulted both the Council's Monitoring Officer and the Section 151 Officer, the Chairman of the Council (Councillor Harris) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would stand referred to the Cabinet on the grounds that this motion clearly concerned an Executive function.

Councillor Steady then explained the purpose of the Motion in accordance with the provisions of Council Procedure Rule 12.4.2. That explanation included:-

- that the motion aimed to build on previous successes in Brightlingsea and to bring about a meaningful, fiscal devolution from TDC to BTC as a pre-cursor to fiscal devolution from central Government to local Government;
- it would enable TDC to get 'ahead of the game' and enable the flexibility required to deliver these schemes;
- adapting such an ethos would challenge everything and provide a different way of delivering services and facilities similar to the land swap at Vista Road, Clacton-on-Sea which had been an integral part of the refurbishment of the Clacton Leisure Centre's new all-weather football pitch funded by the Football Foundation and a contribution from Essex County Council; and
- that this was a wonderful opportunity to 'dare to be different'.

Councillor Chapman BEM then further explained the purpose of the Motion in accordance with the provisions of Council Procedure Rule 12.4.2. That explanation included:-

- many parish/town councils had small projects that were waiting to be progressed or completed – this would be a good way of achieving positive outcomes;
- it would demonstrate how parish/town councils and district/borough councils could work together within guidelines – it could enable match funding opportunities to complete such projects for the benefit and pacification of local communities; and
- there was a worry that the money raised from land disposals would go into a central pot and 'disappear'.

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

No reports from an overview and scrutiny committee had been submitted for Council's consideration and determination at this meeting.

Members were aware that the Reference Report referred to under Agenda Item 18 incorporated the recommendations made by the Resources and Services Overview and Scrutiny Committee in relation to the review of the Council's Cyber Security arrangements.

105. REFERENCE FROM THE CABINET - A.2 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2023/24 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

Council considered a Reference Report (A.2), which enable it to review and approve the Annual Capital and Treasury Strategy for 2023/24 (including the Prudential and Treasury indicators).

Members were informed that, on 17 February 2023 (Minute 126 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 2023/24 (including the Prudential and Treasury Indicators).

At that meeting it had been:

“RESOLVED that Cabinet –

- a) agrees the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) and that it be submitted to Council for approval; and*
- b) undertakes the necessary consultation with the Resources and Services Overview and Scrutiny Committee as early as practicable in 2023/24.”*

A copy of the published Corporate Finance and Governance Portfolio Holder's report to the Cabinet meeting held on 17 February 2023, together with the Annual Capital and Treasury Strategy 2023/24, were attached as appendices to the reference report (A.2).

It was moved by Councillor Stock OBE and:-

RESOLVED that the Council -

- (a) approves the Annual Capital and Treasury Strategy for 2023/24 (including Prudential and Treasury Indicators); and
- (b) notes and welcomes that the necessary consultation with the Resources and Services Overview and Scrutiny Committee will occur as early as practicable in 2023/24.

106. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.3 - PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION (COUNCIL PROCEDURE RULES)

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, full Council was requested to approve the recommended changes to the Constitution (Council Procedure Rules) put forward by the Monitoring Officer and the Cabinet in their joint report (A.3), following a review undertaken by the Corporate Finance and Governance Portfolio Holder, through a Working Party constituted for that purpose.

It was reported that Cabinet, at its meeting held on 16 December 2022 (Minute 83 referred) had considered the outcome of the annual review of the Council's Constitution that had been undertaken by the Review of the Constitution Portfolio Holder Working Party.

At that meeting, Cabinet had deferred consideration of the proposed changes to Council Procedure Rules (CPR) 12 and 14 pending their re-consideration by the Review of the Constitution Portfolio Holder Working Party (CRWP).

Accordingly, the CRWP had met on 23 January 2023 to further discuss those proposed changes to CPRs 12 and 14. In addition, the CRWP had considered, at the request of Councillor Baker, a matter pertaining to CPR 11.2 as well as the outcome of the recent consultation exercise with Members on the procedure for the Planning Committee's site visits.

Following that meeting, on 17 February 2023, 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, put forward by the CRWP, for referral onto Full Council.

A summary of the proposed changes compared to the existing CPRs 11, 12 and 14 was included in the background section of the joint report and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers.

Having considered the outcome of the further review of the Constitution (Council Procedure Rules) and the Cabinet's recommendations arising therefrom, and in order to enable those recommendations to be approved and adopted:-

It was moved by Councillor Stock OBE and:-

RESOLVED that -

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in the Appendix attached hereto the joint report of the Monitoring Officer and the Cabinet (A.3);
- (b) the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;
- (c) the proposal that the Planning Committee continues its current practice of undertaking a site visit in respect of all planning applications that are submitted to it for its consideration be supported;

- (d) the Monitoring Officer be requested to amend the Council's procedure for Planning Committee Site Visits, as set out in the Members' Planning Code and Protocol (in Part 6 of the Constitution) to appropriately reflect the matters raised by the Review of the Constitution Portfolio Holder Working Party; and
- (e) the Monitoring Officer be further requested to submit the Site Visit Procedure, as amended, to Full Council for its approval and adoption, following consultation, as appropriate and necessary, with the Planning Committee and the Standards Committee.

107. REFERENCE FROM THE CABINET - A.4 - CYBER SECURITY FOR THE COUNCIL

Further to the decisions of Council on 22 November 2022 (Minute 55 referred), Members received recommendations arising from the Overview and Scrutiny enquiry into cyber security together with the outcome of the consideration of those recommendations by Cabinet at its meeting held on 17 February 2023 (Minute 122 referred).

It was reported that, in accordance with the decision of Council on 22 November 2022 (referred to above), the Resources and Services Overview and Scrutiny Committee had extended its work programme enquiry into cyber security in order to include reviewing the different proposals of Members' access to emails, in line with the Council's Risk Management Framework. That enquiry had been undertaken by a Task and Finish Group comprised of Councillors Clifton (Chairman), Amos, Coley, Griffiths and Wiggins. The Task and Finish Group had met four times and had submitted its report to the Resources and Services Overview and Scrutiny Committee at a meeting of that Committee held on 1 February 2023.

The Resources and Services Overview and Scrutiny Committee, pursuant to the decision of Council on 22 November 2022, had then submitted its recommendations arising from the cyber security enquiry to Cabinet on 17 February 2023 and also to this meeting of Council. That Committee had resolved –

“That Cabinet –

- a) requests, that as soon as is possible, the Human Resources and Council Tax Committee with appropriate officers looks at the salaries being offered for the advertised and unfilled senior IT posts, including cyber security senior technical positions;*
- b) endorses that by 31 March 2023 a Portfolio Holder Cyber Security Working Group be established to periodically review the Council's cyber security performance against the Cyber Assessment Framework (CAF) and/or emerging mandatory security improvements and requirements;*
- c) requests that by 31 July 2023 the Council's Information Retention Policy be reviewed/ revised with due regard to UK Data Protection Act 2018 data 'minimisation' 'accuracy' and 'storage limitation' and applied throughout the organisation;*

-
- d) *requests that by 31 May 2023 individual (non-generic) account access technologies be costed for accessing TDC terminals in locations such as leisure centres where numerous users sharing a terminal due to a retail environment operational need;*
 - e) *requests that, commencing no later than May 2023 following the election of the new Council, Cyber Security and Information Governance training for all Members after every election and for staff in their inductions be introduced with periodic refresher training for both which will be made mandatory;*
 - f) *requests the Council's Monitoring Officer to review existing Member guidance and explore Member training opportunities as to what constitutes party political activities in the context of using a TDC email account;*
 - g) *endorses that as soon as possible the new Cyber Incident Response Plan (CIRP) be adopted.*

That Cabinet recommends to Full Council that –

- h) *post-May 2023 local elections under the newly elected Council that Members' practice of auto-forwarding of emails be ceased;*
- i) *subject to the associated funding of £8,000 being identified, that the preferred Option 2 i.e. the provision of a standard council-managed mobile Smartphone in addition to a council-managed laptop be provided to those Members that want one to access emails and to be contactable when mobile; or*
- j) *as an alternative to i above, that should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone be asked to fund the cost from their Allowances (circa two hundred pounds per annum)."*

Cabinet had had before it at its meeting held on 17 February 2023 the following comments submitted by the Portfolio Holder for Corporate Finance & Governance:-

"I would like to thank the Committee for the work it has undertaken in setting up the task and finish group chaired by Councillor Clifton, who looked at the various aspects and complexities of cyber security in a relatively short period of time.

In respect of the recommendations a) to g), they reflect a pragmatic and reasonable approach to supporting the Council's cyber security arrangements, so I am therefore supportive of taking the various activities forward in 2023/24.

Recommendations h) to j) of the Resources and Services Overview and Scrutiny Committee will be presented for consideration at Full Council on 2 March 2023 [Note: as set out above].

In respect of recommendation h), this reflects the position I have mentioned on a number of occasions over recent months. I appreciate the frustration that many Members have previously expressed, but I believe that the risk of continuing with the forwarding of emails to personal emails account is too great for various reasons, not least because of UK Data Protection legislation compliance, but also recognising freedom of information issues that have been highlighted by the ICO. Not only that, but

the world of cyber security will keep evolving and there will be adverse consequences if we continued with current practices. We therefore need to remain alert to both current and future risks.

Furthermore, if a breach was to take place the Council would be potentially liable to hefty fines by the ICO.

I note that the following 4 options relating to how Members can access their Tendring District Council emails that were considered by the task and finish group:

- 1. Use of council managed laptops only*
- 2. All members be provided with a Council managed smart phone*
- 3. Introduce a 'Bring Your Own Device' Service Framework*
- 4. A Member web 'portal' app*

Whilst acknowledging the Committee's practical recommendation of the provision of Council managed smartphones, in striking a pragmatic balance along with recognising how Members are increasingly reliant upon flexible access to their emails to effectively undertake their role as a Councillor, I would be supportive of exploring Option 4 above in more detail as a possible alternative. Although the provision of a mobile phone would provide a practical solution, I understand the frustration of some members where they are juggling more than one email account to reflect their 'political' roles with that of a being a ward Councillor along with trying to undertaking that role efficiently. The responsibilities of Portfolio Holders giving direction and making decisions within their individual areas has also been taken into account.

In recognition of the above, I am therefore proposing that Officers also explore in more detail the option of a Members' 'portal' as a flexible way for Members' to continue to use their own devices to access their Tendring District email account.

Following the Council's consideration of the associated report at their meeting on 22 November 2022, the following resolution was agreed:

'the implementation of any and all changes required be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and that the new Councillors be given the training'.

My proposed approach will have an impact on the above, which is addressed in my recommendations."

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee, together with the response and recommendations of the Corporate Finance & Governance Portfolio Holder thereto, Cabinet had:-

"RESOLVED that –

- a) the Resources and Services Overview and Scrutiny Committee be thanked for the work they have undertaken and specifically the Members who participated in the associated task and finish group, chaired by Councillor Clifton;*

- b) the Committee's recommendations a) to g) are agreed and Officers be requested to undertake the associated activities as soon as practicable in 2023/24 in consultation with the Portfolio Holder for Corporate Finance and Governance;*
- c) in respect of the Committee's recommendations h) to i), it is recommended to Full Council that:*
- i) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members' 'portal' before a final decision can be considered;*
 - ii) subject to ci) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' 'portal' option and recommendations are presented back to a future meeting of Full Council;*
 - iii) subject to ci) and cii) above, Full Council continues to acknowledge that the ongoing risk to the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues; and*
 - iv) whilst the work in ci) and cii) is ongoing, all Members elected in May 2023 are advised of this and the Council's Information Governance requirements through their induction programme."*

A copy of the published reference report (and its appendices) from the Resources and Services Overview & Scrutiny Committee to the Cabinet meeting held on 17 February 2023, were attached as appendices to the reference report from Cabinet (A.4).

It was moved by Councillor Stock OBE that –

- (a) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members' 'portal' before a final decision can be considered;
- (b) subject to (a) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' 'portal' option and that Cabinet's recommendations arising therefrom are submitted to a future meeting of Full Council;
- (c) subject to (a) and (b) above, Full Council continues to acknowledge the ongoing risk to the Council that, in acting as Data Controller, it could potentially be in breach of the Data Protection Act 2018 and that risk will remain whilst the auto-forwarding of Councillors' emails practice continues; and
- (d) whilst the above work in (a) and (b) is ongoing, all Members elected in May 2023 be advised of this and of the Council's Information Governance requirements through their Members' induction programme.

Councillor Clifton moved and Councillor Allen seconded that Councillor Stock's motion be amended to read as follows:-

"That Council having considered the outcome of the enquiry into cyber security undertaken through the Resources and Services Overview and Scrutiny Committee determines to adopt the following as recommended by the Resources and Services Overview and Scrutiny Committee –

- a) it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their TDC email accounts and that under the newly elected Council from May 2023, the practice of auto-forwarding of TDC Member Emails to non TDC accounts be ceased and that:
 - i) subject to the associated funding of £8,000 being identified, a standard council-managed Smartphone in addition to a council-managed laptop be provided to those Members that want one to access emails and to be contactable when mobile;
 - ii) should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone be asked to fund the costs from their allowances (circa two hundred pounds per annum);
- b) subject to a), Full Council continues to acknowledge the ongoing risk to the Council that, in acting as Data Controller, it could potentially be in breach of the Data Protection Act 2018 and that risk will remain whilst the auto-forwarding of Councillors' emails practice continues."

Councillors Coley, Knowles, Amos, Placey, M E Stephenson, Scott and Stock OBE all addressed the Council during the debate on Councillor Clifton's amendment.

Councillor Stock OBE concurred with Councillor Clifton's amendment and agreed to incorporate it within the original motion pursuant to the provisions of Council Procedure Rule 16.6 (Alteration of Motion).

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

108. REPORT OF THE CHIEF EXECUTIVE - A.5 - TERM OF OFFICE FOR THE MEMBERS OF THE INDEPENDENT REMUNERATION PANEL

Council considered an extension to the term of office for the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 24 January 2023.

Members were aware that the term of office for the existing Independent Remuneration Panel lasted until Annual Council in May 2023 and that following a reference report from the Standards Committee, Council had approved on 22 November 2022 (minute 52 referred):-

- (a) *that alternative arrangements for the Independent Remuneration Panel are explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment; and*

- (b) *that the term of office for those Independent Persons, who express an interest in doing so, be extended for a further year without an application process, in order to allow the review within recommendation (a) above to be undertaken.*

Council was reminded that the reason for only extending the Independent Person part of the role was on the basis that, in January 2023, it had been anticipated, the Independent Remuneration Panel would present to Full Council, a Scheme of Members' Allowances for the period 2023/24 until 2027/28. Therefore, should Council approve such a Scheme, joint working could be explored until the recommendations of the IRP would be required.

However, at its meeting in January 2023, the Council had received the Report of the Head of Democratic Services and Elections following the Review of the Scheme of Members' Allowances by the IRP. It had been moved by Councillor Stock OBE and seconded by Councillor M E Stephenson that, inter alia, –

- (a) *the report of the Independent Remuneration Panel (set out in the Appendix to this report), following that Panel's review of the appropriate uplift to be applied to Basic and Special Responsibility Allowances in the scheme for 2022/23 and the Scheme of Allowances for Councillors for 2023/24 (and until 2027/28) be welcomed and duly noted;*
- (b) *that the recommendations from the Independent Remuneration Panel set out on pages 10-13 of the Appendix be agreed in full;*

...

Members were further reminded that one of the recommendations from the IRP (No. (6)) had stated:

"That there be an expectation that no Councillor be eligible to claim more than two separate Special Responsibility Allowances; Reason: The Allowances Scheme needs to set remuneration at an appropriate level and the undertaking of different roles by an individual Councillor should be recompensed appropriately. It is important to preserve the capacity of Councillors to undertake their Ward related activities with resident casework. Under this expectation, a Councillor otherwise eligible for more than two Special Responsibility Allowances should not normally take that/those further Allowances. However, if they make the specific case and lodge this with the Council's Chief Executive (who may seek the views of the Independent Remuneration Panel), that/those further Allowances may be paid with the approval of the Chief Executive".

Councillor I J Henderson had opined that the procedure for determining a Councillor's request to receive a third or subsequent Special Responsibility Allowance should be altered, because he felt that this placed an undue, and potentially politically controversial, burden on the Chief Executive and he therefore had suggested the following alternative:-

"...However, if they make the specific case and lodge this with the Council's Chief Executive (who will then seek the views of the Independent Remuneration Panel) that/those further Allowances may be paid with the approval of the Full Council, who will have had regard to the views of the IRP in making its decision".

Councillor Stock OBE and Councillor M E Stephenson had both concurred with Councillor Henderson's suggestion and had agreed to incorporate it within their original motion pursuant to the provisions of Council Procedure Rule 16.6(b) (Alteration of Motion).

Councillor Stock's motion, as now amended, following the vote was declared **CARRIED** (Minute 77).

Council was advised that, currently, post May 2023, the Council would be unable to action the approval of any additional allowances, because the Chief Executive would not have an IRP to consult with following the expiry of their term of office. Therefore, in order to be able to comply with Council's intentions, if such a situation arose, an extension to the term of office for those Independent Remuneration Panel members, who expressed an interest in doing so, was necessary. The proposal was therefore to extend for a further year without an application process, in order to allow the joint working review to be undertaken.

It was moved by Councillor Stock OBE, seconded by Councillor I J Henderson and:-

RESOLVED that Council approves that the term of office for those Independent Remuneration Panel members, who express an interest in doing so, be extended for a further year without an application process.

109. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.6 - PAY POLICY STATEMENT 2023/24

The Chief Executive, the Deputy Chief Executive & Monitoring Officer and the Assistant Director (Finance and IT) & Section 151 Officer each declared an Interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon.

Council was reminded that the Localism Act 2011 Section 38 (1) required the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement articulated the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (*or 'Chief Officers'*) and its lowest paid employees.

The matters that were required to be included in the statutory Pay Policy Statement were as follows:

- *A local authority's policy on the level and elements of remuneration for each Chief Officer.*
- *A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).*
- *A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.*
- *A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.*

It was reported that the Pay Policy Statement 2023/24 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework was based on the principle of fairness and that rewards should

be proportional to the weight of each role and each individual's performance. The framework also aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

Members were aware that the Conditions of Employment with Tendring District Council, including pay, in the main conformed to those established for local government generally by the National Joint Committee (NJC). Agreements reached by the NJC were 'collective agreements'.

Council was informed that there was limited change reported in the 2023/24 Statement with the exception of the application of the agreed 2022/23 pay award. There were particularly significant changes at the bottom end of the pay spine following agreement between National Employers and National Unions of an increase of £1,925 on all NJC pay points 1 and above (*a percentage increase of between 10.5% and 4.04% across the pay spine*).

Furthermore, as part of the 2022/23 pay award, the NJC had agreed that, from 1 April 2023, Spinal Column Point (SCP) 1 would be permanently deleted from the NJC pay spine. Therefore, any employees currently placed on SCP 1 would be assimilated across to SCP 2 from this date.

Members were advised that the Human Resources & Council Tax Committee had considered the Pay Policy Statement 2023/24 at its meeting held on 23 February 2023 (Minute 28 referred) and had resolved:-

"That this Committee recommends to Full Council that the Pay Policy Statement 2023/24, as set out in Appendix A to item A.2 of the Report of the Assistant Director (Partnerships), be adopted."

In order to comply with the requirements of the Localism Act 2011, Section 38(1) that the Council must adopt and publish an annual Pay Policy Statement:-

It was moved by Councillor Chapman BEM and:-

RESOLVED that the Pay Policy Statement 2023/24, as set out in the Appendix to item A.6 of the Report of the Assistant Director (Partnerships), be adopted.

110. 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.

No such questions on notice had been submitted by Members for this meeting.

111. 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 9.49 p.m.

Chairman

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Council

23 May 2023

**MINUTES OF THE ANNUAL MEETING OF THE COUNCIL,
HELD ON TUESDAY, 23RD MAY, 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), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Davidson, Doyle, Everett, Fairley, Ferguson, Fowler, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Kotz, Land, Lennard, McWilliams, Morrison, Newton, Oxley, Placey, Platt, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, Turner, White and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), 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), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

1. CHAIR

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

2. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL ELECTIONS - 4 MAY 2023 - SCHEDULE OF ELECTED MEMBERS

The Chief Executive, in his capacity as Returning Officer, reported that at the District Council Elections held on 4 May 2023 the following persons had been duly elected and that all had since made the Statutory Declaration of Acceptance of Office:-

Alresford & Elmstead Ward

Gary Gordon
Ian Scott
Rosemary Ann Wiggins

Ardleigh & Little Bromley Ward

Zoe Jacqueline Fairley

Bluehouse Ward

James Codling
Ian William Lennard

Brightlingsea Ward

Michael Barry
Jayne Beverley Chapman BEM
Graham David Steady

Burrsville Ward

Christopher David Amos
Michael John Skeels Jnr

Cann Hall Ward

Georgina Rose Placey
Geeta Dilip Sudra

Coppins Ward

Peter Kotz
Sarah Jane Newton

Dovercourt All Saints Ward

Maria Fowler
Joanne Henderson

Dovercourt Bay Ward

Garry William John Calver

Dovercourt Tollgate Ward

Pamela June Morrison

Dovercourt Vines & Parkeston Ward

William John Davidson

Eastcliff Ward

Andrew Phillip Hartnell Baker

Frinton Ward

Richard Hugh Everett
Nicholas William Turner

Harwich & Kingsway Ward

Ivan John Henderson

Homelands Ward

Mark Edward Platt

Kirby Cross Ward

Andrea Iona Cossens

Kirby-le-Soken & Hamford Ward

Mark Alan Cossens

Lawford, Manningtree & Mistley Ward

Terence Michael Barrett
Matthew Charles Bensilum
Giancarlo Valeriano Guglielmi

Little Clacton Ward

Jeffrey Dennis Bray

Pier Ward

Paul Bernard Honeywood

St. Bartholomew's Ward

Carolyn Patricia Doyle
Adrian Smith

St. James' Ward

Maurice John Michael Alexander
Christopher William Griffiths

St. John's Ward

Gemma Louise Stephenson
Mark Edward Stephenson

St. Osyth Ward

Michael John Talbot
John Frederick White

St. Paul's Ward

Susan Anne Honeywood

Stour Valley Ward

Tanya Michelle Ferguson

The Bentleys & Frating Ward

Lynda Ann McWilliams

The Oakleys & Wix Ward

Michael Bush

Thorpe, Beaumont and Great Holland Ward

Daniel James Land

Walton Ward

Ann Frances Oxley

Weeley & Tendring Ward

Peter James Harris

West Clacton & Jaywick Sands Ward

Daniel John Casey

Bradley Patrick Thompson

Council noted the foregoing.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

4. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman (Councillor Harris) remarked that he could not believe how fast his year in office had gone by, despite being warned by past Chairmen such as Councillors Jeff Bray and Dan Land. He felt that he had done his best and that he had concentrated on attending the maximum possible number of civic events within the District. He had met many incredible people doing incredible things and paid tribute to the many excellent businesses, entrepreneurs, charities, volunteers et al across the District, many of whom had been recognised at the Pride of Tendring Awards.

Councillor Harris also paid tribute to the members of the Armed Forces and the charities and support groups for veterans. He had been honoured and proud to have become an ambassador for UK Homes4Heroes. Many veterans were still faced with coping with PTSD and homelessness. He acknowledged the need for the UK's armed forces to remain strong in view of the fragile peace across much of the world, together with the ongoing conflict in Ukraine. He was proud that this Council had received a Gold award under the MOD's Employer Recognition Scheme. One legacy that he had left in the Chairman's Parlour was a Bar fully restocked, at his expense, with Rum and Port as a traditional toast for whenever veterans (including Royal Navy veteran, Councillor Talbot) were invited back after a Memorial event. Councillor Harris was sure that his successor would continue this military tradition and keep the Bar stocked.

Councillor Harris stated that this had been the greatest privilege of his life to date. Much had happened of note in the last year including the Queen Elizabeth II's Platinum Jubilee celebrations; the lighting of the Clacton Beacon; the death of Queen Elizabeth II; the proclamation of King Charles III; and the setting up of the League of Past TDC Chairmen.

He therefore wanted to take this opportunity to say 'thank you' to the following:-

- Mother Louise Oliver – for being his Chaplain and for her words of wisdom and personal support.
- his Vice-Chairman (Val Guglielmi) – for all of her support and for standing in on those occasions when he could not make a civic engagement.
- his Consort and wife, Lorraine for all of her love and support.
- the former Leader of the Council (former Councillor Neil Stock OBE) and the former Deputy Leader of the Council (Councillor Carlo Guglielmi) – for asking him to stand for Chairman of the Council – he had been very surprised and delighted.
- Members past and present.
- TDC Officers and staff and, in particular, the Chief Executive.

He informed Members that when he passed on his Chain of Office to his successor he looked forward to joining the league of past Chairmen from where he would offer his support to the new Chairman.

Finally, Councillor Harris wished his successor all good luck. Members' responded to the Councillor Harris' speech with a round of applause.

5. **ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE 2023/2024 MUNICIPAL YEAR**

It was moved by Councillor M E Stephenson and seconded by Councillor Wiggins that Councillor Scott be elected Chairman of the Council.

It was then moved by Councillor Guglielmi and seconded by Councillor P B Honeywood that Councillor McWilliams be elected Chairman of the Council.

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

<u>Councillors Voting for Councillor McWilliams</u>	<u>Councillors Voting for Councillor Scott</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Baker	None	None
Amos	Barrett		
Bray	Barry		
Codling	Bensilum		
A I Cossens	Bush		
M A Cossens	Calver		
Everett	Casey		
Fairley	Chapman BEM		
Ferguson	Davidson		
Griffiths	Doyle		
Guglielmi	Fowler		

Harris	I J Henderson
P B Honeywood	J Henderson
S A Honeywood	Kotz
Land	Lennard
McWilliams	Morrison
Platt	Newton
Skeels	Oxley
Turner	Placey
	Scott
	Smith
	Steady
	G L Stephenson
	M E Stephenson
	Sudra
	Talbot
	Thompson
	White
	Wiggins

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Scott be elected Chairman of the Council for the 2023/2024 municipal year.

Members gave a round of applause to Councillor Scott on his election.

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

The Chairman thanked Members for electing him Chairman of the Council for which he was truly humbled. Councillor Scott paid tribute to the work undertaken by his predecessor Councillor Harris and invested him with the Past Chairman's Badge. Members gave another round of applause.

Councillor Harris wished the Chairman well during his term of office.

6. APPOINTMENT OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2023/2024 MUNICIPAL YEAR

It was moved by Councillor M E Stephenson and seconded by Councillor Chapman BEM that Councillor Casey be appointed Vice-Chairman of the Council.

On being put to the vote it was:-

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Casey be appointed Vice-Chairman of the Council for the 2023/2024 municipal year.

Members gave a round of applause to Councillor Casey on his appointment.

Councillor Casey was thereupon invested with the Vice-Chairman's Badge of Office and made a Statutory Declaration of Acceptance of Office.

Councillor Casey expressed his thanks to the Council for their support. He passed on his best wishes to the former Vice-Chairman, Val Guglielmi and he pledged that he would do his very best during his year in office. Members then gave a further round of applause.

7. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman announced that his chosen charities for the year would be the Autumn Centre in Brightlingsea and the CVST. He informed Members that he would announce details of his Chaplain at the next meeting of the Council.

8. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

9. REPORT OF THE CHIEF EXECUTIVE - A.1 - MEMBERSHIP OF POLITICAL GROUPS (INCLUDING THEIR LEADERS AND DEPUTY LEADERS)

The Chief Executive formally reported that, following the District Council Elections held on 4 May 2023 and pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the following political groups had been formed on Tendring District Council:-

Conservative Group

Maurice Alexander
Chris Amos
Jeff Bray
James Codling
Andrea Cossens
Mark Cossens
Richard Everett
Zoe Fairley
Tanya Ferguson
Chris Griffiths
Carlo Guglielmi (Group Leader)
Peter Harris
Paul Honeywood (Deputy Group Leader)
Sue Honeywood
Dan Land
Lynda McWilliams
Mark Platt
Mick Skeels
Nick Turner

Independents Group

Mick Barry
Jayne Chapman (Group Leader)
Graham Steady (Deputy Group Leader)
Michael Talbot
John White

Labour Group

Garry Calver (Deputy Group Leader)
Bill Davidson
Maria Fowler
Ivan Henderson (Group Leader)
Jo Henderson
Peter Kotz
Ian Lennard
Pam Morrison

Liberal Democrats Group

Terence Barrett
Matthew Bensilum
Gary Scott (Group Leader)
Ann Wiggins (Deputy Group Leader)

Tendring Independents Group

Andy Baker (Deputy Group Leader)
Michael Bush
Carolyn Doyle
Sarah Newton
Ann Oxley
Gina Placey
Adrian Smith
Gemma Stephenson
Mark Stephenson (Group Leader)
Geeta Sudra
Bradley Thompson

The Chief Executive also reported that Councillor Dan Casey had originally joined the Tendring Independents Group. However, Councillor Casey had subsequently served Notice on the Council that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, he no longer wished to be treated as a member of the Tendring Independents Group for the purposes of those Regulations. He had, to date, not joined any other political group on the Council.

Members were informed that, in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990, a review of the allocation of seats on Committees etc. to political groups had been carried out based on the available information. The outcome of that review would be considered by Council later on in this meeting.

Council noted the foregoing.

10. ELECTION OF LEADER OF THE COUNCIL

It was moved by Councillor Baker and seconded by Councillor Talbot that Councillor M E Stephenson be elected Leader of the Council.

It was then moved by Councillor Fairley and seconded by Councillor Bray that Councillor Guglielmi be elected Leader of the Council.

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

<u>Councillors Voting for Councillor Guglielmi</u>	<u>Councillors Voting for Councillor M E Stephenson</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Baker	None	None
Amos	Barrett		
Bray	Barry		
Codling	Bensilum		
A I Cossens	Bush		
M A Cossens	Calver		
Everett	Casey		
Fairley	Chapman BEM		
Ferguson	Davidson		
Griffiths	Doyle		
Guglielmi	Fowler		
Harris	I J Henderson		
P B Honeywood	J Henderson		
S A Honeywood	Kotz		
Land	Lennard		
McWilliams	Morrison		
Platt	Newton		
Skeels	Oxley		
Turner	Placey		
	Scott		
	Smith		
	Steady		
	G L Stephenson		
	M E Stephenson		
	Sudra		
	Talbot		
	Thompson		
	White		
	Wiggins		

RESOLVED that, in accordance with the Council's executive arrangements pursuant to Section 9I of the Local Government Act 2000, Councillor M E Stephenson be elected Leader of the Council for a term of office ending on the day of the next post-election annual meeting (i.e. the Annual Meeting of the Council in May 2027).

Members gave a round of applause to Councillor Stephenson on his election.

Councillor Stephenson made a Statutory Declaration of Acceptance of Office.

Councillor Stephenson thanked Members for their trust in electing him to the office of Leader, for which he was humbled. He then paid tribute to Councillor Harris for his hard work and dedication during his year as Chairman of the Council. He also paid tribute to the hard work carried out by the Council's Electoral Services Team and other Officers in

successfully carrying out the recent District/Parish Council Elections. Councillor Stephenson also congratulated Councillor Scott on his election to the office of Chairman.

11. **APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL**

The Leader of the Council (Councillor M E Stephenson) announced that he would appoint Councillor I J Henderson as Deputy Leader of the Council.

12. **APPOINTMENT OF THE MEMBERS OF THE CABINET**

The Leader of the Council (Councillor Mark Stephenson) informed Council that:-

“I can confirm that I will appoint the following Members to form the Council’s Cabinet and tonight will simply refer to the main area of their Portfolios however, I intend to provide the detail of the full titles and responsibilities in the next few days.

As Leader, I will also be the Portfolio Holder responsible for Finance & Governance.

Deputy Leader, Cllr Ivan Henderson will also be the Portfolio Holder responsible for Economic Growth, Regeneration + Tourism.

*Cllr Andy Baker will be Portfolio Holder with responsibility for **Housing and Planning.***

*Cllr Mick Barry will be Portfolio Holder with responsibility for **Leisure and Public Realm.***

*Cllr Gina Placey will be Portfolio Holder with responsibility for **Partnerships.***

*Cllr Peter Kotz will be Portfolio Holder with responsibility for **Assets.***

*Cllr Mike Bush will be Portfolio Holder with responsibility for **Environment.**”*

13. **SIZE OF MEMBERSHIP OF COMMITTEES ETC.**

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

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(5)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(7)
Licensing and Registration	(10)
Planning	(9)
Planning Policy & Local Plan	(9)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

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

Council considered a comprehensive report prepared by Officers, which detailed the legislative requirements, principles and necessary procedural steps, with regard to the allocation to the political groups formed on Tendring District Council of seats on those bodies that were subject to the Rules of Political Proportionality (i.e. Section 15 of the Local Government and Housing Act 1989).

Having duly considered the information contained in the report, it was:-

RESOLVED that -

- (a) Council approves the review of the allocation of places on relevant Committees, as set out in Table 2, insofar as it represents the application of the “Principles”;
- (b) based on the principles set out in the report, the allocation of places on relevant Committees be as follows in Table 8 (based on Table 4 as amended by Tables 6 & 7) on the basis that these apply the principles referred to above:

Table 8

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents
Audit Committee	5	2	1	1	0	1
Community Leadership O & S Committee	9	4	1	1	1	2
Human Resources & Council Tax Committee	7	3	1	2	0	1
Licensing & Registration Committee	10	3	0	3	1	2
Miscellaneous Licensing Sub-Committee	5	2	0	2	0	1
Planning Policy & Local Plan Committee	9	4	1	1	1	2
Planning Committee	9	4	1	1	1	2

Resources and Services O & S Committee	9	4	1	0	1	3
Standards Committee	7	2	1	1	1	2

NOTE: There was an unallocated seat on the Licensing and Registration Committee that was dealt with under Minute 15 below.

15. APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE 2023/2024 MUNICIPAL YEAR

The Council gave consideration to a Schedule of Members that it was proposed by political Group Leaders should serve on each of the Council's bodies, which were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

Members were aware that there was an unallocated seat on the Licensing and Registration Committee, which Full Council would need to appoint.

It was moved by Councillor Stephenson, seconded by Councillor Baker and:

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Rules of Political Proportionality be, and are, hereby appointed for the 2023/2024 municipal year and that their membership be as set out hereunder:-

Audit Committee

Councillors Fairley, Lennard, Platt, Steady and Sudra.

Community Leadership Overview and Scrutiny Committee

Councillors Barrett, Davidson, Doyle, Ferguson, S Honeywood, Land, McWilliams, Oxley and Steady.

Human Resources and Council Tax Committee

Councillors Amos, Calver, Chapman BEM, Griffiths, Morrison, Skeels and G Stephenson.

Licensing and Registration Committee

Councillors Baker, Casey, Codling, A Cossens, Davidson, J Henderson, Kotz, Land, Smith and Wiggins.

Planning Committee

Councillors Alexander, Bray, Everett, Fowler, Harris, Placey, Sudra, White and Wiggins.

Planning Policy and Local Plan Committee

Councillors Bush, Chapman BEM, M Cossens, Fairley, Lennard, Scott, Skeels, Thompson and Turner.

Resources and Services Overview and Scrutiny Committee

Councillors Bensilum, Codling, M Cossens, Griffiths, P Honeywood, Newton, Smith, Steady and Thompson.

Standards Committee

Councillors Ferguson, Guglielmi, J Henderson, Newton, Oxley, Talbot and Wiggins.

Miscellaneous Licensing Sub-Committee

Councillors Codling, A Cossens, Davidson, J Henderson and Smith.

16. APPOINTMENT OF THE TOWN AND PARISH COUNCILS STANDARDS SUB-COMMITTEE FOR THE 2023/2024 MUNICIPAL YEAR

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

17. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES ETC. FOR THE 2023/2024 MUNICIPAL YEAR

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

RESOLVED that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2023/2024 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Sudra	Lennard
Community Leadership Overview & Scrutiny	Steady	Barrett
Human Resources & Council Tax	Chapman	Calver
Licensing and Registration	J Henderson	Wiggins
Planning	Fowler	White
Planning Policy & Local Plan	Turner	Bush
Standards	Talbot	Wiggins
Miscellaneous Licensing Sub-Committee	J Henderson	Smith

It was then moved by Councillor Guglielmi, and seconded by Councillor Fairley that Councillor P Honeywood and Councillor M Cossens be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2023/2024 Municipal Year.

On being put to the vote it was:-

RESOLVED that Councillors P Honeywood and M Cossens be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2023/2024 municipal year.

18. REPORT OF THE MONITORING OFFICER - A.2 - THE COUNCIL'S CONSTITUTION

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

The Council's Constitution had been amended to reflect the changes approved by Council at its meetings held on 24 January and 2 March 2023 and the full text of the Constitution could be found on the Council's website.

Members had also been provided with an updated booklet containing those sections of the Constitution most relevant to the work of Councillors.

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

RESOLVED that the Council's Constitution be re-affirmed.

19. REFERENCE FROM CABINET - A.3 - PROGRAMME OF MEETINGS: 2023/2024 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council and its Committees for the 2023/2024 municipal year.

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

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

RESOLVED that -

1. the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.3 of the Reference from Cabinet, be approved; and
2. the proposed dates for All Member Briefings and Councillor Development sessions for Members be noted.

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

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

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

RESOLVED that, in addition to the Leader of the Council and the Deputy Leader of the Council, Councillor Guglielmi be appointed to represent Tendring District Council as Member Authority Representatives at the General Assembly of the Local Government Association.

21. APPOINTMENT OF TENDRING DISTRICT COUNCIL REPRESENTATIVES TO SERVE ON THE TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

Members were reminded that, under the jointly agreed* terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC must be appointed by this Council (TDC).

This Council had previously decided** that those three Members would consist of:-

- (i) the Chairman of the Planning Policy and Local Plan Committee;
- (ii) a member of the Cabinet who would be duly appointed by the Leader of the Council; and
- (iii) a Member from a political group that was not represented on the Cabinet; plus
- (iv) a Member who would act as a Substitute Member of the TCBGCJC when required.

(*The terms of reference for the TCBGCJC had been jointly approved by Essex County Council, Colchester City Council and TDC.)

(**Minute 93 of the meeting of the Full Council held on 30 November 2021 referred.)

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

RESOLVED that –

- (a) the appointment of the Chairman of the Planning Policy and Local Plan Committee to serve on the Tendring / Colchester Borders Garden Community Joint Committee be endorsed;
- (b) Councillor Guglielmi be appointed as the Member from a political group that is not represented on the Cabinet to serve on the Tendring / Colchester Borders Garden Community Joint Committee;
- (c) Councillor Baker be appointed to serve as this Council's Substitute Member on the Tendring / Colchester Borders Garden Community Joint Committee; and
- (d) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.

NOTE: The Leader of the Council (Councillor M E Stephenson) informed Council that he would appoint Councillor Bush as member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.

The Meeting was declared closed at 8.40 pm

Chairman

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COUNCIL

11 JULY 2023

REPORT OF 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

(Report prepared by Ian Ford)

In accordance with the Council's approved scheme for dealing with petitions, I formally report the receipt of a petition submitted by Tom Howard, as lead petitioner. The petition 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".

Asset management is an executive function and therefore the Cabinet was the appropriate body to consider this matter.

Accordingly, this matter was investigated and a report was 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, was invited to address Members and to outline the action that the petitioners wanted the Council to take. The Cabinet then discussed and deliberated on the petition and the report and 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 was then subsequently informed of the Cabinet's decision and the decision was 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 is to inform Council of the outcome of the Cabinet's consideration of Mr. Howard's petition, it is therefore:-

RECOMMENDED - That the contents of this report be received and noted.

**IAN DAVIDSON
CHIEF EXECUTIVE**

COUNCIL

11 JULY 2023

**BACKGROUND PAPERS LIST FOR
REPORT OF 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**

Published Report and relevant Minute of the meeting of the Cabinet held on 23 June 2023.

COUNCIL

11 JULY 2023

REPORT OF CHIEF EXECUTIVE

A.2 **PETITION TO COUNCIL: BEACH HUT LEASE CHANGES**

(Report prepared by Ian Ford)

In accordance with the Council's approved scheme for dealing with petitions, I formally report the receipt of an e-petition submitted by Dale Westall, as lead petitioner, on 30 June 2023. The petition is validly signed by 164 persons and states:-

"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, this matter will now be investigated and a report will be prepared and presented to the Cabinet on the basis that it contains between 30 and 500 signatures and relates to a matter that is an Executive function under the law.

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

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

RECOMMENDED - That the receipt of the Petition and the contents of the report be noted.

COUNCIL

11 JULY 2023

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

A.2 PETITION TO COUNCIL: BEACH HUT LEASE CHANGES

E-Petition submitted by Dale Westall to the Council on 30 June 2023.

Questions pursuant to Council Procedure 10.1

The following question has been received, on notice, from a member of the public:

Question

From Jan Vincent, to Councillor Maria Fowler, Chairman of the Planning Committee:

“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?”

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON THURSDAY, 23RD FEBRUARY, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Griffiths (Vice-Chairman), Amos, Baker, Calver, S A Honeywood and Morrison
Also Present:	Councillor P B Honeywood
In Attendance:	Carol Magnus (Organisational Development Manager), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer)(except items 27 - 31), Ian Ford (Committee Services Manager), Katie Wilkins (Human Resources and Business Manager), Jo Williams-Lota (Senior Human Resources Advisor), Debianna Messenger (Work Based Learning Manager) and Keith Durran (Committee Services Officer)

21. CHAIRMAN'S ANNOUNCEMENT

The Chairman was delighted to inform the Committee that the Council's Human Resources Team had been nominated for a Public Services People Managers Association (PPMA) Service Superstars Team Award. The awards ceremony would be held at the PPMA's national conference in April 2023.

Members marked this achievement with a round of applause.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

23. MINUTES OF THE LAST MEETING

It was moved by Councillor Baker, seconded by Councillor Amos and:-

RESOLVED that the Minutes of the last meeting of the Committee, held on Tuesday 11 October 2022, be approved as a correct record and be signed by the Chairman.

24. DECLARATIONS OF INTEREST

Councillor Griffiths stated for the public record that he was a member of the GMB union and a Shop steward but that he had no involvement with Tendring District Council in that capacity.

25. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

26. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2023/24 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

The Committee had before it a report of the Assistant Director (Finance & IT) (report A.1) which set out and sought its confirmation of the final Council Tax amounts for 2023/24 including the precepts issued for 2023/24 by Essex County Council and the Police, Crime and Fire Commissioner for Essex.

Members were aware that, at its meeting held on 14 February 2023, Full Council had considered the Executive's Budget and Council Tax proposals for 2023/24 and, as part of that process, the Council Tax for District and Parish / Town Council Services had been approved at that meeting.

Members were also aware that, once the precepts were received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2023/24. The total Council Tax for the year was made up of the District and Parish / Town Council amounts and the corresponding amounts agreed by the major precepting authorities. Legislation required this formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made. The precepts from the major precepting authorities for 2023/24 had resulted in the final Council Tax amounts, as set out in Appendix C to the aforementioned report, for formal confirmation by the Committee.

In order to confirm the Council Tax amounts for 2023/24 in accordance with the Local Government Finance Act 1992:-

It was moved by Councillor Baker, seconded by Councillor Griffiths and:-

RESOLVED that -

- (a) the precepts issued by Essex County Council, Essex Police and Essex Fire, as set out in Appendix A to item A.1 of the Report of the Assistant Director (Finance & IT), be noted; and
- (b) the amounts of Council Tax for 2023/24 for each of the categories of dwellings, as shown at Appendix C to the aforesaid report, be confirmed.

27. CAREER TRACK AND APPRENTICESHIPS - ORAL UPDATE

The Committee received a presentation from the Work Based Learning Manager (Debianne Messenger) updating it on the work of the Council's Career Track and Apprenticeship provision section.

The presentation covered the following matters:-

- (i) Background to Career Track Apprenticeships provision;
- (ii) OfSTED Framework;
- (iii) Response to OfSTED Inspection in 2021;

-
- (iv) OfSTED monitoring visit in 2022: Purpose of their visit; Questions asked of TDC; Outcome including positive acknowledgement of the Direction of Travel;
 - (v) Next Steps: Self-Assessment Report; Quality Improvement Plan; Governance Meetings on areas of focus; preparation for OfSTED Full Inspection;
 - (vi) National Apprenticeship Week - February 2023: \$0 years of Career Track at TDC; celebration of individuals' success.

The Committee noted the contents of the presentation.

28. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - PAY POLICY STATEMENT 2023/2024

The Committee gave consideration to a report of the Assistant Director (Partnerships) (A.2) which presented the Council's Pay Policy Statement for 2023/24.

Members were aware that the Localism Act 2011 Section 38 (1) required the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement had to articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'Chief Officers') and its lowest paid employees.

The matters that had to be included in the statutory Pay Policy Statement were as follows:

- *A local authority's policy on the level and elements of remuneration for each Chief Officer.*
- *A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).*
- *A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.*
- *A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.*

The Committee was informed that the Pay Policy Statement 2023/24 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework also aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

The Conditions of Employment with Tendring District Council, including pay, in the main, conformed to those established for local government generally by the National Joint Committee (NJC). Agreements reached by the NJC were 'collective agreements'.

The Committee recalled that the Council had worked with the East of England Local Government Association in 2022 to carry out an independent review of the Council's pay structure. This had led to some options to support best use of the NJC pay spine in alignment with the employment market. Those had included salary and benefits benchmarking, improved marketing of vacancies and employment offer and expanding

the Council's well established "grow your own" ethos. Those options were currently being considered as part of the Assistant Director level change programme.

Members were made aware that there was limited change reported in the 2023/24 Statement with the exception of the application of the agreed 2022/23 pay award. There were particularly significant changes at the bottom end of the pay spine following agreement between the national Employers and national Unions of an increase of £1,925 on all NJC pay points 1 and above (*a percentage increase of between 10.5% and 4.04% across the pay spine*).

Furthermore, as part of the 2022/23 pay award, the NJC had agreed that, from 1 April 2023, Spinal Column Point (SCP) 1 would be permanently deleted from the NJC pay spine. Therefore, any employees currently placed on SCP 1 would be assimilated across to SCP 2 from that date.

It was re-iterated that, In determining the pay and remuneration of all of its employees, the Council would comply with all relevant employment legislation.

The Council ensured its pay structures and all pay differentials could be objectively justified through the use of the NJC job evaluation mechanism (*with the exception of Chief Officer remuneration*) which directly determined the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

Members were aware that, since 2018, the Council had been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (*Specific Duties and Public Authorities*) Regulations 2017.

Data for the 2023/24 reporting period showed the following:-

- *At an organisational level, male and female employees represented 43% and 57% respectively.*
- *Each reporting quartile was broadly representative of the overall staff ratio for the organisation, within a tolerance of 3%.*
- *There was no material disparity at each pay level within the organisation, when viewed within the context of the UK average (ONS October 2021).*

The Committee was advised that the Council's pay gap would continue to be subject to review and that, if any substantial gaps were identified as the Council interpreted its data, a suitable action plan would be prepared.

The Committee also noted that work was underway to update the Council's Allowances Policy, specifically around out of hours' responses to emergency incidents.

Members were reminded that Schedule 2 of Part 3 of the Constitution delegated to Full Council the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Supplementary provisions within that Act relating to Statements included that -

-
- “(1) A relevant authority’s Pay Policy Statement must be approved by a resolution of the authority before it comes into force.*
- (2) Each Statement must be prepared and approved before the end of the 31 March immediately preceding the financial year to which it relates.*
- (3) A relevant authority may by resolution amend its Pay Policy Statement (including after the beginning of the financial year to which it relates).*
- (4) As soon as is reasonably practicable after approving or amending a Pay Policy Statement, the authority must publish the Statement or the amended Statement in such manner as it thinks fit (which must include publication on the authority’s website).”*

In order to comply with the requirements of the Localism Act 2011 (Section 38 (1)):-

It was moved by Councillor S A Honeywood, seconded by Councillor Griffiths and:-

RESOLVED that this Committee recommends to Full Council that the Pay Policy Statement 2023/24, as set out in Appendix A to item A.2 of the Report of the Assistant Director (Partnerships), be adopted.

29. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - VOLUNTEER POLICIES

The Committee considered a report of the Assistant Director (Partnerships) (A.3) which introduced to it a suite of proposed policies to support the volunteering activities within the Council namely, a Volunteer Policy and an Employee Volunteering and Public Duties Policy, which, if agreed, would be implemented by the Council.

Members were informed that the purpose of introducing a suite of Volunteer Policies was to outline the Council’s commitment to encouraging members of the local community to undertake voluntary roles within the Council and to support existing employees who wished to undertake voluntary work within the local community, or for charitable institutions.

The Council recognised that by encouraging and supporting volunteers, it was able to increase the services it offered, help build relationships with the local community, develop employees/ volunteers and improve how the Council was perceived within the local community.

It was felt Employees who volunteered could share the skills that they had developed at work to help the community and also learn new skills through volunteering. This might include, for example, leadership qualities and improved morale, physical health and work-life balance.

The Policies outlined:-

- the Council’s commitment to volunteering, volunteers and employees who volunteered in our local community;
- the recruitment, induction and management of volunteers;

- conflict of interest considerations where existing staff requested to volunteer for external bodies in the local community;
- guidance on time off or changing working hours for existing staff who wished to volunteer; and
- key policies and procedures that needed to be considered when supporting volunteers.

Unison had been consulted on the full suite of Volunteer Policies and had offered agreement and support for their implementation.

Furthermore, consultation on the Volunteer Policy had taken place with Payroll (*for insurance purposes*), Public Realm (as a significant host of volunteers) and Health & Safety colleagues (*for Risk Assessment purposes*). All of whom had offered agreement and support of its implementation.

During the discussion of this item, members of the Committee raised points of issue on the following matters:-

Volunteer Policy

- (a) Section 3 (Status of Volunteers) – implication that Ward Members would not be able to use any involvement for political promotion;
- (b) Section 6.4 (Problem Solving and Complaints) – suggestion that an amendment be made in order to allow a Volunteer to have the facility to involve a third party in support in making/defending a complaint;
- (c) Section 7 (Volunteers who are under 18 years old) – suggestion that an amendment be made to strengthen requirement for DBS checks; and
- (d) Appendix F (Volunteer Induction Checklist) – Include issues around various forms of Insurance as part of the induction process.

Employee Volunteering and Public Duties Policy

- (e) Section 5.4 (Special Constables) – Expand this section to also include Retained Firemen.

Having duly considered the Council's statutory obligations with regard to the engagement of volunteers, and employees who undertook voluntary public duties:-

It was moved by Councillor Baker, seconded by Councillor Amos and:-

RESOLVED that –

- (a) the Volunteer Policy (January 2023) and the Employee Volunteer and Public Duties Policy (January 2023), as set out in Appendices A and B respectively to item A.3 of the Report of the Assistant Director (Partnerships), be adopted, subject to the Officers taking on board the issues raised by Members at the meeting (as detailed above) and making the appropriate amendments to the Policies, as required; and
- (b) the Policies, as amended, be circulated to all members of the Committee for their further comments which comments will be taken into account by the Assistant Director (Partnerships) in finalising, adopting and publishing the Policies.

30. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Baker, seconded by Councillor S A Honeywood and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of part 1 of Schedule 12A, as amended, of the Act.

31. EXEMPT MINUTES OF THE LAST MEETING

It was moved by Councillor Baker, seconded by Councillor S A Honeywood and:-

RESOLVED that the Exempt Minute of the last meeting of the Committee, held on Tuesday 11 October 2022, be approved as a correct record and be signed by the Chairman.

The meeting was declared closed at 8.12 pm

Chairman

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Public Document Pack

Tendring/Colchester Borders Garden
Community Joint Committee

27 February 2023

**MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDERS
GARDEN COMMUNITY JOINT COMMITTEE,
HELD ON MONDAY, 27TH FEBRUARY, 2023 AT 6.00 PM
IN THE ROMAN LOUNGE AT COLCHESTER RUGBY CLUB, RAVEN PARK,
CUCKOO FARM WAY, COLCHESTER, CO4 5YX**

Present:	Councillors Nick Turner (Chairman) (TDC), David King (Vice-Chairman) (CCC), Jeff Bray (TDC), Mike Bush (TDC), Tom Cunningham (ECC), Andrea Luxford-Vaughan (CCC), Lesley Wagland (ECC) and Julie Young (CCC)
Also Present:	Councillors Mark Cory (CCC & ECC), Adam Fox (CCC), Gary Scott (TDC), William Sunnucks (CCC), Ann Wiggins (TDC) and Tim Young (CCC)
In Attendance:	Ian Davidson (Chief Executive), Lindsay Barker (Deputy Chief Executive), Steve Evison (Sustainable Growth Director (Place & Public Health)), Gary Guiver (Director (Planning)), Andrew Weavers (Strategic Governance Manager & Monitoring Officer), Christopher Downes (Garden Communities Manager), Matthew Jericho (Spatial Planning Manager), Ashley Heller (Head of Transport for Future Communities), Ian Ford (Committee Services Manager), Amy Lester (Garden Community Planning Manager), William Lodge (Communications Manager), Catherine Gardner (Programme Support Officer), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Rob Smith (Director - Hyas)

9. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Joint Committee Member Councillor Carlo Guglielmi (TDC). TDC's Designated Substitute Member (Councillor Jeff Bray) attended in his stead.

Councillor Guglielmi had been unable to attend the meeting as he was recuperating from a surgical procedure.

10. **MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE**

It was **RESOLVED** that the Minutes of the meeting of the Joint Committee held on Monday 18 July 2022 be approved as a correct record and be signed by the Chairman.

11. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest made by Members of the Joint Committee on this occasion.

12. **REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: SUBMISSION VERSION PLAN - REGULATION 19**

The Joint Committee considered a comprehensive report (A.1) which sought its agreement to the Submission Version of the Development Plan Document (DPD) for the Garden Community (TCBGC) and its recommendation to Full Council at both Tendring District Council (TDC) and Colchester City Council (CCC) in order to carry out the required public consultation and thereafter to submit the DPD to the Secretary of State who would initiate the process of independent examination.

The report was introduced by way of a presentation given by Gary Guiver, Director (Planning), Tendring District Council and Amy Lester, Garden Community Planning Manager, Tendring District Council.

Members were aware that the DPD sought to set an appropriate and 'sound' strategy for the future development of the TCBGC. It was the role of the Regulation 19 stage of public consultation to invite representations on the soundness and legal compliance of the DPD based on specified criteria in the National Planning Policy Framework (NPPF). The DPD had been prepared by CCC and TDC, as the Local Planning Authorities, in partnership with Essex County Council (ECC).

The Submission Version of the DPD had been informed by the comments received through the earlier public consultation on the Draft Version of the Plan in March - April 2022, as part of the Regulation 18 stage of the plan making process.

The Joint Committee recalled that the proposals and policies in the Submission Version of the Plan had also been informed by a range of evidence base documents – updating and expanding upon the evidence already in place at the Regulation 18 stage and addressing key matters raised during the previous consultation. This evidence included, inter alia, a Strategic Masterplan for the Garden Community, an assessment of the character of Crockleford Heath, an independent assessment of the University of Essex's expansion requirements and a viability appraisal. The conclusion of that evidence base had been collectively considered to understand its implications and it had informed Officers' recommendations on the content of the Submission Version Plan.

It was reported that all sections and policies of the Draft Plan had been reviewed, revised and refined in response to the Regulation 18 consultation and the developed evidence base. Three principal areas of progression in policy development had emerged, these being the approach to land use, employment land and place shaping principles.

Land Uses and Spatial Approach

It was reported that development would be confined to land within the Garden Community location, as identified in the Section 1 Local Plan with the addition of a small triangle of land south of the A120, and would adhere to the 'Land Use Parameters', as shown on the Policies Map (Appendix 4). Land within the identified Garden Community location would be specifically allocated or protected for the following uses:-

-
- delivery of circa 7,500 new homes with a range of shops, jobs, services and community facilities, including education. These would be provided within three 'Neighbourhoods' being South, North and Crockleford.
 - a new 'Salary Brook Country Park' incorporating land and woodland at, and around, the Salary Brook Local Nature Reserve.
 - a 'Wivenhoe Strategic Green Gap' incorporating land north of Brightlingsea Road and west of Elmstead Road.
 - an 'Elmstead Strategic Green Gap' east of the new A120 - A133 Link Road.
 - a Sports and Leisure Park to serve the local community and for the expansion of sports facilities for the University of Essex.
 - approximately 25 hectares of employment land in form of a new Business Park and a 'Knowledge-Based Employment' site.
 - provision for the Rapid Transit System.
 - a Gypsy and Traveller Site.
 - a 'Park and Choose' facility.

The Joint Committee was made aware that the strategy for development at the Garden Community confined the majority of development to land south of the A120, north of the A133, west of the new A120 - A133 Link Road and east of a new country park (Part E) to be designated around Salary Brook Local Nature Reserve. In addition, selected land around the area of Crockleford Heath had been specifically identified as an Area of Special Character, where any permitted development must preserve or enhance its intrinsic character.

Members were informed that land was designated and shown on the 'Policies Map' as Strategic Green Gaps. Land within the Strategic Green Gaps would be protected from most forms of built development in order to ensure the Garden Community did not extend, or sprawl, into locations where it could eventually merge, or coalesce, with Wivenhoe, or Elmstead Market – one of the main concerns raised by local people throughout the public engagement exercise. Additional open space was proposed adjacent to Salary Brook Local Nature Reserve in order to strengthen this area as a buffer to the Colchester urban area encompassing the steep adjoining slopes of the Brook as well as nearby woodland. This designation would also prevent coalescence in the Greenstead and Longridge areas.

The Joint Committee was advised that the evidence had developed to show that the residential capacity of the site was towards the lower end of the 7,000 to 9,000 range set out in the Section 1 Local Plan. This was due to the physical constraints of the site with boundaries defined by the Strategic Green Gaps and both the existing and proposed roads. The total number of new homes expected at the Garden Community had therefore been refined to circa 7,500 within the Submission Version Plan.

Economic Activity and Employment

It was reported that the approach to maximising the economic potential of the Garden Community had been informed by the evidence base and discussions with education providers and businesses within different sectors. Policy 5 of the Submission Version Plan had refined the economic policy of the Draft Plan and explained how the requirements would be achieved, with an aim of creating at least one job per new household within easy commuting distance.

Members were made aware that Policy 5 required an appropriate balance of homes and jobs within the TCBGC. It also detailed employment allocations and uses for the new A120 Business Park, the Knowledge-Based Employment Land and the North and South Neighbourhood Centres. It further would protect those land use allocations for employment purposes to ensure that the Garden Community was served by a flexible range of land and property for the provision of commercial activity and jobs.

Buildings, Places and Character

The Joint Committee was informed that the 'Buildings, Places and Character' chapter of the Draft Plan had been substantially restructured for the Submission Version Plan. The chapter now had two policies, namely - Policy 3 'Place Shaping Principles' and Policy 4 'Meeting Housing Needs'. Considering the consultation responses, emerging evidence and a review of the policy wording, Officers had considered that those two important themes required distinction and further elaboration.

Policy 3 'Place Shaping Principles'

For the Garden Community to be successful, one of the main objectives was to ensure that it was unique, self-sufficient and could provide high quality design. Taking forward the requirements of the Section 1 Local Plan and taking into account the views of local people and other stakeholders, Policy 3 set out the Councils' expectation for the Garden Community to be unique and distinctive in its character and appearance, and for the new homes to meet high standards that would meet a variety of different needs and demands for people and families over the courses of their lives. Policy 3 detailed the standards expected with regard to the following:

- Creation of a Unique and Distinctive Place
- Design of Places
- Design Quality
- Designing Out Crime
- Residential Design
- Internal Space Standards, Home-working and Adaptability in New Homes
- Private Amenity Space Standards, and
- The Historic Environment

Policy 4 'Meeting Housing Needs'

Taking forward the requirements of the Section 1 Local Plan, Policy 4 of the Submission Version Plan had developed to ensure that development would be of appropriate densities, which reflected both the context, place-making aspirations and opportunities for increased levels of development around centres and transport hubs. It would further secure an appropriate mix of housing types and tenures including self and custom build and starter homes including a minimum of 30% affordable housing, phased through the development. This policy set out the Councils' expectation for new homes within the Garden Community to be of a high standard that would meet a variety of different needs and demands for people and families over the courses of their lives. Policy 4 detailed the standards expected with regard to the following:

- Projected Housing Needs
- Affordable Housing

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- Adaptable and Accessible Housing Standards
 - Housing Density
 - Self-Build and Custom-Built Homes
 - Care, Assisted Living and Other Specialist Housing
 - Gypsy and Travellers
 - Student Accommodation

It was considered that the amendments incorporated in the Submission Version Plan at Policy 3 and Policy 4, as summarised above, reflected the Councils' very high expectations for how the Garden Community would create unique and distinctive buildings and neighbourhoods, whilst still respecting the character and visual amenity of nearby towns, villages, historic buildings, structures and the character and features of the landscape. Furthermore, it would secure that the Garden Community would be inclusive and accommodate a diverse range of households meeting a range of housing needs.

In addition to the above, a further refinement of all policies had developed in response to the detailed evidence base. Areas of note included:-

Health

It was reported that Policy 6 of the Submission Version plan established the requirements for ensuring the Garden Community was served by community services and facilities of the right type in the right location, including early years and childcare facilities, schools and sports facilities, as well as access to health services and how the development would incorporate measures to encourage inclusive, healthy, and happy lifestyles. Part E of Policy 6 required that the Garden Community created an active environment that promoted health and well-being and built a strong community.

Biodiversity Net Gain (BNG)

The Joint Committee was reminded that the vision for the Garden Community was that the natural environment would be its biggest asset with Net Gains in biodiversity and a thriving ecological network that would shape the Garden Community ensuring native species thrived. The Councils' consultants had undertaken biodiversity net gain calculations of the Strategic Masterplan, which indicated that 12.5% biodiversity net gain could be achieved. In light of this evidence, Part D of Policy 2 'Nature' had been updated to require that proposals must deliver a minimum of 10% measurable biodiversity net gain on-site, in accordance with national policy, with an aspiration to achieve 15%.

It was reported that work had been undertaken and concluded to provide evidence to enable robust decisions to be taken on the following topics:-

- (1) University Growth Forecasts Assessment;
- (2) Economic and Employment Study;
- (3) Crockleford Heath Area of Special Character Assessment;
- (4) Health Impact Topic Paper;
- (5) Infrastructure Phasing and Delivery Plan;
- (6) Transport Study (Modal Shift and Infrastructure);
- (7) Sport, Recreation and Open Space Study;

- (8) Viability Assessment;
- (9) Strategic Masterplan; and
- (10) Sustainability Appraisal.

The Joint Committee had had circulated to it prior to the commencement of the meeting a copy of the Memorandum of Understanding (MoU) dated 24 February 2023 which had been entered into by Essex County Council, Colchester City Council, Tendring District Council and Latimer (Tendring Colchester Borders Garden Community) Development Limited (“the Parties”). The MoU sought to govern the relationship, collaboration and co-operation of the Parties in relation to the delivery of the A120-A133 Link Road to support the development of the Garden Community.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item. Their comments are in precis.

Russ Edwards (Project Director for TCBGC – Latimer by Clarion Housing Group)

- *congratulated the Officers on completing the submission version of the DPD, which with its huge evidence base represented a huge endeavour on behalf of the Councils and the community and Latimer believed provided a sound basis from which Latimer and Mersey Homes could bring forward a planning application for the new community;*
- *Latimer’s detailed review of the volume of information provided in support of the DPD remained ongoing, however Latimer were very encouraged by the progress made since the regulation 18 stage, including the Councils’ responses to the numerous representations received from a range of stakeholders including Latimer’s;*
- *Latimer remained extremely supportive of the vision and ambitions described and fully committed to delivering those aspirations at this new community. Latimer looked forward to continuing engagement with Officers and Members over the coming period, both in relation to the DPD and their representations at this important stage, but also the design activity leading to Latimer’s hybrid planning application to be submitted next year;*
- *Latimer appreciated that there might be concerns among Members in relation to the A133-A120 Link Road. Confirmed that Latimer was entirely committed to the full delivery of the Link Road and that it had been supporting ECC in their discussions with DHLUC and Homes England over recent months with whom they were strategic partners. Latimer accepted that this commitment was likely to include financial contributions through its planning application, should other funding sources fail to materialize;*
- *Furthermore, Latimer understood the urgency that Members and indeed local communities felt towards full delivery of the road at the earliest opportunity. Again, Latimer expected to proactively engage with Officers and Members over the coming months to agree how Latimer could support that ambition. Those commitments were described in a Memorandum of Understanding between Latimer and the Councils which had been signed last week by Latimer’s Group Director of Development, Richard Cook; and*
- *Conveyed Latimer’s excitement for the period ahead. Latimer had assembled a world-class team of design and technical consultants to start developing an exemplary master plan for this new place. Building on the Councils’ work to date was a master plan that was built on Garden City principles and prioritised healthy*

lifestyles, active transport, mixed tenure and multi-generational communities. A master plan that was both infrastructure and landscape-led and would drive Innovation from the outset and promote and foster new businesses through a spirit of innovation. A master plan where to quote Margaret Heffen - Success was measured across two three four generations by the impact and legacy left for children, grandchildren and great-grandchildren. It was on that basis that Latimer hoped that the Joint Committee would support the DPD and recommend it to both Tendring District and Colchester City Councils for adoption.

Sir Bob Russell, the High Steward for Colchester

- *Congratulated all involved in this heavy document. Whilst he did not personally agree with, or support, this development with its loss of agricultural food production land, he accepted that “we were where we were”;*
- *Asked Members to look at page 80 and the map there and referred that there had been heavy criticism of the University's Northern Gateway jumping over the A133 onto land clearly visible at Salary Brook. He was seeking a clarification as the colour schemes at the key at the bottom did not necessarily all tally up that where the Map had the employment uses opposite the University, that none of that was on the Salary Brook slopes. He was concerned that the University would still like to jump over the A134 onto that land. He wanted it clearly defined that land, nothing on the Salary Brook slopes, would be built on visible from Longridge and Greenstead Estate, because looking at this map there could be an urban coalescence between urban East Colchester, up the hill on the Farmland towards Elmstead Market, with not much space that's not going to be built on; and*
- *Also requested that an even greener barrier for people looking out from Greenstead and Longridge Park be provided so that people living at Greenstead and people living at Longwood Park when they looked eastwards, as they did currently, they would not have any urban intrusion on their sight line.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Sir Bob Russell along the following lines:-

- *Confirmed that the allocation of land for development was not on the land which formed part of the slopes of Salary Brook; and*
- *In terms of inter-visibility between Greenstead and the development, he further confirmed that it was planned to use the existing natural landscape to maximize the ability to screen the development from that area, but when the planning applications came forward to the Joint Committee in due course, Officers would look carefully at the detail of height and design and what the impact on those areas would be.*

Rik Andrew, Chair of the Wivenhoe Travel & Transport Working Group and a Town Councillor for Wivenhoe

- *Shared his colleagues concern about the impact on Wivenhoe of a large new town of 17,000 people but as a transport professional he was even more concerned about the impact on Colchester. Colchester's already saturated roads would not cope with another two or three thousand vehicles in the morning peak time. In November, Colchester had actual gridlock. So in order to provide network resilience going forward he felt a need to reduce driving in to Colchester by 20%;*

- *Noted that the master plan said that the GC would have a walk and cycle network with rapid transit within the site, which he accepted was fine and easy but pointed out that the intention was not to build another campus where students lived, worked and played within their 'bubble'. On the contrary, most new town residents would commute to work, or school. He felt that the university expansion was a completely separate issue which had very little to do with developing a new town;*
- *Suggested that each should be the subject of a separate development planning process, pretending that they were somehow linked, skewed all the thinking behind the current plans. For example, why should Phase One be the south neighbourhood? Which neighbourhood would cause the most congestion? The south. Which neighbourhood would be nearest the business park? The north. Phase one did not need to be right next to the University. Why not build the north first? That would enable more time to construct a proper rapid transport system and a cycle network;*
- *Looking at the evidence, he pointed out that Part One, the mode share targets amidst the aspirations, already were radically different to existing travel patterns and more into minimal interventions and sustainable transport Rapid Transit could mean targets were undeliverable. Currently, only 4% used buses and only 4% cycled. Yet based on little more than a vision the ambitious targets was for 27% of hinterland journeys to be active travel. That would put Colchester on a par with Amsterdam. Even the unambitious target of 20% was a huge challenge. None of the existing cycle routes provided direct access to the Town Centre, University, Greenstead, etc. He argued that, even if road building was cancelled, as in Wales, and the entire budget was reallocated to cycling it would be a struggle to deliver an extensive network of high-quality cycle routes by 2026;*
- *On public transport he noted that the public transport hinterland target was a really unambitious 17%. The target for trips over five miles was just 10%. Those were key targets which should be made higher. The lack of existing high quality walk and cycle and public transport meant that the majority of trips would be made by private car unless there was a significant investment in non-car modes. More thought and more investment was needed in all forms of public transport not just buses. Trams like Light Rail and Mainline Services were also needed. Trams had cut driving into Croydon by 40%. In his opinion, buses were not an attractive alternative to most car drivers;*
- *In relation to rail travel which was more sustainable why were there no proposals for a new improved rail service? The Manningtree main line ran past the north of the site and the new town, which given it would be the size of Harwich, surely warranted a new rail station. His big concern about the evaluation by Jacobs was that they had failed to evaluate the possibility of running trams into Colchester on the existing Rail lines, that should be looked at again he believed;*
- *Believed that city cycling of just two or three miles should be attractive but cycling up Clingoe Hill on a dark winter's evening around two sides of a triangle would not appeal to many people. Cowdray Avenue had three dangerous roundabouts. So neither of those options were particularly attractive either; and*
- *Concluded that 20 years working in sustainable transport had made him realise that half-hearted attempts to persuade car drivers to use the alternatives was doomed to failure.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) responded to the points made by Rik Andrew along the following lines:-

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- *Recognised the points that he had made in terms of the ambition around the modal share. The information presented within the document was based on extensive research around similar communities and opportunities and it was also based on the likely trajectory around the demographics within the community itself and likely future travel patterns;*
 - *It was also important to remember that accompanying the evidence around the modal share was also an updated evidence base around the infrastructure delivery plan, which set out a range of infrastructure interventions that were required in order to achieve those high modal shares and obviously the phasing of those infrastructure interventions were very much based around introducing infrastructure led development, ensuring quality of service in the RTS in the early stages of development, and also focusing on both links within the development itself, but also the wider network in terms of buses and also cycling and walking infrastructure;*
 - *Officers were conscious that this was obviously a very ambitious set of targets but they believed that if the Garden Community principles were achieved, not just in a transport context but also as Miss Lester had mentioned earlier in terms of the approach to the development in general, including employment and also walkable neighbourhoods within the development itself Officers believed that they were attainable objectives; and*
 - *Finally, in terms of the RTS, the RTS had been subject to significant development in terms of looking at the viability of a service, viability of infrastructure. As set out within the RTS strategy Officers believed that it was the start of a very ambitious and long-term transformation for public transport quality within Colchester, and also absolutely believed that it could create a series of high-quality links, not just to the RTS as currently defined but across a wider network.*

Professor Jane Black, on behalf of The Wivenhoe Society and a resident of Wivenhoe

- *Made a general comment on the DPD that it was insufficiently detailed with respect to location of different sorts of development and with respect to the timing of the delivery of housing and of local infrastructure;*
- *Focused on issues relating to the A133 from the Wivenhoe perspective. Journey times by car going from Wivenhoe to Colchester were already highly variable and they were often long delays. The adopted part one of the local plan required that funding had been secured for the A133-A120 link road. Concerned now to hear that there was a change in the proposal that only part of this should be developed initially despite the fact that the local plan, as well as the principles of garden communities, maintained that infrastructure should be put in place first. The previous modelling of the traffic flows generated by the Garden Community assumed that the Link Road would be in place, and so she felt that it needed to be remodelled to discover what the effect of only having a partial link could be on traffic flows;*
- *Noted that part two of the traffic evidence concentrated on mitigation measures for traffic on the A133, but that they related primarily to supporting sustainable travel. Various maps, though not the policies map, showed additional pedestrian cycle crossings of the A133 on the stretch between, running adjacent to, the Garden Community down to Clingoe Hill. Possibly as many as five, which would inevitably slow the traffic flow. She felt that the possibility of providing a few pedestrian cycle bridges across the A133 rather than the suggested 'tiger' crossings should be considered; and*
- *Felt that the DPD text of the policies Maps did not make it entirely clear as to the proposed use of the land to the south of the A133. The suggestion appeared to be*

that some of this could eventually be used for a park and choose site. Given the rapid transport route proposed was to the north of the A133 this would require RTS users to cross the A133. A sports pub was also shown to the south and this would in turn require people wanting to use it to cross a dual carriageway. All of this would cause delays on the A133 unless access was by a bridge.

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Professor Black along the following lines:-

- *Sympathised with the view that people would like to see more of the detail, but felt that, as he had explained earlier, the DPD was another piece of the jigsaw that got the project nearer to where it needed to be in terms of the realization of the project, and the stages that followed would add to that detail.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Professor Black along the following lines:-

- *On two points, as Professor Black had referred to the funding arrangements for the link road that would need to be in place before the planning application was determined. This is a matter that has been agreed to by the parties through the Memorandum of Understanding. All four parties i.e. the three Councils and the developer had recognised that certainty needed to be provided when the planning application came back and, also, as Professor Black had said, there would therefore need to be very rigorous transport modelling undertaken to ensure that the impact of the development was mitigated through that planning application process. So those matters would be dealt with through the planning application that came forward.*

Town Councillor Tom Kane, Mayor of Wivenhoe

- *Had a number of significant concerns. Firstly, advocated that any development south of the A133 by Wivenhoe must have an adequate green buffer between itself and the Garden Community in order to preserve the separate identity of the town. To achieve this and avoid coalescence between Wivenhoe and the new community, no development south of the A133 had been the key point made by the majority of respondents to every public consultation. He noted that the current plan allowed for University development south of the A133. The planned Sports Park would include three-storey sports buildings, artificial pitches and floodless stadiums and potentially five new crossings and junctions to allow road and pedestrian access to this area for both University students and staff and for residents of the garden Community. He felt that this would add significantly to traffic congestion. A small remaining green buffer may also be swallowed up by future developments such as cemeteries and allotments against which no guarantees were in place;*
- *Secondly, in relation to transport. Traffic on the Clingoe Hill which Wivenhoe residents had to use to get in and out of Wivenhoe was already horrendous. There was also significant University traffic on this route. The Link Road could have alleviated some of this, however, with a phased option and funding shortfalls, which he appreciated had been mentioned, for the link road. Additional cars from the houses that would be built and for those accessing the new Knowledge Gateway site would be coming in via the A133 through town. He believed that this would create complete gridlock. A rapid transport system which might alleviate some of this traffic was in fact a bus that would have priority on only some junctions on a bus lane in*

limited areas outside of the Town Centre. There would be no stop at Hythe Station and the route to North Station was described as aspirational and not guaranteed. There was also a shortfall in funding for operating the RTS. The RTS would be entirely inadequate and its very description as a rapid transport system was risible. In addition, pedestrian and road access to the planned University development south of the A133, and potentially future green buffer development would inevitably create even more traffic chaos. It could never be a good idea to have people crossing the A133 to access sports facilities; and

- *Thirdly, current access to the Bromley Road across the site had also been removed and this would redirect existing traffic through Clingoe Hill towards Greenstead. Finally, other infrastructure, the Town Council had a general concern that the impact on Wivenhoe and other local communities of increased demand on local infrastructure had not been adequately addressed and ameliorating infrastructure developments not included adequately in the plan. This included schools, e.g. there would be no expenditure on the secondary school until 2033/34. Healthcare details and Primary Health Care details were sketchy and the impact on hospital provision not addressed. There was also no confirmation when the new pipeline would arrive to deliver water to this drought classified area and plans regarding the capacity at The Hythe water treatment centre were not clear.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Mayor Kane along the following lines:-

- *In relation to the land south of the A133, he hoped that it was at least appreciated although he understood that people would not necessarily agree with it, that Officers were faced with competing pressures for that land and that the land in question was part of the broad allocation within the local plan. The land in question was separate from Wivenhoe and essentially the majority of it was in the District of Tendring. Officers could have accepted the University's suggestion to put all of the student accommodation and the expansion of the University on that land. Alternatively, Officers could have accepted what the developer at the time was suggesting in terms of putting all of the knowledge-based employment land and the University expansion down there, but the option that was part of the DPD was the one which Officers considered was most sympathetic to the concerns of Wivenhoe residents, in that it reinforced the green strategic green gap and the use that was proposed for the remainder of the area was the sports facilities, of which the pitches and the non-built element of it would be to the south, in order to provide that protection and guard against that coalescence, with the built elements of it being to the northern part of that land. So although he could completely appreciate the Wivenhoe residents would have perhaps liked to see nothing happen at all, he believed that, given the competing pressures, it was a reasonable outcome and a reasonable approach to resolving that three-way standoff, in terms of the different positions of competing landowners.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) also responded to the points made by Mayor Kane along the following lines:-

- *In response to the point made on the RTS obviously in a city like Colchester with its particular geography a road-based wheel-based public transport system was clearly much more pragmatic than a fixed rail type service because it would need to be distributed to a number of places and environs in the future. The RTS would develop*

over time. He referred to Cambridge where the guided busway had been hugely successful and had actually delivered 12 million passenger journeys per annum so he did not believe that a really good high quality bus space network could be delivered. He recognised that there would be some financial subsidy required which was built into the financial assumptions and the IDP assumptions that Officers would wish to take forward with the developer as part of the planning application process.

Anthony Vickers, Crockleford Heath & Elmstead Action Group (CHEAG)

- *CHEAG believed that, despite early commitments, new houses will be occupied prior to the link road opening, as alluded to by Gary Guiver earlier on. Needed to know if this is true and how many houses would be occupied and what would be the impact on traffic congestion?;*
- *Second point - some current residents would be sandwiched between the link road and high-density housing planned as four to six storey buildings, when they currently looked out on fields. After several years of being told development would be sympathetic to current residents, it seemed now not to be the case, giving preference over the scattered communities and Crockleford Heath to buffer zones, to Elmstead and Wivenhoe;*
- *Welcomed the character appraisal of Crockleford Heath, however, residents felt the new development plan would destroy Crockleford Heath, the only community within the area. An additional 1200 houses would effectively connect Crockleford Heath to the edge of Colchester through the existing developments. No buffer zones for Crockleford Heath were listed in the land usage plan. An RTS route would carve through the hamlet. Believed therefore that Crockleford Heath had been sacrificed for buffer zones at the southeast of the development;*
- *Believed that the addition of the RTS route and the unclear road infrastructure gave concern for traffic flow through Crockleford Heath along Bromley Road, Spring Valley Lane and Jubilee Lane. Roads which were already used as rat runs with the current roads so, with the new infrastructure CHEAG could not see anything other than a worsening situation for Bromley Road;*
- *CHEAG welcomed and were indebted to Ardleigh Parish Council's support and their comments; and*
- *CHEAG felt that the DPD should be rejected by the Joint Committee and further work undertaken to take into account the views expressed by current residents within the Garden Community and not those that were nearby.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Anthony Vickers along the following lines:-

- *In response to the point about how much development, if any, would happen before the link road was completed he stated that this would be a matter for the Section 106 legal agreement on the first planning applications, which would be determined by the Joint Committee. Therefore, it was not possible to give a precise indication at this time. Transport modelling would inform what that number, and that level of development if any, should be;*
- *In terms of the impact on Crockleford Heath, he referred to the different perspectives. Representatives of Wivenhoe had spoken about their concerns about coalescence and Wivenhoe was a settlement that was separate from the Garden Community whereas Crockleford Heath was the community that was actually within the broad location. Believed that Officers had done their best to respect the character of that*

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- area bearing in mind that there was an acceptance that development would take place in and around that area;*
- Felt that the character assessment had been useful to help Officers come to a view on the lower densities that would be acceptable for that area, and the green corridors that would more strongly define what that neighbourhood would be, and the more long-term lower density nature of it. Appreciated that the residents in that area did not want to see this development happen. Officers were doing their best to try and make the development as sympathetic as possible; and*
 - Reminded Mr Vickers and his colleagues from the Action Group that would be able to participate in the Regulation 19 consultation when it went forward.*

Christopher Oldham, University of Essex

- The University continued to play an active role in engaging with stakeholders to aid the development of the Garden Community and were pleased to see recognition through the latest plan of the benefit in locating knowledge-based employment land as near as possible to the University and the Knowledge Gateway. The University was a key contributor in attracting Research and Technology intensive businesses and creating high quality jobs for the location;*
- Recognised the logic in utilizing the road frontage of the A133 for this purpose to generate a buffer between the road and new housing, and to provide a shop window to business. Continued to emphasize the criticality of connectivity between the proposed site and existing Knowledge Gateway, so as to generate the critical mass required for this to be a location of choice of knowledge-based business and employment. Encourage the Councils to optimize the land available within this location for knowledge-based employment;*
- Welcomed the proposed approach to bringing sports and leisure activities together, through the creation of a sports and Leisure Park. Keen to develop a shared approach to financing and operating across the range of facilities within this location, to ensure the maximum benefit of use to the entire community;*
- Remained concerned about the proposed approach to student accommodation, locating all future growth for student accommodation outside of the campus, in the University's view, created a risk of imbalance across communities. The University currently housed just over a third of its students on campus, predominantly students in their first year of study. The University's proposal did not move from this position, i.e. that students traveling from all around the world to a new environment needed support and that the campus environment was the best place to provide this. The University remained keen to continue working with the Councils and developers and stakeholders on a suitable and viable solution that worked for all communities;*
- Pleased that a funding solution appeared to have been sought to complete the link road, which was integral to the infrastructure first approach to the Garden Community; and*
- Supported the development of a rapid transit system and were keen to see the Councils push even harder to further enhance this proposition, as it would be needed to transition communities from the convenience of car use. The University was very pleased that there was such a strong focus to environmental sustainability within the plan.*

Phil Robinson

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- *Felt that the various modifications to the plan over time had clearly resulted in increasing housing density pressure in the, now, north and south communities. Hoped it had been confirmed that within each of those two communities the resulting housing density and green space proportion had been retained or improved from the previous plan. Believe that this was a key factor for this plan to confirm;*
 - *Felt that there was nothing in the plan to mitigate the impact of this development on the existing few scattered homes within the north and south communities; although very few in number, the impact on those homes would be huge. Felt that, in line with previous assurances there should be something requiring developers to introduce a sympathetic development and mitigation measures in the immediate vicinity of those existing homes. In its absence this would be particularly devastating for the few homes additionally impacted heavily by being close to the link road as well as potentially near to high-rise housing;*
 - *Wanted a recognition of the protected status of Turnip Lodge Lane which was absent from the Heritage Impact Assessment. Pointed out that there was a national planning requirement to minimize the impact of development on the setting of a non-designated Heritage Asset. Noted that in the link road planning documentation this lane was stated to be of regional importance, but that there was no such statement in this plan. Felt that this was a clear omission;*
 - *In his view the monitoring section of the Heritage Impact Assessment in the plan was completely inadequate in demonstrating success or failure in protecting the built and natural heritage within the site. Felt there was an obvious omission, in that the DPD stated that only listed buildings, nationally important assets and assets on the Colchester City Council list would be considered. It did not mention Tendring District Council's or the Essex County Council's lists at all. Felt that the monitoring must be expanded to include all historic and all national designated and non-designated assets, as well as the quality of all hedgerows, all trees and the network of green lanes highlighted in previous versions of the plan; and*
 - *Finally, his view was that with its obvious errors, the DPD was not yet ready for approval. Advocated the Joint Committee undertaking site visits to that locality.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Phil Robinson along the following lines:-

- *Referred to previous discussions with Mr Robinson and stated that the DPD did recognise Turnip Lodge Lane as it was incorporated as part of one of the east to west green corridors;*
- *In relation to designing development to be sympathetic to its particular locale, that would be looked at as part of the planning application process in due course; and*
- *In terms of the specific comments on the evidence base, those were the ideal things to raise as part of the Regulation 19 public consultation, and the public examination process, would allow for such matters to be explored.*

Bill Marshall

- *How much of the 600 hectares of development land was for Housing Development and what would be the housing density?*
- *How much of the land was for Gypsy and Traveller sites?*
- *When would the Clingoe Hill Road expansion for the RTS start, and when would the works be finished?*

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- *Would any of the Officers or Joint Committee Members be long-term residents of the Garden Community?*
 - *Stated that the lead developers Clarion had received some bad press last week so how could the authorities ensure that the same scenarios would not blight this proposal in the future?; and*
 - *When would the first delivery of housing be forthcoming?*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Bill Marshall along the following lines:-

- *In terms of whether any of the Joint Committee Members or Officers would be residents of the Garden Community, this project would take place over a long period of time and it's possible that their children and children's children and their children as well, might be residents in the future; and*
- *In terms of the bad press for Clarion, he did not have any specific comment on that, and in terms of the first delivery of housing this would be in I had early 2026 and that assumed that the planning applications went through following the timetable.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) also responded to the points made by Bill Marshall along the following lines:-

- *In relation to the RTS, section A would commence work within the next couple of months, the tender had been issued and awarded. The remaining sections would be completed by 2025-26 as required by the HIFs funding. He anticipated that work on section at Clingoe Hill, would start within the next 18 months.*

Amy Lester, the Garden Community Planning Manager (Tendring District Council) also responded to the points made by Bill Marshall along the following lines:-

- *Regarding the density, there would be a range of densities across the Garden Community area and that would come forward as part of any future planning application, and would respond directly to the needs of the community and the areas in which the particular parcels of land were being developed, responding to the particular characteristics of that location. There would be some areas around the Crockleford heath area where the density would be quite low, and then the higher density areas would be most probably within the neighbourhood areas with the highest around the south neighbourhood where there was the closest access to the RTS route and the accessible transport links into Colchester and further afield; and*
- *With regard to the Gypsy and Traveller point that was raised, the DPD outlined that 18 pitches would be provided. No further detail with regard to exactly where that would be located although the policies map indicated a broad location of closer to the A120. The detail would come forward as part of any future planning application and it was likely that the provision would come forward in response to need.*

Rachel Fletcher, Parish Clerk, on behalf of Ardleigh Parish Council

- *Welcomed the character assessment of Crockleford Heath as it recognised the uniqueness of the area and the need to protect that whole area. Felt that the DPD recognised the wider environs and the character assessment was positive. Supported the extension of the wildlife corridor, the links along Salary Brook, along Charnwood, Walls Wood and the link right up to the A120;*

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- *Concerned about the housing density in Crockleford. Believed that it would be 30 dwellings per hectare, significantly lower than the north and south neighbourhood, but in comparison to Ardleigh Village, which had a Settlement Development Area around the centre of the crossroads in Ardleigh, and had around 350 houses in an area which was similar in overall scale, to the Crockleford development area, that worked out at about 12 dwellings per hectare. Therefore the Parish Council believed that Crockleford would have a very significantly higher density than in the most densely built part of the parish;*
 - *Concerned also about traffic and Bromley Road. The site of the Crockleford neighbourhood had shifted to the north so it now straddled Bromley Road. Appeared to the Parish Council that the only way for residents in that settlement that wanted to drive either towards Colchester, or out towards Ardleigh, or Great Bromley and onto Manningtree, or Ipswich et cetera would have to use the Bromley Road. Not being able to use the link road by car would have a negative impact;*
 - *Concerned also in the longer term about the potential disruption for noise and traffic from construction for those residents in that area;*
 - *Referred to the Ardleigh neighbourhood plan, which was due to go to TDC's Cabinet in March, but would not go out to consultation until after the May Council elections. Pointed out that the whole plan period for the neighbourhood plan would be over before the beginning of the first new houses in the Crockleford area which would be Phase 3. Wanted an assurance that the NP consultation would not have to wait until after the DPD consultation;*
 - *Referred to a triangular area of land around Spring Valley Lane and Jubilee Lane which now appeared now to be part of the broader Development Area whereas previously it had not. Concerned whether the residents living there had been consulted and made aware of this;*
 - *Did not believe that the DPD was ready to be submitted to TDC and CCC Full Council meetings. Believed there was some quite significant problems with the wording and in particular in parts of the Crockleford character assessment; and*
 - *Wondered whether the changes to the Levelling Up and Regeneration Bill, which had been announced by the Secretary of State, Michael Gove, which would allow authorities to build fewer homes if they could demonstrate that meeting centrally imposed targets would damage the local character, could be relevant to Crockleford, if not to the whole Garden Community development.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Rachel Fletcher along the following lines:-

- *Accepted that the point about density was well made, although of course the lowest density was proposed for the Crockleford Heath area but completely acknowledged that, in comparison to what existed in the Ardleigh area, 30 to the hectare was higher than the 12 to the hectare that they might see elsewhere in the parish;*
- *In terms of the Ardleigh neighbourhood plan, he congratulated the Parish Council for their progress on the neighbourhood plan. Did not want to hold it up unnecessarily, but Officers would have to look at very carefully at whether the policies of the neighbourhood plan and the DPD clashed in any way, because there was a requirement for neighbourhood plan policies to reflect and be in accordance with local plan policies, which included the Garden Community. Following the elections Officers aimed to get that out to consultation as soon as possible;*
- *In terms of the area of land added into the proposal, Ms Fletcher was right that the boundary of the development in the DPD, along its northern edge, had been*

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- extended to follow the south of the A120. It was questionable why that land had been excluded from the broad location of the Garden Community in the first place. In terms of consultation with the residents in that area, they would need to be consulted as part of the Regulation 19 process. From the master planning work a lot of that land looked like it could form some of the green buffers around the north of the site so it would not necessarily be all earmarked for development;*
- Accepted that there was a huge amount of information for the Parish Council et al to read and digest but as the Regulation 19 consultation would not take place until after the Council elections there was more time than for the previous Regulation 18 consultation for anyone that had an interest in this project to read the papers as necessary and to start thinking about what comments they're going to submit; and*
 - In relation to the changes to the National Planning Policy Framework proposed by Mr Gove this was essentially a return to what we had before the NPPF was updated the last time. As part of the local plan examination Tendring, Colchester and Braintree Councils had argued for a lower housing target particularly for Tendring because of the unattributable population change issue, and at that time the planning process allowed for that kind of exception to be made if you could put forward the evidence to justify it. The National Planning Policy Framework had later been changed whereby Councils had to base their housing targets on the figure that they were given by the Government as calculated through a standard methodology. The fact that this GC site had been demonstrated as a scheme that was sound in planning terms, albeit with more detail to come, he did not believe that Tendring and Colchester could make the case that should not be any development here and to argue for a reduction in housing targets on that basis.*

Amy Lester, the Garden Community Planning Manager (Tendring District Council) also responded to the points made by Rachel Fletcher along the following lines:-

- In relation to the density in the developable area the total site area of the Garden Community was 713 hectares, and obviously the master plan had been developed but that was illustrative only to demonstrate one way that the development could come forward and to support the DPD as part of its evidence base to demonstrate that it was sound. In terms of the strategic master plan that had a developable area for residential of about 140 hectares so that illustrated then that the remaining area would be not for residential. The density across the Garden Community would naturally vary. Around Crockleford, that was likely to be on average around 30 and that was higher than what it was at the moment around Crockleford. Did not deny that the area would change and develop, but the policies within the DPD did look to ensure that particular areas were protected and respected;*
- The DPD did also build in requirements for that area to be of a different quality, so it was likely to come forward with larger plots, self-build and custom plots, which would be more appropriate within that area and fit in in with the existing communities. In the other neighbourhoods the average density was likely to be around 45 dwellings per hectare, but there would be variety there as well; and*
- With regards to Bromley Road and the connectivity to the link road, the DPD required that there would not be any vehicular permeability between the neighbourhoods, so a resident would not be able to drive from the link road to Bromley Road, that would only be accessed by the RTS, for walking and cycling and by emergency vehicles. This was to restrict any rat run between the link road and Bromley Road and to ensure that sustainable modes of Transport were the active first choice.*

Parish Councillor Adam Gladwin, on behalf of Elmstead Parish Council

- *Disturbed at the suggestion that hundreds of houses might be built first, in order to fund the link road shortfall;*
- *Emphasised his view that any Section 106 money from those houses dedicated towards the link road would be a cost that would continue to climb in the future and would be money unavailable for schools, healthcare and other public services in the Garden Community. An infrastructure first approach was quite rightly enshrined as guiding principle of this project. The link road needed to be completed before any other building was occupied;*
- *Sought a commitment from the Joint Committee that no housing could be occupied until the link road was functional, otherwise it would be a housing first - infrastructure later, approach, which was antithetical to a Garden Community. The infrastructure first approach had to be absolute;*
- *Shared many of the concerns voiced by those speakers from Wivenhoe, Crockleford and Ardleigh tonight. Felt there was a disregard for a local consensus that the current proposal was going to be highly detrimental to surrounding communities in the short or medium term as the Garden Community was being built;*
- *Noted that the Crockleford neighbourhood density would be greater than that of Elmstead Market as well. Believed that it would lose any special character the area had; and*
- *Advocated that the DPD needed a more stringent and detailed timeline of when infrastructure and public services would be bought online to prevent the Garden Community overloading the existing communities by building houses first.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Parish Councillor Gladwin along the following lines:-

- *Stated that one of the background documents to the DPD was an infrastructure and phasing document; and*
- *Appreciated that Parish Councillors had not had a long time to look at the papers, but reiterated that, in the run-up between now and the actual consultation there would be quite a substantial period of time when Officers could respond to questions from Parish councils.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Parish Councillor Gladwin along the following lines:-

- *On the point about the impact of funding going towards the link road in place of other infrastructure, gave an assurance that was not the case. The requirements of the HIF arrangement were that the full funding needed to be recovered and then reinvested in other infrastructure, not including the Garden Community, to unlock future housing growth in the wider area. So the impact of the additional cost to cover the additional cost of the link road was that there would be less available to be reinvested now into other future housing growth, so that was the change. The infrastructure delivery plan set out all of the infrastructure requirements, included the additional £21 million, which it proved that it was still viable so there had not been any other infrastructure that had had to be taken out;*
- *On the point around infrastructure first, in mitigation, the infrastructure needed to come forward alongside the development, as all of the infrastructure for seven and a half thousand homes could not be built first before any homes were built, but what*

Officers would have to do was to ensure that the impact of the development was fully mitigated by the infrastructure and that would be addressed through the modelling which came alongside the planning application and the section 106 agreement.

Manda O'Connell, Chair of the TCBGC Community Liaison Group

- *On behalf of the TCB Garden Community Liaison Group, urged Members to vote to adopt the proposed DPD submission document. Not only because of the excellent features and amenities, which it provided for existing and new community needs, despite the shortfall in link road funding, but also because the alternative i.e. no local plan in place, was much worse;*
- *Strongly commended the DPD, with the green buffers, country park, Crockleford Heath designated special character and suitably tailored Knowledge Gateway and University expansion land, to reflect local community needs, and the commitment to green energy and building infrastructure, such as schools alongside homes that the CLG had called for specifically;*
- *Encouraged to know that the three neighbourhoods approach represented in the DPD, which the CLG believed was central to the development of communities and not just housing, had already been incorporated in policy;*
- *Understood that it was less than ideal the Garden Community project had to potentially rely on obtaining the £21 million shortfall from the developers but the CLG were satisfied that the measures in place to secure this shortfall were robust. Those were one - a memorandum of understanding for this sum already signed by the Councils and developers as a basis for, two, a legally binding section 106 funding agreement with them which would have to be in place and assured before any outline or other planning permission could be granted. Three, independent viability work already carried out, which agreed the feasibility of eliciting this sum via that route and confirmed its financial soundness. Four, the extension to 2026 from the 2024 deadline Homes for England had agreed in principle, by which the first houses must be built to qualify for the existing HIF funding;*
- *If, on the other the other hand this DPD was not adopted then there was the serious risk that that funding could be lost. Then the local plan could be put back by years and all the work the excellent work the planners had done, the engagement with the public, and communities would be lost. In the meantime, speculative developers who could get planning permission because there was no Tendring DC Local Plan to prevent it, or dictate its use or style or otherwise would have a field day;*
- *The CLG's view therefore, was that though it was not ideal that the Garden Community project had to potentially rely on obtaining the £21 million shortfall from the developers, given the safeguards and checks listed, this was the best that could be done in order for there to be a local plan which provided a Garden Community for the future assuring its own unique identity and the continued vibrant identity of existing communities as represented in the DPD, and which, if adopted, would prevent horrendous piecemeal speculative development, because there will be an agreed local plan in place.*

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following Essex County, Colchester City and Tendring District Councillors addressed the Joint Committee on the subject matter of this item. Their comments are in precis.

Councillor William Sunnucks, Colchester City Council

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- *Emphasised that he was not against this Garden Community but he wanted to see it delivered well and not see a repeat of the problems with the Local Plan Examinations-in-Public;*
 - *Suggested that the DPD was not quite ready to go to consultation and then before an Planning Inspector;*
 - *Pleased that Latimer had issued a very encouraging statement together with a Memorandum of Understanding that gave some assurance on the funding of the link road and also had some more clarity about the costs of the link road;*
 - *Wanted an assurance that the link road was going to come as part of phase one. There was a commitment from Latimer that they would fund the link road, but not when. It was in phase one in the infrastructure delivery plan and that was where it needed to stay;*
 - *Pointed out that the link road funding was only part of the total infrastructure picture. There was about £584 million of total infrastructure spending, of which £340 million was going to have to come from land value uplift, but the Councils did not control the land. That money had to come from the people who did control the land, which appeared to be Latimer. There was no MoU on the rest of the £584 million which he wanted to see put in place;*
 - *Referred to examples around the country where there had been problems around Phase 1; and*
 - *Advocated a delay in approving the DPD to enable these problems to be resolved.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Sunnucks along the following lines:-

- *Responded that Officers did not believe that there was a need to delay proceeding to the publication of the DPD for consultation and submission to the Secretary of State; and*
- *Referred to a recommendation before the Joint Committee that advocated that Officers worked with Latimer to explore the possibility of entering into agreement detailing how all parties could work together for the duration of the project.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Councillor Sunnucks along the following lines:-

- *Believed as Officers that the right stage to move into the detail that Councillor Sunnucks had asked for was in agreeing the heads of terms for the Section 106 agreement that would go alongside the planning application(s); and*
- *Believed that the MOU gave as much assurance as the Councils were likely to get at this point.*

Councillor Gary Scott, Tendring District Council

- *Referred to the poorly organised and attended Regulation 18 public consultation in Elmstead Market when the two consultation days had merely been from 9am to 11 am and 6 pm to 8pm;*
- *Concerned that the notable issues from the last consultation had not really been considered fully from Elmstead Market and the surrounding rural communities there;*
- *Requested Officers to arrange an all-day event for the Regulation 19 consultation and to have it advertised in the local parish newspaper magazine;*

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- *Disappointed, in respect of the link road, that it could now be a result of 'houses first and then infrastructure afterwards';*
 - *Requested Officers to work with Elmstead Parish Council on its Neighbourhood Plan and to ensure it had an influence going forward;*
 - *Welcomed the Elmstead Green Gap but pointed out that it was now narrower than currently shown on the maps due to the Hunters Chase and Meadow Close developments;*
 - *Advocated that Quiet Lanes must be retained and kept; and*
 - *Suggested a delay in TDC considering the DPD.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Scott along the following lines:-

- *In respect of the public consultation, he responded that there had been a very short period of time between the Joint Committee's decision to go to publication and the consultation itself. This time around there was a longer timeframe. He had been speaking to colleagues about making sure that the best engagement possible happened in Elmstead Market;*
- *In respect of delaying the decision at the Full Council meetings, he advised against that as the timelines were critical;*
- *Congratulated Elmstead Parish Council on its progress on its NP but there was a need to have conformity with the District's local plan and the Garden Community. The need for a DPD was part of the District's local plan and if there were points that clash that caused an issue with soundness, so there was a need to achieve conformity but Officers would continue to work with Elmstead Parish Council to get the best plan through the system; and*
- *In terms of the base plan and the base maps, he undertook to get those updated in time for the public consultation to reflect the recent housing developments.*

Councillor Mark Cory, Essex County Council and Colchester City Council

- *Praised the detail of the DPD and the protection of Salary Brook;*
- *Accepted there was often the need for compromise but was concerned at the dilution of the council-led approach;*
- *Advocated no divergence from the principle of 'infrastructure first' and the link road had to be in place in full from the start;*
- *Advocated a delay in proceeding with the DPD until such time as there was a binding commitment on all parties to provide the full length of the link road 'up front'; and*
- *In relation to the A133 south developments and how Wivenhoe residents had remained firm on that not being developed, he could not understand how you could have a park and choose and sports facilities outside of the garden community itself.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) responded to the points made by Councillor Cory along the following lines:-

- *Reiterated that the local plan policy required that the funding be in place for the link road before the planning application could be approved and that is being agreed to in the Memorandum of Understanding;*
- *One of the drivers of the link road's cost has been the response to the planning application that went to ECC's Planning Committee. The movement of the route of*

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- the road to respond to points from the public consultation had increased the length of the road and therefore that had driven some of the cost;*
- *Repeated an earlier answer around the infrastructure first, it would continue to be that the infrastructure needed to be brought forward to mitigate the impact of the development. Accepted that it was not coming forward at the same speed that it was previously, but the commitment that was in the MOU was that this would be secured through the Section 106 agreement, i.e. that the funding therefore had to be in place before the planning application could be approved; and*
 - *the view of Officers was that the best way to get to that section 106 negotiation was to have the detailed policy in place to enable Officers to negotiate and secure the investment that was set out in the IDP.*

Councillor Adam Fox, Colchester City Council

- *Believed that this Garden Community remained the best way to deliver growth locally and building the housing that would be needed long into the future;*
- *Never perfection in any development or planning situation so do not make perfect the enemy of the good in this process;*
- *The development plan document continued to commit this development to Garden Community principles and dealt with some of the most contentious issues for existing residents;*
- *There had to be compromise on all sides. Believed that the solutions found on those issues demonstrated the constructive approach of Officers and elected Members listening to communities and the compromises made by the developer and the University. Sending this plan out to consultation was the right next step in the process. Further detail would be delivered at a later stage, including planning application and section 106 agreement;*
- *Failure to fully deliver the link road and the other transport infrastructure as soon as possible would be a collective one, and to not deliver what had been promised, but it believed that proceeding now gave the certainty required to ensure that that road was delivered. Delay actually put it even more at risk;*
- *Welcomed the Memorandum of Understanding between the Authorities and Latimer, which demonstrated exactly the sort of relationship Councils would hope from a developer and indicated that they also understood that this was not development or house building as usual; and*
- *Would have preferred in the development of this community a locally led development corporation. But reiterated all parties had had to compromise. For a community that would continue to develop long into the future it required a plan now and he encouraged Members to send this document to both Colchester and Tendring Councils for the opportunity for further debate and to vote.*

Councillor Tim Young, Colchester City Council

- *As a City Councillor for Greenstead Ward he considered that this issue was about optimism versus pessimism, positivity against negativity, compromise against being dogmatic. On balance for the residents and communities of Greenstead and Longridge, what was before us had to be seen on balance as positive;*
- *Greenstead needed more jobs, more homes, especially homes that were affordable and the 30% was very important on that, sport and leisure facilities. Greenstead residents did not currently have access to good sports and leisure facilities at the and this would provide it;*

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- *The Garden Community had all the green credentials from Garden City principles, so again that was positive and he believed there would be opportunities for better education facilities and the country park that had always demanded as part of Salary Brook;*
 - *Shared some of Sir Bob Russell's reservations but as he had also said, "we are where we are". Some of the compromises that had been made, were very positive ones because the visibility of the development from Greenstead to Longridge had been addressed positively;*
 - *Agreed that there were issues over the link road but had to maintain confidence that it would be provided in the end; and*
 - *Pointed out that those arguing delay and prevarication had not provided an alternative. The alternative was that the money and the garden community would be lost leading to speculative development, which would not be good for residents, or communities, so he encouraged also that the Joint Committee recommended the DPD to both Tendring and Colchester Councils.*

Following an adjournment at this point in the proceedings, the Joint Committee then proceeded to discuss and debate matters pertaining to the DPD as follows:-

Councillor Julie Young (CCC)

- *Acknowledged that there were undeniable risks;*
- *Accepted that delivering the full link road was absolutely what the Councils needed to do, but felt that there had been significant progress made specifically in the last week to actually the commitment that that link road would be delivered in its entirety; and*
- *Endorsed Amanda O'Connell's comments on behalf of the community liaison group, i.e. that this may not be a perfect plan, that there may be lots of things in there that people had reservations around or fears about, but that there was an awful lot of good things in the planned document that the Councils ought to be embracing and supporting, so she would be voting for the DPD to move forward and go out to consultation and to recommend to the respective Authorities that they voted likewise.*

Councillor Andrea Luxford-Vaughan (CCC)

- *Pointed out that the majority of respondents to the DPD from Wivenhoe did not feel that this spatial layout was an acceptable compromise;*
- *Stated that the proposed sports facilities could not be considered as part of a 'walkable neighbourhood', users would not be able to walk there in 20 minutes and many would therefore travel there by car;*
- *Not yet known what the mitigation measures would be for both the link road and the RTS, but several crossings were shown on the layout. Those along with yet another roundabout at the top of Colchester would cause totally unacceptable congestion and that's with the view of a full link road. That had not been modelled but had been included within the DPD that people were being asked to now consider;*
- *Believed that there matters missing from the DPD such as a Heritage Assessment of the whole GC area and a wintering bird survey which should be done and completed before the DPD went out for consultation;*
- *Felt that the wording of the document needed strengthening throughout as well;*
- *Main problem was a lack of confidence that the full-link road would be delivered before any houses were built;*

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- *In addition, there was no mechanism for capturing land value uplift and there was no stewardship model yet in place;*
 - *Homes England had confirmed they would not meet the shortfall of the link road funding and the Highways Authority had confirmed that they would not meet the shortfall of the funding. The developer had signed an MOU which was not legally binding and had a "get out clause" which said: 'they make a commitment to fund the shortfall as soon as practically and financially possible'. That did not secure a road before houses were built;*
 - *Therefore, at the moment the Councils had signed an agreement with Homes England to deliver half a link road up to Allen's Farm, and on that basis they were going out to tender on half a link road. Where was the confidence that the Councils would get a full link road without houses, and an unknown number of houses at that with as part of the first phase. No one would yet give an answer as to how many homes would be built before the link road was in place;*
 - *Concerned that the Planning Inspector would unpick the DPD at the Inquiry;*
 - *Pointed out that no land deals had been negotiated on the critical areas. CPOs were running in parallel but actually a CPO meant you could never fix a price. If the Councils built half a link road and then negotiated a CPO off the back of that, the land value would rocket because it's become a developable site;*
 - *Was not aware that Highways England had yet removed their objection, on safety grounds, to the A120 junction and the slip roads;*
 - *Felt overall that the DPD contained too many unacceptable compromises that were going to have a massive and very significant effect on the people she represented. The DPD currently was undeliverable, unviable and unsustainable, and from the perspective of her residents the compromise on the phased delivery was totally unacceptable; and*
 - *Therefore, she urged Councillors to have a delay as the least risky course of action. If not, she believed that the Councils ran the risk that the consultation would be found to be invalid by the Inspector because had not set out the correct and up-to-date evidence base, and there they would be unable to find the plan sound because the evidence did not match the scheme that had been negotiated with Homes England.*

Gary Guiver, the Director (Planning) (Tendring District Council) responded to the points made by Councillor Luxford-Vaughan along the following lines:-

- *Officers had previously responded during the public speaking session to a lot of the points that had been raised by Councillor Luxford-Vaughan; and*
- *Officers' view was that the Councils should proceed to the consultation and to the examination, and that process itself allowed for engagement with the public and for issues like those raised to be resolved through that process. The risks of delay were greater than the risks of going ahead at this stage.*

Steve Evison, the Director (Sustainable Growth) (Essex County Council) also responded to the points made by Councillor Luxford-Vaughan along the following lines:-

- *Reiterated the point around infrastructure first in that it was not possible for the Councils to deliver all of the infrastructure that was required and was set out before any homes were built. You could never deliver a settlement in that way, access to the site was needed, the site needed to come forward; and*
- *Stated that the impact from development would be mitigated by an infrastructure first approach and that was crucial and would need to be negotiated. So the question was*

how to get as quickly as possible to that negotiation and it again I was the view of Officers that the DPD gave the Councils the policy basis on which to then negotiate contributions from the developer.

Councillor Jeff Bray (TDC)

- *Acknowledged that this was difficult, it was a very large project and very large projects always required compromise. They are also scary and they always carried various kinds of risks;*
- *He looked at it from the risk against benefit viewpoint. There was just so many good things within the DPD if looked to the longer term as against the alternative. Failure to push forward with the DPD would potentially lead to unplanned, uncontrolled small piecemeal developments of a few hundred houses here and there. So harm against benefit, in his opinion the benefit of the DPD far outweighed the harm;*
- *Agreed that consultation was always the right thing to do and the decision tonight was to send this DPD out for consultation and give people the opportunity to put forward their points and to put them directly to the Inspector, so the Inspector could take them on; and*
- *His fear was that any delay was much more risky than proceeding and therefore he would support submitting the DPD to CCC and TDC.*

Councillor Tom Cunningham (ECC)

- *Acknowledged that there had been a lot of constructive dialogue and compromise, particularly the work around the land south of A133. There were some very strong views from both the City Council and from the District Council. The compromise now put forward, whilst he appreciated that it did not find favour with everyone, was a workable solution, that chimed with the overall direction of the Garden Community project and would serve the emerging Community well in the years and decades to come;*
- *Noted that the DPD was a moment in time and the confidence that Members had in recommending it for approval at both Colchester City Council and Tendring District Council relied on, an assurance that the document was comprehensive in terms of policy position as it needed to be at this time before a formal planning application was submitted and set a very clear direction of travel;*
- *Personally felt that he could support the DPD;*
- *Asked for a further explanation from Officers as to the viability, regarding land value capture; and*
- *In response to the points made about stewardship, he believed that the DPD document and additional documents painted a very good picture of the high level of ambition set for the stewardship model regarding this emerging development.*

Rob Smith, the Director of Hyas responded to the points made by Councillor Cunningham along the following lines:-

- *Since the Local Plan Inquiry the Councils had taken the view to refresh the evidence base and they had brought in a new consultancy, Gerald Eve, who were highly regarded property surveyors who looked at this kind of work for various local plans and comparable sites. They had undertaken a review of the viability work, updated for present day costs and values such as cost inflation and house prices. That had aligned with extra work on infrastructure and transport mitigation. There was a lot of*

- extra costs in there related to public transport service subsidies, getting sustainable movement, walking and cycling networks and improvements across the board;*
- an infrastructure delivery phasing and funding plan had been produced as part of the evidence base that put all that together and all of that material had gone into the viability work that Gerald Eve had done on behalf of the Councils. That included all of those infrastructure costs that were assessed as being required to mitigate the impacts of the development, that included elements like new education (up to five primary schools, a new Secondary School, totalling about £93 million in that costing work), £100+ million for transport works, of which £21 million was the link road. There were other allowances for the health and well-being hub, for community centres, for sports centres, for support to the stewardship model, for support for economic growth. So there was a huge number of costs that were included which would traditionally be captured through the Section 106 agreement approach, which had been mentioned before as the mechanism to capture value; and*
 - The section 106 agreement with the developers would secure developer contributions to ensure the delivery of all that infrastructure. The total amount in the documents would be approximately £275 million worth of developer funded infrastructure works. So that was the element that was secured through land value capture and that was also in addition to the £99.9 million that had been secured from Central Government in terms of upfront funding of infrastructure.*

Councillor Mike Bush (TDC)

- Reminded everyone that the Tendring Garden Community project was a vision established by many to develop and create and live, breathe, work and grow for future generations in a unique way. It was a unique opportunity;*
- Funding that was now available was time-bounded and to actually put delays in the process would be felt put the whole scheme at risk of derailing;*
- Had concerns regarding the infrastructure and with the transportation and also felt that the last consultation had been very poor. Needed to make certain that the next consultation gave plenty of time to get all comments on board to go forward to the Inspector and for the Inspector to decide;*
- Overall, based on the evidence and the documentation he had seen, he could not see a reason to delay the DPD because it ultimately would go to a consultation and thence in front of an Inspector and that was where the decision would be made; and*
- Acknowledged that, in the future political influences, economic influences etc. would change the development.*

Councillor Lesley Wagland (ECC)

- Argued that this was an opportunity that should be grabbed with all the hands that available;*
- Key factors here was that this was being dealt with on a policy basis;*
- Many other projects failed ultimately because of the lack of a policy background. So this DPD was seriously important in this process;*
- Worth remembering that there were people who had been convinced by the Councils arguments, Homes England for example, who were not always the easiest;*
- Agreed that MOUs were not legally binding for a good reason, they were an agreement to agree. Most lawyers hated the idea of agreements to agree but this was a step on the road to the section 106 and it was a crucial one because otherwise negotiations on the section 106 commenced and the parties could fall out with each*

- other. This was the route to getting there, and the idea that it did not have much teeth behind it, was a misunderstanding of the role of reputation in the context of people signing up to something that they were ambitious for;*
- *Disagreed with Councillor Luxford-Vaughan on compulsory purchase as Essex County Council had a very long and successful track record of dealing with that in a fair and balanced way; and*
 - *Therefore, this was a great opportunity to move forward and get the proper policy background in place.*

Councillor David King (CCC)

- *Saw this project as being in an acceptable place relative to the challenges faced, relative to the risks faced.*
- *Understood the reservations that had been articulated in the room, which Officers would take away those that they could, as points of detail and/or change, or adjustment that would come through the consultation to make sure they were thinking ahead of time about what they should do about the issues that had been raised in relation to, for example, the heritage assessment, the RTS, the link road and the green gaps;*
- *Noted that there was a mosaic of relationships including Latimer and Clarion which was fundamental to the trust that the Joint Committee had to have to put the DPD forward to the Councils; and*
- *Requested Clarion to start their thinking about step two on the MOU. There was a need, at pace, to make the best progress and for that link road to be affirmed in terms of timing and delivery because that was at the heart of many of the reservations that were being expressed.*

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) responded to the points made by Councillor King along the following lines:-

- In relation to the RTS he wanted to reiterate that would be delivered in phases. ECC had tendered and were now due to start delivering Phase A. The tender responses had been positive. Accepted with the costs of RTS that there was a degree of risk built in, and a degree of inflation built in. However, ECC would go out to tender for phase B and phase C with every confidence that the scheme was deliverable whilst acknowledging that until the tenders came back Officers had to withhold their judgment overall.

It was moved by Councillor Bush and seconded by Councillor King that the Tendring Colchester Borders Garden Community Joint Committee –

- 1) notes the content of this report which presents the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the 'Development Plan Document' or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise;

- 2) recommends to the Full Council of both Tendring District Council and Colchester City Council that they agree for the above-mentioned Submission Version of the Plan, associated Sustainability Appraisal and other related evidence be published for six-weeks' public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;
- 3) that Full Council authority is sought for the Garden Community Planning Manager, in consultation with the TDC Director of Planning, the CCC Executive Director of Place and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to be given delegated authority to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;
- 4) notes the proposed activity for the Regulation 19 'Submission Version Plan' consultation;
- 5) notes the representations received following the cancellation of the Joint Committee meeting of the 13th December 2022;
- 6) welcomes the completion of a Memorandum of Understanding which is intended to govern the relationship, collaboration and co-operation between the Councils and Latimer in relation to the delivery of both phases, at the earliest opportunity, of the A120-A133 Link Road which will support the development of the Garden Community; and
- 7) recommends that officers from the Councils work with Latimer to explore the possibility of entering into an agreement which would detail how the parties would work collaboratively for the duration of the project, delivering the vision for the future of the garden community.

The Chairman of the Joint Committee (Councillor Turner) decided that the vote on Councillor Bush's motion would be recorded as a named vote. That vote was recorded as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>
J Bray M Bush T Cunningham D King N Turner L Wagland J Young	A Luxford-Vaughan	None

Councillor Bush's motion was thereupon declared **CARRIED**.

13. **REPORT A.2 - UPDATE ON THE EMERGING APPROACH TO STEWARDSHIP FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY**

The Joint Committee had before it a comprehensive report (A.2) which updated it on the emerging approach to stewardship at TCBGC and which proposed:-

- proposed a set of Emerging Stewardship Principles that articulated the Councils' ambition for aspirational stewardship at the Garden Community;
- set out how a pathway to evolving stewardship arrangements would be followed as part of the planning process of the Garden Community;
- summarises the work that had already been undertaken on stewardship matters to date including feedback from consultation; and
- set out the policy context of Section 1 of the Councils' Local Plans and the approach being taken as part of the Development Plan Document (DPD).

The report was introduced by Christopher Downes, (Garden Communities Manager, Essex County Council).

The Joint Committee was aware that stewardship was an essential element of what would make the Tendring Colchester Borders Garden Community (TCBGC) a successful and flourishing place. Reflecting the importance of stewardship to the overall TCBGC ambition, Section 1 of the shared Local Plans and the draft DPD included specific policy provision on stewardship, thus setting a policy context for the future design and establishment of detailed stewardship arrangements as the Garden Community progressed through the planning system.

It was considered that agreeing a set of Emerging Stewardship Principles at this stage of the planning process would ensure that clarity was provided to all stakeholders, including the Councils, local communities and community groups, the developers, and other parties likely to be impacted by future stewardship arrangements.

This set of principles could then be used to inform discussions with those stakeholders to ensure all parties work towards a common aim. It could also be used to inform any Memorandum of Understanding with the developers of TCBGC as part of the Examination in Public of the DPD.

Members were informed that, as the detailed planning of the Garden Community progresses, so would the detailed planning of its stewardship arrangements. Given the interrelationship between the physical place (land uses, facilities, infrastructure, utilities, etc) and the way that that physical place was managed and maintained in the long-term, it would be essential that the two progressed in tandem. An indicative pathway for evolving stewardship arrangements would demonstrate how such a process would be followed.

The Officer report focussed on the following matters:-

(a) Emerging Stewardship Principles, namely:-

- (i) Quality of Place;
- (ii) Community assets;
- (iii) Community identity and cohesion;

-
- (iv) Professionalism and entrepreneurship;
 - (v) Financial sustainability;
 - (vi) Accountability and governance; and an
 - (vii) Incremental Approach.
- (b) A pathway for evolving stewardship arrangements at TCBGC
 - (c) Community and stakeholder engagement on stewardship since Section 1 adoption
 - (d) Stewardship in the Development Plan Document; and
 - (e) Next steps on stewardship.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item. Their comments are given in precis.

Russ Edwards (Project Director TCBGC – Latimer by Clarion Housing Group)

- Reinforced Latimer's commitments in this area. Confirmed that Latimer supported all of the stewardship principles;
- Reminded Members that Latimer was the development arm of Clarion Housing Group, the UK's largest landlord, that provided homes for more than 350,000 people and operated in over 170 Local Authority areas. Latimer had been around for more than 100 years and provided homes for those most in need in society. They were long-term members of the communities in which they operated and this new community would be no different;
- This long-term opportunity was the reason for Latimer's involvement and excitement. Latimer along with Clarion Housing Association and its Charitable Foundation, Clarion Futures, would be long-term partners and stewards. Latimer expected to directly deliver around two-thirds of the homes in this new community throughout the development life cycle of the project, which could be up to 30 years. Clarion Housing Association would own and operate all of the affordable homes delivered in the new community, at least 30 percent of those homes, including those homes delivered by third parties on service parcels and that ownership and operation would be in perpetuity. Clarion Futures ran one of the country's biggest social investment programs, generating more than £100 million in social value every year. Clarion Futures currently managed a portfolio of around 50 community assets on behalf of the communities in which they were located, and expected that to be the case here. Therefore, the quality and success of the place was 'mission critical' to Latimer which took its responsibilities very seriously;
- Recognised that this community would be special and would require careful consideration to make sure that the best possible strategy for stewardship was delivered. Latimer would want to tailor a bespoke solution. Ultimately, the strategy would evolve and grow and change as the community grew over the coming decades. It needed to empower and embolden future residents to be involved in their place creating a strong and cohesive community. To achieve

this the strategy would need to be linked to the design of the place and the assets that would form a key part of it. For those reasons Latimer expected the final strategy to only be established once the design process was completed. Notwithstanding this Latimer were hoping to prepare a hybrid planning application for submission next year with a developed stewardship strategy, a key part of that application. Therefore, the Joint Committee would have opportunities to review and influence those proposals as they developed and indeed would have the ultimate sign-off through the planning application process; and

- *Concluded that Latimer and Clarion housing group were long-term stakeholders and stewards in this new place, and shared the Members', officers' and communities' interests in ensuring that strategies were in place to ensure its long-term success in line with garden city principles.*

Rachel Fletcher, Parish Clerk, on behalf of Ardleigh Parish Council

- *Believed that the existing parish and other Council boundaries were almost inevitably going to have to change, as a result and wondered whether that came within stewardship. The Parish Council would want to be explicitly part of the future discussions. There were parish residents who had expressed a desire to stay within Ardleigh so the Parish Council was very keen to be involved and have an active role.*

Ian Davidson, Chief Executive (Tendring District Council) responded to the points made by Rachel Fletcher as follows:-

- *Agreed that this was a really important question but stated that there were a number of different ways which, in theory, a review could be stimulated, but one of the key things was that there would be consultation and it was a statutory requirement to consult with any Parish Council and community which would be affected.*

Christopher Downes, (Garden Communities Manager, Essex County Council) also responded to the points made by Rachel Fletcher as follows:-

- *Referred to the example of a new garden community in the Chelmsford area where a new parished area was being created and that this would provide a good example of the level of engagement that would be required.*

The Joint Committee then discussed and debated this matter. Members' comments are recorded below in precis.

Councillor Lesley Wagland (ECC)

- *Welcomed the comments and commitment of Latimer;*
- *Thanked Ardleigh Parish Council for raising the important issue of governance which would come up in the future for the garden community; and*
- *Referred to the thorny issue of management company arrangements and rent service charges, which could cause unsuspecting residents a lot of problems and stress and pointed out that the Chelmsford Garden Community had avoided such problems through its policy decisions.*

Councillor Andrea Luxford-Vaughan (CCC)

- *Welcomed the progress on this matter but asked if Section 1 of the Local Plan required this to be part of the DPD and, if so, whether there was sufficient time to get this done before the Regulation 19 public consultation; and*
- *Pointed out that if Ardleigh Parish Council had Crockleford Heath taken away from it then it would lose out on precepts and income.*

Amy Lester, Garden Community Planning Manager (Tendring District Council) responded to the points made by Councillor Luxford-Vaughan as follows:-

- *Confirmed that matters relating to the setting up of a stewardship body did not have to be agreed at the DPD level.*

Christopher Downes, (Garden Communities Manager, Essex County Council) also responded to the points made by Councillor Luxford-Vaughan as follows:-

- *All the arrangements around the stewardship body were up for discussion and a future decision but he felt it would be wise to make use of Latimer's knowledge at this stage.*

Councillor Mike Bush (TDC)

- *Stated that it would be good for the Joint Committee to have details of Latimer's stewardship models at some stage.*

Councillor Nick Turner (TDC)

- *Stated that, in due course, the Joint Committee would visit other places established on garden community principles such as Letchworth and Milton Keynes.*

Councillor David King (CCC)

- *Stated that he favoured the co-operative approach to stewardship.*

It was moved by Councillor Bray, seconded by Councillor Cunningham and:-

RESOLVED that the Tendring Colchester Borders Garden Community Joint Committee –

- 1) notes the emerging approach to stewardship set out in report A.2; and
- 2) approves the Emerging Stewardship Principles as the foundation for future stewardship planning.

The meeting was declared closed at 10.01 pm

Chairman

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Community Leadership Overview and
Scrutiny Committee

7 March 2023

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON TUESDAY, 7TH MARCH, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chittock (Chairman), Clifton, Codling, Miles and Steady
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Rebecca Morton (Executive Projects Manager) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

[Also in Attendance: Anita Patel-Lingam (Statutory Education Compliance Manager, Essex County Council), Michael O'Brien (Head of Specialist Education Services, Essex County Council) [these persons attended via Microsoft Teams]]

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absences were received from Councillors Davidson and S Honeywood (no substitutions). Councillor Davidson was able to participate in the meeting by way of a remote connection using MS Teams.

23. MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 22 NOVEMBER AND 13 DECEMBER 2022

It was **RESOLVED** that the minutes of the two meetings of the Committee held on Tuesday 22 November and Tuesday 13 December 2022 be approved as correct records.

24. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

25. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

26. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - CHILDREN MISSING FROM EDUCATION

The enquiry commenced with the Head of Democratic Services and Elections. He reminded the Committee that they had last look at this matter on Monday 21 March 2022 and had heard from Essex County Council (ECC) representatives about measures it was seeking to promote in legislation with Government and that this Council had decided to support them with their endeavours. The Head of Democratic Services and Elections also reminded the Committee that it was its wish to revisit this issue and receive an update as to where things are in relation to those people taught in school, home educated and missing from education.

The Chairman invited the Councils' Executive Projects Manager, Rebecca Morton, to address the Committee on this item. Rebecca reminded the Committee that this item is to enquire into the safeguarding and educational position concerning those of school age where an elective decision had been made that they would not be attending mainstream schools and were home educated. She made reference to an email response to Cllr McWilliams (Portfolio Holder for Partnerships) from the Department of Education (following the meeting where this Committee last looked at this matter) which confirmed its current position in respect of the issue. Within the letter (circulated to Members of the Committee) it stated that:

“At the Secretary of State’s appearance before the Education Select Committee on 7 December 2022, she confirmed that the Schools Bill, which included the Children Not in School (CNIS) measures, will not be progressing in this parliamentary session.

The Department remains committed to measures on safeguarding and attendance, including CNIS registers and a duty on local authorities to provide support to home educators. These will be progressed when the legislative timetable allows.

In the meantime, the Department will continue to:

- 1. work with local authorities on improving their current voluntary registers;*
- 2. analyse local authority data from the voluntary EHE and Children Missing Education (CME) collection to build a more accurate picture of the EHE and CME landscape and;*
- 3. review the current EHE guidance for local authorities and parents in due course, and will seek to work collaboratively with local authorities and home educating parents on any updates to this.”*

The Chairman of the Committee invited the representatives from (ECC Anita Patel-Lingam, Statutory Education Compliance Manager and Michael O'Brien, Head of Specialist Education Service) to provide the Committee with an update on this item. Anita advised the Committee that the numbers for electively home educated Children across Essex had risen year on year and that, that pattern was continuing. She also confirmed that the pattern of rising numbers of electively home educated (EHE) Children was a National Pattern. Anita informed the Committee that within Essex there was a “Lasting Legacy” of Children that were home educated throughout Covid-19 Pandemic and their families had decided to not send them back to school following this. Anita advised the Committee of the various reasons why families choose to home educate. The Committee were provided with the numbers of the electively home educated the numbers were the following:

- March 2022 2,445 EHE Cohort across Essex
- March 2023 2,801 EHE Cohort across Essex (14.6% Increase)

- March 2022 352 EHE Cohort across Tendring
- March 2023 433 EHE Cohort across Tendring (23% Increase)

The Committee were informed by the ECC Representative that there was a document soon to be published on ECC Website (but also to all EHE Families who were on their voluntary register) which would support them to understand what Anita’s team were looking in terms of evidence of a suitable home education.

The Chairman of the Committee also invited to this meeting a group of parents, Tracy Hide, Emily Woods, Reverend Tichase and Andrew Brown who provided home education for their children and gave them the opportunity to speak to the Committee about this subject. Each of parent's explained to the Committee why they had chosen to electively home educate, how they chose to structure this education and how they felt it was more beneficial for the children being home educated. The parents advised the Committee that there were groups and communities of parents who were electively home educating and that they worked together in educating their children where this was beneficial. The parents provided answers to questions they were frequently asked around the social development of children not in mainstream education etc. They explained to the Committee that although they felt there were multiple benefits to electively home educating there were some barriers that it would be helpful to them to be overcome in order to support families that wished to home educate. Example of these barriers were; restricted opportunities for GCSE exams outside of English, Maths and Science due to having to travel outside of the area and the cost of accessing resources and opportunities for the children.

Following the parents opportunities to speak, the Chairman asked Anita Patel-Lingam if there was anything she wished to comment on. Anita picked up the issue from the parent around the availability and cost of examination centres and she confirmed that as a local authority this was something they were acutely aware of. She also advised that this was an issue that Councillors at ECC were keen to look at. Anita also brought to the Committee's attention the struggle parent experience when trying to access these examinations and (due to distance in some cases) having to factor in the cost of accommodation and travel.

The Committee asked questions of the parents around the community of parents that was mentioned and their methods of supporting the needs of the children. They also asked around the resourcing issues the parents experience. The Committee also asked the parents their view on other parents that may not be so passionate about the home education of their children.

The Committee had a discussion around parents that electively home educate but don't feel they trust local authorities and don't wish to engage with them. In addressing this Anita informed the Committee that this is an issue that they are aware of and would like to be reassuring of the shared best interests of the child. She also advised the Committee that a decision to place a child back in the mainstream education system would only be made where it was in the best interest of that child.

Following the discussion around a set of guidelines to follow when home educating being produced and sent to parents, the parents explained their point of view on the subject. They explained that in home educating they may not follow conventional methods of teaching their children and that rigid requirements would impede the learning needs of the child.

The Chairman invited Cllr McWilliams, the Portfolio Holder for Partnerships to speak and she wished to thank the parents and the ECC Representative for their contribution to this enquiry at the meeting. The Chairman also gave his thanks to the guest speakers for joining their discussion on this.

It was **RESOLVED TO RECOMMEND** the following to Cabinet:

A. That representations be again made to see Academies provide access to sites in the locality where those that are home schooled can take examinations in a range of subjects close to home.

B. That efforts be made to encourage further enhancement of a positive relationship between home educators and the County Council's education service. Including in policy development and home visits; and

C. to support the collaborative work that was being talked about to identify those that are not attending school or being effectively home educated and taking the necessary steps to get them back into education.

It was further **RESOLVED** that:

Following the Elections in May this year, to further look at this issue of homeschooling and also the related or other issue or missing from education in early 2024 where a further update can be provided, and the opportunity to identify who further to invite to contribute to the enquiry.

27. REPORT OF HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.2 - CALL-IN: TENDRING BEACH HUT STRATEGY REVISITED - FOLLOWING CONSULTATION

This item was withdrawn as a valid call-in had not been received.

28. REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.3 - WORK PROGRAMMING INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING DECISIONS

The Head of Democratic Services and Elections introduced this item and advised the Committee that at Appendix A was the detail of the enquiries intended to be undertaken through Task and Finish Groups, Appendix B had the Recommendations Monitoring Report (which there was nothing specific to report to the meeting) and at Appendix C was the list of the 4 items that are on the forward plan of the Council relevant to this Committee.

He advised that the items in Appendix C were there for the Committee to note as the date for the first two (Events on Council Land Policy and State of Tendring District Statement) had already passed, the update on the work of the Tendring Education Strategic Board would not now be submitted to Cabinet on 17 March 2023. That left the Citizens Advice Tendring – Service Level Agreement 2023/23. He informed the Committee that as this Council would be going into its pre-election period on Monday 13 March 2023 this would provide little opportunity for this Committee to be considering that item.

The Head of Democratic Services and Elections advised the Committee that (in terms of Appendix A) the Committee would need to acknowledge that those Task and Finish Groups now won't reach conclusion and so, they would be referenced back to the new Committee following the elections to see what needs to happen in relation to them.

It was **RESOLVED** to submit the enquiry detail at appendix A to the report to the Committee to determine how to proceed with those enquiries.

The meeting was declared closed at 9.12 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

13 March 2023

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 13TH MARCH, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Amos, Barry, Codling, Griffiths, Morrison and Skeels Jnr.
Also Present:	Councillor Baker
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer) Gary Guiver (Assistant Director Planning) Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies for absence were submitted on behalf of Councillors on this occasion.

11. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meetings of the Committee held on 15 November 2022, 11 January 2023 and 1 February 2023, be approved as a correct record.

12. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

14. A.1 REVIEW OF THE WORK PROGRAMME

The Committee heard an update on the Work Programme item from the Head of Democratic Services and Elections (Keith Simmons).

Work Programme

It was reported that there were only 2 outstanding items on the work programme. The first was Waste and Recycling and it was felt that a body of evidence had already been collected that could be put to the Committee for the next years' work programme, 2023/24.

The second was the Customer Service enquiry through its own Task and Finish group. The Chairman of that Task and Finish Group apologised for the absence of a final report and said he hoped to have it to the Committee for the new municipal year, 20223/24.

Monitoring Report

The Committee heard the Councillor Guglielmi, as Portfolio Holder for Corporate Finance and Governance, said that he would supply the answers raised at that budget scrutiny meeting held on Wednesday 11 January 2023, directly to the Committee at a later date.

The Committee thanked the Officer and **NOTED** the contents of the report.

15. A.2 COUNCIL PROCUREMENT AND CONTRACT MANAGEMENT

The report to the Committee detailed the outcome of the informal review of procurement and contract management at the Council ensuring it was functioning as it should and was fit for purpose.

The Members heard from Lisa Hastings, Deputy Chief Executive – Assistant Director for Governance and lead officer for the topic presenting the report. The report outlined that Informal meetings of this Committee were held on 17 October and 7 December 2022, where the Members received a range of information around the subject of Council Procurement and Contract Management, most of which was contained within the report to this meeting. Senior Officers across the Council, involved in the subject area and the specific contracts referred to within the scope supported the first informal meeting in October.

Members also heard that Full Council at its meeting on 12th July 2022 agreed (Minute 29) the Committee's Work Programme for the 2022-23 Municipal Year, for the Resources and Services Overview and Scrutiny Committee, that included:

Council procurement and Contract Management – using potential exemplars from:

- *“The housing maintenance contract awarded to Rapid, its delivery of work and the management of it.*
- *The management of the previous cremator maintenance contract, the need to stop the use of those cremators and the process for securing replacement cremators given the sensitivity around this service and the budgetary implications for the Council while these cremators are out of action.*
- *The Leisure Centre Investment – specifications, securing contractors and delivery of those works and maintenance of the equipment at the Centres”.*

It was reported to the Committee that the Procurement Team consisted of 2 FTE posts, both vacant (that was increased through the restructure in 2022 by 3 additional posts, all remained vacant – see below). The budget for those service consisted of salaries and £22,670 for computer software. At its meeting on 17th September 2021, Cabinet considered in Section 2 of its Financial Performance Update 2021/22 a small number of in-year budget adjustments to the Portfolio Holder's report, one of which reflected a proposed service level agreement being entered into with Essex County Council (ECC) to enable the Council to 'buy in' procurement services from them.

The report outlined that following the last vacancy, discussions commenced with ECC in terms of a shared service / collaborative approach as a way of providing a more comprehensive procurement service to the Councils internal departments. This approach would involve the Council purchasing a range of procurement services from ECC on a proposed 'hourly rate' basis via a service level agreement. Appendix B to the Cabinet Report set out a proposed adjustment, which would see budgets transferred from direct employee costs to 'contract' payments to ECC. That approach would also support the accelerated delivery programme where the Council would have access to specialist / expert advice along with additional procurement capacity e.g. supporting the procurement of replacement cremators. That arrangement would be kept under wider review as it may form part of a longer-term solution, where the Council could continue to have access to such advice as part of the future delivery of projects and activities along with 'usual' operational requirements expected of a procurement function / service.

The Committee heard that paragraph 2.3 of the Council's Procurement Procedure Rules set out in Part 5 of the Council's Constitution required alternative delivery options for whole or part of services to be achieved in accordance with the Council's Procurement Strategy. The Strategy expressly referred to 'Our Partners in Procurement' and that the Council sought to work with a number of partners to maximise any procurement opportunities and provide best practice. That included other public bodies and shared services. Because the in-house procurement service had 100% vacancies, there were no employment issues to address and the Public Contract Regulations 2015 permit public sector shared service and collaboration arrangements within certain criteria, which were observed in any Service Level Agreement arrangement. The Council's Procurement Procedure Rules were observed in any bids or tender exercises managed by ECC on behalf of TDC.

Subsequently, Cabinet agreed in September 2021 that:

“(2) That, in respect of the Council's Financial Performance for 2021/22, Cabinet:

(c) agrees an exemption to the Council's procurement rules in order to enable a Service Level Agreement to be entered into with Essex County Council to enable the Council to 'buy in' various procurement services from them to support its day-to-day operational activities and the delivery of one-off projects, as necessary; and

(d) authorises the Assistant Director (Finance and IT) and the Deputy Chief Executive to agree the terms of the Service Level Agreement, in consultation with the Portfolio Holder for Corporate Finance and Governance”.

It was reported to the Committee that following consultation with the Portfolio Holder for Corporate Finance and Governance, a Partnership Agreement was completed in August 2022; the services however commenced in October 2021 and would continue until October 2023 for an annual payment of £60,000. The agreement can be renewed annually for up to 5 years.

Both Councils had obligations and responsibilities. Schedule 1 to the Agreement had set out the Key Procurement Activities, split into three areas:

- Category Planning

-
- Market Management
 - Sourcing

Procurement 2022 Deliverables had been identified within the Partnership Agreement. In December 2021 and May 2022, an Introduction to Procurement and the collaboration arrangements were presented to Council Officers as part of its Senior Managers Forum. The reasons why the Councils were working in partnership were covered:

- Increase resilience
- Increase expertise
- Enable collaborative savings
- Market influence
- Reduction of duplication
- Staff retention

Potential Category Areas had already been identified:

- Vehicles
- Facilities Management (inc. cleaning and security)
- Corporate spend for e.g. stationary

The Presentation Slides included a summary of the Procurement Process covering:

- Basics
 - The Regulations
 - Value for Money
 - Processes for different values of TOTAL spend
- Low Value Procurement - £10K to £50K
- Request for Quote Process - £10K to £50K
- Tender process - £50K +

Members heard that it was important to highlight that there were various elements to the overall procurement process, with responsibilities being spilt across the Council, some functions were devolved into services, with others being undertaken centrally by the procurement team:

- Project approval and budget allocation - services
- Specification – services
- Market analysis - central
- Identify suitable contract/framework – centrally with consideration by services
- Prepare procurement documentation – central in consultation with services
- Publication – central
- Collate tenders for evaluation – central
- Evaluation – services with central support if required
- Due diligence - centrally together with services
- Contract awards to suppliers – centrally together with services

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The report before the Committee explained that the Council's Procurement Procedure Rules stated the following:

"Before undertaking any procurement, Departments should satisfy themselves that:

- *The works, goods or services are required and a need can be demonstrated*
- *There are no reasonable alternatives e.g. sharing or utilising spare capacity/inventories elsewhere within the Council*
- *Where relevant, they have considered the requirements of the Public Services (Social Value) Act 2012 and have recorded/evidenced the outcomes against the associated requirements:-*
 - *how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area*
 - *how, in conducting the process of procurement, it might act with a view to securing that improvement.*

Use of Local Suppliers: All Procurement should be in line with the Council's Procurement Strategy, which includes the recognition of the use of local suppliers and providing a fair basis for them to compete for the provision of goods, works or services required by the Council".

CONTRACT MANAGEMENT

The Members of the Committee heard that contracts management was undertaken by the services and Key Personal and Contract Administrators and were named within the contract documentation and were added onto their individual and existing roles. In some projects, contract management was commissioned as part of the project. The Council had produced a standard TDC Contract for Services, which covered the terms and conditions for suppliers to adhere to when entering into a contract with the Council for values above £25,000. That must be used unless an exemption was sought. JCT and NEC suite of contracts were also used for construction works and engineering projects with widely recognised and accepted clauses within the industry, with differing options to be selected. Understanding the structure of those documents and arrangements was essential for contract management. Contract management required a commercial understanding, appropriate skills and capacity to be undertaken with maximum potential. Presently services were conducting contract management alongside their usual service delivery requirements, which could be extremely time consuming.

Within the agreed Scope, the Committee had requested certain information and are detailed below:

1. Confirmation of procurement and contract management requirements:

"These are contained within the following documents: Council's Procurement Strategy and under Part 5 of the Constitution Procurement Rules of Procedure, which set out the policy and rules, the Council has adopted to be followed".

2. The procurement project pipeline:

“Is an evolving piece of work and relies on the input of services to ensure that it is a useful exercise, in terms of allocating procurement resource and identifying budgets. The exercise will also benefit service areas in managing the process and subsequent contract management”.

After a brief discussion the Committee **RESOLVED** to give consideration and endorse those actions already identified as improvements and deliverables for the procurement and contract management framework, monitoring progress through a future work programme for the Committee.

The Committee also **RECOMMENDED** to **CABINET** that:

- a) the Council’s Contract Register is brought up to date as soon as possible, with services across the Council providing the necessary data on contracts held within their respective areas; and
- b) a Social Value Policy for Procurement Purposes be produced for consultation with the Resources and Services Overview and Scrutiny Committee at a future meeting.

16. **A.3 TASK AND FINISH GROUP - PLANNING ENFORCEMENT**

The Committee was reminded that its work programme included an enquiry into the Council’s Planning Enforcement function in relation to current powers, policies, procedures, data on the use of current enforcement powers, effectiveness of approach and assessment of how cases should be prioritised. This enquiry was conducted through a Task and Finish Group established by this Committee.

Members of the Committee heard that effective regulation and enforcement was one of the key priorities in the Council’s Corporate Plan 2020-2024, under the heading of ‘Delivering High Quality Services’. The decision to include Planning Enforcement as a subject for a Scrutiny review function came about following concerns being raised by a number of Councillors in different parts of the District about its effectiveness in responding to a range of different planning enforcement related matters. Having drawn on the key headings within the terms of reference for the Task & Finish Working Group, the aims and objectives of the inquiry were developed through discussion at the group’s inaugural meeting on Monday 3rd October 2022 and evolved as the inquiry proceeded.

The aims and objectives were summarised as follows:

Current Powers

- *“To review the full set of powers available to the Council for the carrying out of planning enforcement, having regard to the fact that any action is discretionary on the Council and is always expected to be proportionate and appropriate.*

- *To gain a better understanding of the range of tools available to the Council's enforcement team to resolve complaints – ranging from no action, negotiation or minor interventions, through to formal enforcement action and legal prosecution.*
- *To explore how the powers and tool available to the Council can be better communicated to those with an interest, including District Councillors, Town and Parish Councils and members of the public”.*

Policies

- *“To review the Council's Planning Enforcement Policy which sets out the available powers and the approach that the Council will take when receiving, investigating and, where appropriate, taking action against alleged breaches of planning control.*
- *To review the associated ‘harm risk assessment’ which is used by Officers to prioritise the investigation of cases and to inform decisions about appropriate levels of action going forward.*
- *To recommend improvements to the Planning Enforcement Policy and harm risk assessment as deemed necessary to improve the effectiveness of approach”.*

Procedures

- *“To review the full process of dealing with enforcement complaints including the initial receipt of a complaint, responding to the complainant, visiting the premises, identifying and establishing any breaches, carrying out harm risk assessment, choosing a course of action and formal processes thereafter.*
- *To review the approach to communication with complainants, those the subject of action and other interested parties; and how this might vary depending on the nature of the issue.*
- *To explore how third parties, such as Town and Parish Councils, might be able to assist the District Council by exchanging information at a local level.*
- *To recommend improvements to procedures with the aim of improving the effectiveness of approach”.*

Data

- *“To gain an understanding, through the interrogation of data, of the scale and nature of enforcement issues in Tendring, including number of complaints/cases received, resolved or outstanding and how they are recorded and monitored – both for internal purposes and for public reporting.*
- *To develop and recommend a framework for reporting enforcement data and performance to the Planning Committee”.*

Effectiveness of Approach

- *“To invite honest feedback from Councillors and other interested parties on the effectiveness of the planning enforcement function based on experiences and issues in their areas.*
- *To review the resources available to the planning enforcement team when set against the scale and nature of the task – particularly in relation to management structure, number of Officers and skills, knowledge and experience.*
- *To explore and identify areas where improvements can be made to the effectiveness of the approach and to consider alternative ways in which the enforcement function could be undertaken”.*

Prioritisation of Cases

- *“To review the approach to prioritising the inspection of alleged breaches of planning control and determining the level of action required thereafter – having regard to the harm risk assessment.*
- *To recommend improvements to the harm risk assessment and the approach the Council takes in determining priorities for action.*
- *Reviewing the decision-making process and the level within the Council that key decisions are taken”.*

After a detailed discussion the Committee **RECOMMENDED** to **CABINET** that:

- 1) To note that in recent months, following the establishment of the Working Group and the introduction of a new Planning Manager and a new Planning Enforcement Team Leader, and with the full cooperation of the Planning Portfolio Holder and key Officers, notable improvements in Council’s planning enforcement function have already been made in response to issues raised and suggestions put forward. These include:
 - the update and subsequent adoption of a new Planning Enforcement Policy and associated harm risk assessment to replace the previous version that had not been reviewed or updated since 2010;
 - an initial review, update and tidying of the Council’s database of live enforcement cases to remove cases that have been closed, incorrectly recorded or otherwise superseded by events in order to establish a more accurate baseline of information;
 - more positive engagement of Planning and Planning Enforcement Officers in the Council’s Corporate Enforcement and Operation Enforcement Groups to improve working across services on a wide range of enforcement matters;

- a notable improvement in the willingness of Officers to engage and communicate with Councillors, members of the public and other interested parties in recognition of the concerns raised previously;
 - a notable reduction in the Planning Enforcement Team's reliance on the Council's legal Officers for advice and assistance in carrying out planning enforcement duties; and
 - a concerted effort to recruit new Officers to the Planning Enforcement Team on a permanent basis and by utilising channels to attract ex Police and armed services personnel with relevant transferable skills.
- 2) For the Council to retain the planning enforcement function in-house and to support continued efforts to reduce the Council's reliance on temporary staff employed through agencies and to recruit permanent staff to the Planning Enforcement Team – utilising channels aimed at targeting ex Police and armed forces personnel with transferable skills and with the offer of on-the-job training and development;
 - 3) To require Officers to undertake a specific and immediate update to the Planning Enforcement Policy and associated harm risk assessment to incorporate changes, as detailed in Appendix 1 to this report, that are aimed at improving clarity, relevance and effectiveness and for the updated version to be reported to the Planning Committee for its consideration and approval at the earliest meeting practicable;
 - 4) To thereafter require Officers to undertake an automatic review of the Planning Enforcement Policy and associated risk harm assessment every four years for the Planning Committee's consideration and approval to ensure it is kept up to date and responds accordingly to changes in law, policy, circumstances and trends in enforcement-related activity – allowing for earlier reviews where necessary;
 - 5) To empower the Director of Planning, in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to escalate and expedite (as appropriate) enforcement action where there are considered to be exceptional matters of public interest with implications for the reputation of the Council that are not necessarily identified through the standard scoring approach in the harm risk assessment;

- 6) For Officers to prepare quarterly reports on enforcement caseload and performance to go to the Planning Committee, for information, which will contain data on:
 - number of complaints received/registered in the quarter;
 - number of cases closed in the quarter;
 - number of live cases presented by category, electoral ward and time period since receipt; and
 - enforcement-related appeal decisions;
- 7) To support the continued work of the Council's internal Corporate Enforcement Group and Operational Enforcement Group in considering cross-service and cross-body enforcement matters;
- 8) For Officers to continue the process of reviewing cases recorded on the database system to remove closed/irrelevant cases and re-categorising them to provide an accurate baseline for case management and reporting of data going forward;
- 9) That Officers provide an annual training session, held in person, for all District Councillors covering the powers, policy and processes around planning enforcement together with case-study examples and exercises – with the first training session to be held within the two months following the May 2023 local elections (and following subsequent local elections);
- 10) That any Councillor who is a member of the Planning Committee (either as a permanent or designated substitute Member) to attend the planning enforcement training as a mandatory requirement;
- 11) That the Director of Planning be asked to offer or facilitate similar training sessions for Town & Parish Councils;
- 12) For Officers to incorporate within internal systems, reminders to automatically update complainants, interested Ward Councillors and other relevant parties (where appropriate) every 21 days with information on the progress of cases – even if it is to advise of no or limited progress – unless earlier or more frequent updates can be given or are required (these 21-day reminders will follow the initial 21-day notification currently in place following the receipt of a complaint);
- 13) For Officers to respond within 48 working hours, to emails from Councillors relating to planning enforcement matters so they can be suitably informed when advising members of the public;
- 14) To note that a significant proportion of live enforcement cases in the District relate to breaches of occupancy conditions at caravan and holiday parks, many

of which are complex, sensitive and long-standing with a variety of issues to be taken into account. To resolve these breaches in full and deal with the implications thereafter would require significant additional and dedicated resources. It is therefore recommended that the Planning Policy and Local Plan Committee is asked to consider developing a strategy or policy to guide a coordinated and long-term approach to the application and enforcement of occupancy conditions across the District having regard to matters such as impact on the tourism industry, flood risk, health and safety, quality of life, ecology, disability and homelessness;

- 15) That for site inspections, Officers;
 - i. must always use Council equipment for capturing photographs and other data;
 - ii. and are supplied with hi-visibility clothing (preferably labelled 'Tendring District Council Enforcement')
- 16) For Officers to pro-actively monitor compliance with planning conditions and obligations wherever practical and where resources allow – and work constructively with owners, developers and applicants to identify and resolve potential future compliance issues before they give rise to a breach of planning control and possible enforcement action;
- 17) For the Planning Service to consider incorporating standard advice into pre-application responses and validation requirements for applications setting out, and seeking agreement to, the Council's expectations for development to be carried out with the necessary consents and compliance thereafter with any planning conditions or obligations imposed;
- 18) For Officers to review and update the form on the Council's website for reporting enforcement complaints to make it more user-friendly and to allow complainants to provide as much information as they can to describe the issue they wish to report; and
- 19) For the Director of Planning to consider, on a case-by-case scenario and in liaison with the Council's Communications Manager, publicising successful enforcement outcomes to demonstrate the Council's commitment to planning enforcement.
- 20) That the Monitoring Officer be requested to consider the appropriate body to which individual recommendations are/should be directed and, where appropriate, refer those recommendations to those bodies. The outcome of this process shall be reported to Cabinet when it receives the reference report from this Committee on the outcome of this enquiry.

The meeting was declared closed at Time Not
Specified

Chairman

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 15TH MARCH, 2023 AT 10.00 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Casey, V E Guglielmi and J Henderson
Also Present:	Councillor I J Henderson
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Karen Townshend (Executive Projects Manager (Governance)) and Keith Durran (Committee Services Officer)

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Gina Placey and Mick Skeels and Sue Gallone (one of the Council's Independent Persons).

25. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 8 February 2023 be approved as a correct record and be signed by the Chairman.

26. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members at this time.

27. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted by Members pursuant to Council Procedure Rule 38 on this occasion.

28. DRAFT COMMITTEE WORK PLAN FOR 2023/2024

The Committee considered the following draft Work Plan for 2023/2024:-

19th July 2023 (provisional date)

- Introduction to the Standards Framework and Terms of Reference of the Standards Committee
- Update on Member Induction and Code of Conduct training
- Review of the Planning Probity Protocol
- Regular Complaints update by Monitoring Officer

11th October 2023 (provisional date)

- Update on Mandatory Training for Members
- Review of the Independent Person joint working arrangements and recruitment preparations for 2024
- Town and Parish Councils Code of Conduct and Interests review
- Regular Complaints update by Monitoring Officer

7th February 2024 (provisional date)

- Case review and guidance update for the Committee on decisions and actions taken nationally
- Regular Complaints update by Monitoring Officer

24th April 2024 (provisional date)

- Update on Mandatory Training for Members
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Regular Complaints update by Monitoring Officer

Members were made aware that the above meeting dates were provisional pending ratification at the Annual Meeting of the Council on 23 May 2023 and that, in addition, individual matters might be referred to those meetings by the Monitoring Officer, in accordance with the Committee's Terms of Reference as necessary, for example, an appeal against a dispensation decision or a Code of Conduct hearing.

The Executive Projects Manager (Governance) was pleased to inform the Committee that, further to decisions made by Full Council at their meetings held in November 2022 and March 2023, all four Independent Persons (IPs) had now confirmed to the Monitoring Officer their willingness to continue in their joint roles as IPs and also as members of the Independent Remuneration Panel.

Having duly considered and discussed the contents of the draft work plan:-

It was moved by Councillor V E Guglielmi, seconded by Councillor J Henderson and:-

RESOLVED that the Work Plan for the Standards Committee for 2023/2024 be approved and adopted.

29. NEW MEMBER INDUCTION PROGRAMME 2023/24

The Committee received from the Council's Head of Democratic Services & Elections (Keith Simmons) a presentation on the new Member Induction Programme for the Councillors who would be duly elected at the District Council elections to be held on Thursday 4 May 2023.

That presentation covered the following matters:-

- (a) The elements of Induction;
- (b) Envisaged Meetings –
- (i) Annual Council on 23 May 2023;
 - (ii) Planning Committee on 6 June 2023;
 - (iii) Licensing and Registration Committee (to be confirmed);
 - (iv) Cabinet on 23 June 2023; and
 - (v) Audit Committee on 29 June 2023.
- (c) What have we got already in place:
- (i) Signpost Booklet – A Guide for Elected Members of Tendring District Council;
 - (ii) Initial Letter to successful candidates at the Count (4/5 May);
 - (iii) Date for first ‘new’ Councillors event (11 May);
 - (iv) General Welcome Event for all Councillors (15 May);
 - (v) Dates for two Tours of the District (26 May and 8 June);
 - (vi) Date for Planning Mandatory Training (to be confirmed);
 - (vii) Date for Licensing Mandatory Training (8 June – evening);
 - (viii) Date of Audit Mandatory Training (to be confirmed);
 - (ix) Councillor Consultative Event on the Corporate Plan 2024 – 2028 (30 May);
 - (x) Cabinet Away Day (9 June);
 - (xi) Councillor Development Session throughout the year (21 June – first one);
 - (xii) Evaluation Sheets on Training Delivered; and
 - (xiii) LGA Online Training Resource.
- (d) What we are also planning:
- (i) Initial Training Needs Analysis for Members; and
 - (ii) Service based video resources.
- (e) Induction Plan Word Cloud.

The Committee noted the foregoing.

30. **QUARTERLY COMPLAINTS UPDATE AND OTHER GENERAL MATTERS**

The Committee had before it the Monitoring Officer’s quarterly schedule, which updated it on existing and new conduct complaint cases, along with other general matters.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE MARCH 2023				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PARISH COUNCILLOR	ONGOING	Informal resolution recommended	Complaint and response received and reviewed by

				Independent Person. No response received so far to suggestion of informal resolution.
PARISH	PARISH COUNCILLOR	ONGOING	Informal resolution recommended	Complaint and response reviewed by Independent Person. Matter received relating to the aforementioned Parish Council complaint. To run in parallel with the initial complaint. Currently informal resolution not accepted by both parties.
PARISH	PARISH COUNCILLOR	CLOSED	No further action – other than recommended to reflect upon actions. MO offered to attend meetings to observe.	Matter related to behaviour within Parish Council meetings and electronic correspondence. Complaint resulted from a series of actions, by both parties and could have been dealt with differently.
New Cases since last update				
DISTRICT	PUBLIC	ONGOING		Matter related to alleged conduct whilst acting in an official capacity.
DISTRICT	DISTRICT COUNCILLOR	ONGOING		Matter related to not disclosing a pecuniary interest.
DISTRICT	DISTRICT COUNCILLOR	ONGOING		Matter related to alleged disclosure of

				confidential information.
General Notes – 2022/23 Summary:				
<p>Overall, 10 cases had been received in 2022/23. The Monitoring Officer would be delivering training to one Parish Councillor on the DPI requirements and a date for that had now been confirmed.</p> <p>During the last month it had become evident that there was a need for refresher training of the impacts of declaring Personal Interests at meetings of the District Council. Guidance had been offered in emails however, if there was a longer period and more formal meetings before the District Elections, training would be organised.</p> <p>A case of non-declaration and registration of a Disclosable Pecuniary Interest was being explored in the appropriate manner.</p>				
Requests for dispensations:				
There had not been any requests for dispensation.				

The Committee noted the foregoing.

The meeting was declared closed at 10.29 am

Chairman

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Audit Committee

30 March 2023

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 30TH MARCH, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Alexander (Vice-Chairman), Fairley, C Guglielmi and Miles
In Attendance:	Damian Williams (Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)) and Keith Durran (Committee Services Officer)
Also in Attendance:	Tharshiha Vosper of BDO LLP (the Council's External Auditors)

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Coley (with Councillor C Guglielmi substituting) and Councillor Steady (with no substitution).

Councillor Alexander (as the Committees Vice-Chairman) chaired the meeting.

28. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 26 January 2023 were approved as a correct record.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

30. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to the provisions of Council Procedure Rule 38 had been submitted on this occasion.

31. UPDATE FROM THE COUNCILS EXTERNAL AUDITORS

Tharshiha Vosper, on behalf the Council's external Auditors, introduced their updated Audit Results Report for 2020/21 and highlighted a number of key issues included in that report that remained subject to discussion with Officers. The report also set out an updated position against their earlier report considered by the Committee in December 2022. It also highlighted a number of outstanding pieces of work that they needed to finalise in order to enable them to provide their overall opinion on the Council's Accounts and Annual Governance Statement.

The Committee noted the contents of the foregoing update.

32. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT

The Committee had before it a report that informed them that a total of four audits had been completed since the previous update in January 2023. However, at the time of writing, the overall assurance opinion on two of them was still being negotiated. Nine audits were still in fieldwork, four of which were expected to be completed before the Audit Committee next met, for which a verbal update was provided.

Members heard that four audits had been deferred to the 2023/24 Internal Audit Plan. Two of which were allocated to the Internal Audit Manager and competing priorities had limited his capacity to complete in 2022/23. A further two audits had been delayed due to service changes and capacity issues. Based on the audits completed to date and those yet to be completed, the Internal Audit Manager was on course to provide an unqualified annual assurance opinion if no further significant issues were identified prior to the June 2023 Audit Committee.

The Members also heard that a 2023/24 Audit Plan had been developed using a risk-based approach, taking account of the Council's Corporate Objectives, Corporate Risks and Emerging Risks. The plan had been collated based on the information gained from liaising with Directors, Heads of Service and departments in order to target areas that might benefit from an independent review of processes and procedures to determine potential efficiency gains, improved technology / software requirements or if the function had not been audited for a substantial period of time due to it being considered of lower risk historically.

It was reported to the Committee that the establishment for the Internal Audit function was currently four full time equivalents (fte). A recent restructure meant that the Audit team had four full time members of staff with the part time Audit Technician being changed to full time. That post was yet to be advertised and appointed to. The level and range of coverage was considered sufficient for the Internal Audit Manager to be able to provide an annual opinion on the Council's assurance framework.

The Corporate Director (Operations and Delivery) then gave an update to the Committee in which he explained that the Council was working with a new piece of software called One Serve, that would optimise how the Council managed its housing repairs and at that time of the meeting there was a lot of data mapping going on in the background. The current system in place was called Northgate and there would be a solution for the two systems to share data by April 2023 with the expectation of going live with One Serve in May 2023.

After a detailed discussion it was **RESOLVED** that:

- (a) the periodic update and the Internal Audit Plan 2022/23 be approved; and
- (b) the existing arrangements for updating the plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with significant amendments reported to this Committee as part of the periodic Internal Audit reporting arrangements.

33. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - TABLE OF OUTSTANDING ISSUES**

The Committee heard that the Table of Outstanding Issues had been reviewed and updated since it had last been considered by the Committee in January 2023.

There were currently two main elements to this report as follows:

- 1) Updates against general items raised by the Committee; and
- 2) Updates against the 2021/22 and 2022/23 Annual Governance Statement Action Plan.

It was reported to Members that in terms of item 1) above, there were no significant issues to raise, with actions remaining in progress or further details set out in the report. In terms of item 2), this set out the latest Annual Governance Statement agreed by the Leader of the Council and the Chief Executive at the end of July 2022, and included any outstanding actions from the previous statement along with several new items identified. Activity would remain in progress against the various items, which would be reported to Members as part of this report going forward.

Members were aware that the Statement of Accounts 2020/21 remained subject to the conclusion of the work of the External Auditor.

Members also heard that this Authority had not conducted any RIPA activity in the last quarter and that it was rare that it would be required to do so.

Redmond Review

The latest available update was before Members. As further progress was announced by the Government, updates would be provided to future meetings of this Committee, which would hopefully set out the necessary practical steps to implement the recommendations made as part of this review.

After a brief discussion it was **RESOLVED** that the Committee notes the progress against the actions set out in Appendices A and B to report A.2.

34. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - A.3 - AUDIT COMMITTEE WORK PROGRAMME 2023/24

The Committee looked at the proposed work programme, covering the period April 2023 to March 2024, which continued to reflect the significant element of regulatory / statutory activity required, along with other associated work, which fell within the responsibilities of the Audit Committee.

After a short discussion the Committee **RESOLVED** that the Work Programme for 2023/24 be approved.

35. EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and :-

RESOLVED - That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 10 on

the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

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

It was moved, seconded, and **RESOLVED** that the Risk Based Verification Policy, as set out in the Appendix to report B.1, be approved.

The meeting was declared closed at 12.10 pm

Chairman

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON TUESDAY, 18TH APRIL, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Chapman BEM and Fowler
Also Present:	Councillor Bray (Portfolio Holder for Planning)
In Attendance:	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer) and Emma Haward (Leadership Support Assistant)
Also in Attendance:	Keith Simmons (Head of Democratic Services & Elections)

33. CHAIRMAN'S OPENING REMARKS

“Good evening to my fellow Members, Officers and members of the public. This is the 16th and final meeting of the PP&LPC for this Council term. We have before us four more CA Character Appraisals and Management Plans. It is unfortunate that the remaining three (out of the overall total of 20) will have to wait until the next Council term. I always like to leave a clean slate for my successors.

In the last four years we have read 4,201 pages of agendas, taken our Draft District Plan in two parts through the Full Council twice, achieving unanimity across six different political groupings on all occasions and come out of all of this smelling of roses. We have a Local Plan to be proud of. It is holding up under close scrutiny from the Planning Inspectorate and very few Appeals are allowed. This is something this Committee can be immensely proud of. I thank all present and past Committee Members.

Of course, none of this would have been achieved if we had not had Mr. Guiver, our Director (Planning) and his very able team guiding, debating and suggesting to us the best policies for this Council. Helping Mr Guiver and his Team and this Committee to be legally compliant and follow due process has been our Deputy Chief Executive, Mrs Hastings, and Mr. Ford, who has faithfully minuted our wise words and recommendations! I thank you all. Four years well spent.

Not everything is sweetness and light though. The Local Plan is, as it states, the plan by which to judge the 2,300+ applications the Authority receives each year and make decisions thereupon. I only read the applications and decisions for the Town Council area of Frinton & Walton. Having spoken with the Portfolio Holder for Planning (Councillor Jeff Bray), his concerns District wide are similar to mine. I have raised these concerns with Mr. Guiver. The Local Plan is, or appears to be, not fully understood and interpreted as Members would and have been led to believe it should be. I have come across decisions made that I do not understand or comprehend. This applies to both the Planning Committee and the weekly decision list. As this is our last meeting of this Council term and all we do is advise the Planning Portfolio Holder, I thought it best to raise my concerns and any further concerns this Committee may have, ready for the next Council.”

Members of the Committee raised the importance of preserving the views and setting of ancient and scheduled monuments and other buildings of historic importance in the District's Conservation Areas.

At the invitation of the Chairman, the Planning Portfolio Holder (Councillor Bray) responded to the points made and agreed to take them on board and to progress them with the Director (Planning).

34. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bush, Chittock and Winfield.

Councillor Bush had been unable to attend the meeting as it coincided with the annual meeting of Great Oakley Parish Council and as Vice-Chairman of the Parish Council he was obligated to attend.

Councillor Chittock had been unable to attend due to a family funeral.

Councillor Winfield had been unable to attend due to the illness of a close family member.

35. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on Monday 23 January 2023 be approved as a correct record and signed by the Chairman.

The Chairman reminded Members that the Tendring Colchester Borders Garden Community Joint Committee had agreed that the Development Plan Document for the Garden Community should go out to consultation. This had now been ratified by both TDC's and Colchester City Council's respective Full Councils and would now go out for a second public consultation. All responses to that consultation would be considered alongside the DPD at an Examination-in-Public, which was expected to be held in mid-Autumn 2023.

The Chairman and the Director (Planning) updated the Committee on the further practical and pragmatic discussions held with senior Officers of the Environment Agency (EA) in order to clarify the EA's current stance on the emerging Jaywick Sands Place Plan.

36. DECLARATIONS OF INTEREST

In relation to Agenda Item 6, report A.1 – Conservation Area Character Appraisal and Management Plans for Great Clacton, Lawford, Bradfield and Ramsey, Councillor Fairley declared for the public record that she was the Ward Member for Bradfield and Ramsey.

37. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

38. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question regarding the matters contained in the report of the Director (Planning).

No member of the public attended the meeting to make a statement on the matters contained in the report of the Director (Planning).

39. REPORT OF THE DIRECTOR (PLANNING) - A.1 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS FOR GREAT CLACTON, LAWFORD, BRADFIELD AND RAMSEY

The Committee considered a comprehensive report of the Director (Planning) (A.1) which reported to it the Bradfield, Great Clacton, Lawford and Ramsey Conservation Area Appraisals and Management Plans prepared for the Council by Essex Place Services, and requested that the Committee agreed a recommendation to Cabinet that they be published for consultation purposes.

Alterations to Boundaries**Great Clacton**

To the south of the churchyard and east of the twentieth century vicarage, mid-twentieth century housing had been augmented with a new development of further bungalows at the northern end of Nightingale Way, on previously undeveloped land. Those were characterful in design and had been carefully detailed but were not of sufficient architectural quality to merit inclusion in the Conservation Area. It was also proposed to omit an area of unkempt scrubland directly fronting Valley Road and a tarmacked area behind this surrounding the Army Cadets' building located off Valley Road. The map on page 4 of the Appraisal showed the proposed amended Conservation Area boundary.

Lawford

The proposed addition to the Conservation Area included the Ogilvie Hall and early twentieth century social housing with some later infill development.

The boundary of the Conservation Area would be expanded eastwards along Wignall Street to include Nos. 11-16 Wignall Street on the southern side of the road. Together those buildings formed a pleasing and uniform group on the approach to the historic core of Lawford. The buildings were of special historic interest and some architectural interest as they represented a period of time when social housing had been expanded in response to the post First World War national housing crisis.

The boundary change would also include the 1909 Ogilvie Hall, which was in the 'Arts and Crafts' style and played a prominent role in the approach to the historic core of Lawford.

Bradfield

It was proposed to revise the boundary to remove Old Hall House, Harwich Road, from the Conservation Area [Figure 4]. Built since the previous appraisal, Old Hall House [Figure 3] was not considered to reflect the prevailing character of the Conservation Area due to its construction date, massing, and appearance.

Minor alterations were also proposed to the northern edge of the Conservation Area's boundary to remove an outbuilding associated with Greenacres (a modern dwelling which was not within the Conservation Area boundary) on Station Road from within the Conservation Area. Other minor amendments were proposed to rationalise the Conservation Area boundary against existing plot boundaries. Those were depicted on the map on the following page.

Ramsey

The modern properties in Windmill Close had been excluded. The west boundary of the designation had been moved to the lane adjacent to White House Farm. Windmill Close, and the properties within it, were not considered to contribute to special interest nor did they form part of the historic settlement.

A large portion of the Conservation Area had been removed to the south of the village. This area held no architectural or historic interest in its own right and was better considered as part of the settlement's setting.

Three modern properties at the east of the Conservation Area had been removed from the designation.

The junction of The Street, Main Road and Wrabness Road had been added. This confluence of roads, and the triangular junction, had been in place since at least the mid-nineteenth century and formed the gateway to this part of the Conservation Area. Marsh View and Revans had also been incorporated into the extension of the designation here. Whilst altered, the buildings formed part of the historic building stock and termination of the former village envelope. Revans was also formerly the village store and one of the commercial buildings located on this road junction.

Other minor changes to the boundary had resulted from a tightening of the designation to take account of property boundaries, which made for more practical management of the designation.

Designated Heritage Assets

The Appraisals made note of the listed buildings, scheduled monuments and registered parks and gardens in each Conservation Area.

Proposed Non-designated heritage assets

Members noted that each of the Conservation Area Appraisals proposed a number of buildings to be considered on the Council's Local List.

Those buildings had been identified as they were either considered to be good examples of their type or architectural style, were prominent local landmarks, demonstrated use of local materials or design features, or were connected to local historical events, activities or people, and were all relatively complete in their survival.

At Great Clacton

- 11 North Road
- 17 North Road (The Great Clacton Surgery)
- 9 StJohn's Road (Foxes Garden and Furniture Shop)
- 397 and 399 Old Road (Vacant shop and Liberal Democrats office)
- 395 Old Road
- Former Public Convenience (Old Road, adjacent to The Ship public house)
- 406 and 404 Old Road
- Old Mill Cottage, 402 Old Road
- Eaglehurst, 6 Valley Road
- Great Clacton Methodist Church and adjacent semi-detached cottages on Valley Road
- 17 Valley Road • Sudbury House, Nightingale Way (outside of the Conservation Area boundary)

At Lawford

- Hall Farm
- Ogilvie Hall
- The Old School, Church Hill
- Woodman, Church Hill
- Almshouses
- 11-16 Wignall Street
- The Old Laundry

At Bradfield

- Bradfield Place
- Strangers' Home
- The Church of St Lawrence - Lychgate

At Ramsey

- The Castle Public House;
- 12-14 The Street (excluding Owl Cottage which was Grade II Listed);
- 18 The Street (The Gables);
- 24-27 The Street;
- The former Methodist Chapel;
- Old Mill Cottage;
- 28-29 The Street (The Old Ramsey Cash Stores);
- The Windmill House; and
- Swan House.

Heritage at Risk

There were no buildings or features in the Great Clacton Conservation Area, which were on Historic England's Heritage at Risk Register. However, the Grade II listed 383 Old Road appeared to have been unoccupied for several years and was in a neglected state, thus this building could be considered at risk. Grade II listed Great Clacton Hall

also appeared to be unoccupied following the closure of the Abbey Care Home formerly on those premises, though it appeared to be in a reasonable state of external repair.

At the time of writing in 2023, no buildings within the Lawford or Bradfield Conservation Areas featured on the national list of Heritage at Risk published by Historic England.

There were no buildings or features in the Ramsey Conservation Area, which were on Historic England's Heritage at Risk Register. However, Grade II* listed Ramsey Windmill appeared to have been unoccupied for several years and this building could be considered at risk. Given the condition of the Conservation Area, and the issues identified, this appraisal recommended the inclusion of Ramsey Conservation Area on Historic England's Heritage at Risk Register.

Archaeology

Throughout these Conservation Areas, there was the potential for a multitude of below-ground heritage assets yet to be discovered. In general, the appraisals promoted a cautious approach to development, which might disturb or destroy those assets.

Assessment of significance

A detailed assessment of significance of each of the Conservation Areas had considered the following features:

- Layout
- Building materials and boundary treatments
- Listed buildings and non-designated heritage assets.
- Other buildings
- Landscaping and open spaces
- Views

Opportunities for Enhancement

- *At Great Clacton, due to its location, there were issues with traffic through the Conservation area;*
- *All of the Conservation Areas would benefit from interpretation of the historic features in the area;*
- *At Great Clacton there were a number of vacant buildings in the Conservation area;*
- *All areas suffered from loss of architectural detailing;*
- *Great Clacton and Lawford also had street furniture that required attention plus inappropriate signage;*
- *Road surfacing was of poor quality particularly in Great Clacton;*
- *At Great Clacton and Bradfield there were areas of poorly kept public open space;*
and
- *All of the Conservation Areas suffered from inappropriate modern development*

Management Proposals

- *Production of a list of local non-designated heritage assets;*
- *The Council using Article 4 Directions and its enforcement powers within all Conservation Areas;*

- *Production of heritage guidance leaflets for residents and business owners;*
- *The Council should work closely with the Highways Authority to address street clutter and signage in Great Clacton and Lawford Conservation Areas; and*
- *Bradfield would benefit from heritage interpretation within the Conservation Area.*

Funding Opportunities

- Heritage lottery fund
- S106 Agreements
- Partnership Schemes in Conservation Areas

During the consideration of this item, the Chairman requested that the following matters, be reviewed by Officers, for inclusion on an agenda for a future meeting of this Committee:-

- (1) whether Tendring District Council should cease its policy of not imposing Tree Preservation Orders on Essex County Council owned land in the light of a recent possible case of harm caused by highways works to a tree planted in 1910 at Kirby Cross;
- (2) the conservation and repair of surviving historic fenestration in Conservation Areas in the light of the energy conservation needs of households; and
- (3) the prevention of the dilution of positive buildings amongst those which are neutral thereby leading to an underwhelming and indistinctive overall character. There was a need to avoid the quality of design being 'averaged down' by the neutral and negative elements of the built environment.

At the invitation of the Chairman, the Planning Portfolio Holder (Councillor Bray) addressed the Committee on the subject matter of this item.

It was moved by Councillor Allen, seconded by Councillor Chapman BEM, and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee:

- a) endorses the new Conservation Area Appraisals and Management Plans for Great Clacton (Appendix 1 to item A.1 of the Report of the Director (Planning)), Lawford (Appendix 2 thereto), Bradfield (Appendix 3 thereto) and Ramsey (Appendix 4 thereto) Conservation Areas;
- b) recommends to Cabinet that the above documents forming Appendices 1, 2, 3 and 4 be published for consultation with the public and other interested parties; and
- c) notes that Conservation Area Appraisals and Management Plans for the District's three remaining Conservation Areas will be brought before the Committee in due course.

40. CHAIRMAN'S CLOSING REMARKS

"I would like to thank both the Chairman of the Planning Committee (Councillor White) and the Portfolio Holder for Planning (Councillor Bray) for their interest and their regular

attendance at our musings. It has made for better decision making and more open debate.

Thank you to Mr Guiver and your team. It has been a long and hard row we have harrowed, but it has born excellent fruit.

As to the future, this Committee has the last three Conservation Area appraisals to comment on i.e. Ardleigh, Great Holland and Tendring. It will be starting to work upon the five-year review of the Local Plan. It will also have many Parish Council Neighbourhood Plans to review and, most importantly, the 'Local Listings'.

Thank you all once again and may I wish all Members who are putting themselves forward at the Elections fair wind and a successful passage."

With the permission of the Chairman, Councillor Fairley asked for, and received from the Director (Planning) an update on the current position with regard to the Council's response to the public consultations on the following matters:-

- (a) Five Estuaries;
- (b) North Falls; and
- (c) East Anglia Green.

The meeting was declared closed at 7.24 pm

Chairman

Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Carlo Guglielmi in relation to Mistley Norman Primary School

“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."

Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Richard Everett in relation to the North Falls Project Transport Proposals

“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.”

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COUNCIL IS REQUESTED to further consider and make a decision on the following motion which was moved by Councillor Steady and seconded by Councillor Chapman BEM at the meeting of the Council held on 2 March 2023 and which was 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 duly considered Councillor Steady’s motion at its meeting held on 23 June 2023.

The relevant Cabinet Minute is set out below and the related report that was submitted to the meeting of the Cabinet follows on in the agenda document pack.

EXTRACT FROM THE MINUTES OF THE FORMAL MEETING OF THE CABINET HELD ON 23 JUNE 2023

Cabinet

23 June 2023

145. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - MOTION TO COUNCIL: RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

Members considered a motion by Councillor Graham Steady that had been submitted to the Full Council meeting held on 2 March 2023, proposing that future capital receipts from the disposal of surplus land be reinvested in the respective town or parish where the land was located.

At that Council meeting Councillor Steady had presented reasons for discussing the motion on the night, highlighting the timing, the ongoing land disposal in Brightlingsea, potential funding opportunities, and the ability to deliver projects more efficiently. Councillor Chapman BEM had seconded the motion, emphasizing the experience of present Members and the collaboration between councils. However, the then Leader of the Council, former Councillor Stock OBE, had argued that the motion should be referred to the Cabinet, citing concerns about distribution of resources and the motion's limited impact. The Chairman of the Council had then ruled in favour of referral to the Cabinet, considering it an Executive function. Councillor Steady and Councillor Chapman BEM had then explained the purpose of the motion, focusing on fiscal devolution, local project completion, collaboration, and preventing funds from being centralized.

Under the Council Procedure Rules, Councillor Steady was granted the opportunity to answer questions and provide clarification at the Cabinet meeting, with a right of reply to the subsequent debate.

Cabinet was informed that Asset Management was an executive function delegated to the Cabinet collectively and, depending on the decision required, to the Portfolio Holder for Assets, as stated in Schedule 3 of Part 3 of the Council's Constitution. The Executive's overall responsibility, in accordance with the Council's Budget and Policy framework, was to carry out all functions of the Council, including "local choice functions," except for those functions that were excluded by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation.

The Council's Property Dealing Procedure was outlined in Part 5 of the Constitution, which had been previously approved by the Full Council.

The Principles of Decision Making, as detailed in Article 13 of the Constitution, were followed for all decisions:

- (a) Proportionality, ensuring that the action was appropriate for the desired outcome.
- (b) Consideration of all relevant factors and options, including consultation results and professional advice from Officers.
- (c) Respect for human rights, equality, and diversity.
- (d) A presumption in favor of openness.
- (e) Clarity regarding aims and desired outcomes.
- (f) Transparency, including an explanation of considered options and the reasons for the decision.

Having duly considered the contents of the submitted documentation and to comply with the Council's Constitution (Council Procedure Rule 12):-

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

RESOLVED 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.

CABINET

23 JUNE 2023

REFERENCE FROM COUNCIL

A.1 MOTION TO COUNCIL: RING-FENCING OF CAPITAL RECEIPTS ARISING FROM THE DISPOSAL OF SURPLUS LAND

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Cabinet a motion submitted at the meeting of the Council held on 2 March 2023.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Graham Steady to the meeting of the Council held on 2 March 2023 relating to the use of capital receipts arising from the disposal of Council owned land and which was referred to the Cabinet by the Chairman of the Council for further consideration, in accordance with the provisions of the then Council Procedure Rules 12.4 and 12.5.

Councillor Steady sought that any future capital receipts arising from the disposal of surplus land be ring-fenced for investing back into the town or parish it was located in, and in the case of Brightlingsea this would include the proceeds from the future disposal of land in Dover Road, Brightlingsea and also that the relevant Town / Parish Council be consulted on any such investment proposals.

Asset management and the use of capital receipts are executive functions.

Having discussed the Motion it will be for Cabinet to decide what action will be taken.

RECOMMENDATION(S)

That, following the explanation of the motion and in accordance with the current Council Procedure Rule 12.8, the Cabinet decides whether to recommend, or not, that the Council should support the motion in its original format.

REASON(S) FOR THE RECOMMENDATION(S)

To comply with the Council's Constitution (Council Procedure Rule 12).

ALTERNATIVE OPTIONS CONSIDERED

Prior to making its response the Cabinet may, following consultation with the relevant Officers, require further information to be presented to it for consideration on the implications of the proposed motion. Such a report must be considered by Cabinet in a timely manner.

Once the Cabinet has considered the Motion it will be sent back to Council with Cabinet's response.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In respect of the Corporate Plan 2020/24 Priority Themes the decision will contribute to:

- Strong Finances and Governance (and specifically using assets to support priorities).

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Asset Management is an executive function that is delegated which sits with Cabinet collectively and, individually, to the Portfolio Holder for Assets (depending on the nature of the decision required) in Schedule 3 of Part 3 of the Council's Constitution. The overall function of the Council's Executive is the discharge, in accordance with the Council's Budget and Policy framework, of all functions of the Council (including "local choice functions") except those functions which cannot by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and other legislation, be the responsibility of the Executive.

The Council's Property Dealing Procedure is contained within Part 5 of the Constitution, approved by Full Council.

Article 13 of the Constitution sets out the Principles of Decision Making to be followed for all decisions:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and professional advice of Officers;
- (c) Respect for human rights, and equality and diversity;
- (d) A presumption in favour of openness;
- (e) Clarity if aims and desired outcomes; and
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).

The Council would need to consider the full implications of the decision, if it was minded to support the motion and further research and advice would be necessary before an informed decision could be made.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Not applicable.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council's decision making:

- A) *Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
 B) *Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
 C) *Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.*

As such, set out in this section the relevant facts for the proposal set out in this report.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Not Applicable in this instance.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Nothing in addition to those matters already set out in the report.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Not Applicable in this instance.

MILESTONES AND DELIVERY

Not Applicable in this instance.

ASSOCIATED RISKS AND MITIGATION

Not Applicable in this instance.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Not Applicable in this instance.

EQUALITIES

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, sexual orientation.

Not Applicable in this instance.

SOCIAL VALUE CONSIDERATIONS

There are no social value considerations relevant to this report having regard to the Public Services (Social Value) Act 2012.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There is no impact on the Council's aim for its activities to be carbon neutral by 2030 including the actions, policies and milestones in its Climate Change Action Plan.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Set out what consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are then set out below.

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder

None

Health Inequalities

None

Area or Ward affected

Most of the Wards in the District

PART 3 – SUPPORTING INFORMATION

ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM)'S ASSESSMENT AND ADVICE

Following a motion put to the full Council in November 2020 by Councillor Placey the Cabinet requested a review of Council owned assets that could be used for the construction of new Council homes or used or released in return for capital receipts in order to support Council priorities.

As part of that exercise a total of 69 sites were identified, with three already pending action after earlier decisions.

A report for Cabinet consideration was prepared identifying the sites and inviting determination of in respect of which of them to commence the property dealing procedure. Three previously identified sites were identified for priority disposal action, two of the then identified sites were identified for action.

On 15 July 2022 Cabinet agreed the identified priority actions and decided to progress with the property dealing procedure in relation to all of the identified sites.

Officers have begun to progress the identified priority actions, as resources permit, but no detailed assessment of any of the other sites has yet been undertaken.

On 04 November 2022 Cabinet considered a report outlining the Council's financial outlook including a number of housing and property investment requirements that could not be funded.

It is likely that looking forward it will be increasingly necessary to practice asset management in order to deliver property and other obligations and aspirations.

Section 123 of the Local Government Act 1972 provides that any proposal for disposal of open space must be advertised in the local press and representations taken into account. Any planning application will necessitate statutory and neighbour consultation and due consideration to any responses. Both of these would happen at a later stage in the property dealing process. Cabinet may wish to note the petition, thank the petitioner and request that these views and others are taken into account as the property dealing procedure unfolds, subject to available resources.

Portfolio Holder's Comment:

"These 69 sites have been identified as part of a process to review potential development or other options throughout the District. They should not be considered in isolation or outside of that process. No decision has been taken to build on or dispose of any land. This process was begun following questions raised at the full Council and has consumed considerable time and effort to get to this stage. Given the Council's financial position and aspirations for housing and public space improvement the Authority must look towards careful use and rationalisation of its properties in order to reduce costs, avoid clinging to unproductive space and facilitate investment in services and facilities.

I recommend that Cabinet informs Full Council that the Motion should be not supported."

BACKGROUND

Councillor Graham Steady, pursuant to the Council Procedure Rule 12 then in place, submitted the following motion to the meeting of the Full Council held on 2 March 2023:-

"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."

At that Council meeting, Councillor Steady had formally moved the motion and Councillor Chapman BEM had formally seconded the motion.

Councillor Steady had then given his reasons why he felt that it would be appropriate for the motion to be dealt with at that meeting, namely that:-

- *the Council was coming to the end of its current four year cycle;*
- *the process of land disposal had already begun in Brightlingsea. Early link ups to policy had already been announced;*
- *there were opportunities in the pipeline to raise match funding for joint schemes between Brightlingsea Town Council (BTC) and Tendring District Council (TDC). BTC working with TDC Officers could reduce housing waiting lists. Therefore, dealing with the motion at this meeting would 'tidy things up' and create a platform for the new post-election Executive to build on and reduce the timescale for the delivery of schemes; and*

- *the extra funding from land disposals could fund a significant number of extra small schemes right across the District in every town and parish council area.*

Councillor Chapman BEM had then given her reasons why she felt that it would be appropriate for the motion to be dealt with at the Council meeting, namely that:-

- *now would be a better time to debate this motion as the present Members had the experience and knowledge gained from previous discussions of land disposals. Following the election there could be a significant number of new Councillors who might not fully understand the argument being made on this matter; and*
- *this would be an ideal time to demonstrate to residents that two Councils can work together to build out projects.*

The then Leader of the Council (former Councillor Stock OBE) had then responded and had put forward reasons why it would be more appropriate for the motion to stand referred to the Cabinet. Those had included:-

- *pointing out that, in his opinion, the current wording of the Motion meant that places in the District with a large number of Council owned assets would benefit at the expense of those without;*
- *the disposal of assets was an Executive function, as acknowledged in the motion itself, so this motion really had to go before the Cabinet in order for it to form a recommendation and return the motion to Full Council at a later date. No land would be sold off in the interim so there was nothing to fear on that score;*
- *pointing out that, in his opinion, even if the motion was considered and then unanimously approved at that the Council meeting it would have 'zero effect'. He had felt that it was a pointless exercise as it could not change what Cabinet could or could not do.*

Having consulted both the Council's Monitoring Officer and the Section 151 Officer, the then Chairman of the Council (Councillor Harris) had then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He had decided that the motion would stand referred to the Cabinet on the grounds that the motion clearly concerned an Executive function.

Councillor Steady had then explained the purpose of the Motion in accordance with the provisions of the then Council Procedure Rule 12.4.2. That explanation had included:-

- *that the motion aimed to build on previous successes in Brightlingsea and to bring about a meaningful, fiscal devolution from TDC to BTC as a pre-cursor to fiscal devolution from central Government to local Government;*
- *it would enable TDC to get 'ahead of the game' and enable the flexibility required to deliver these schemes;*
- *adapting such an ethos would challenge everything and provide a different way of delivering services and facilities similar to the land swap at Vista Road, Clacton-on-Sea which had been an integral part of the refurbishment of the Clacton Leisure Centre's new all-weather football pitch funded by the Football Foundation and a contribution from Essex County Council; and*
- *that this was a wonderful opportunity to 'dare to be different'.*

Councillor Chapman BEM had then further explained the purpose of the Motion in accordance with the provisions of the then Council Procedure Rule 12.4.2. That explanation had included:-

- many parish/town councils had small projects that were waiting to be progressed or completed – this would be a good way of achieving positive outcomes;
- it would demonstrate how parish/town councils and district/borough councils could work together within guidelines – it could enable match funding opportunities to complete such projects for the benefit and pacification of local communities; and
- there was a worry that the money raised from land disposals would go into a central pot and ‘disappear’.

Pursuant to the current Council Procedure Rule 12.10, as the purpose of the motion has already been explained at the full Council meeting, Councillor Steady (or another Member nominated by him) will not have any automatic right to speak at this Cabinet meeting though he will be permitted to answer questions and/or provide clarification, if requested to do so by the Leader of the Council, as the Chairman of the Cabinet meeting. Councillor Steady will also have a right of reply (of no more than three minutes duration) to respond to the debate at the Cabinet meeting on his motion.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Cabinet Meeting on 15 July 2022 - Minute 40 - Cabinet Members’ Items – Report of the Corporate Finance & Governance Portfolio Holder – A.5 – Initiation of the Property Dealing Procedure in order to explore the Development Potential of various areas of Council Land

“RESOLVED that Cabinet -

- (a) agrees to initiate the Property Dealing Procedure in respect of each of the areas identified in Appendix A to the Portfolio Holder’s report;
- (b) agrees that priority action be taken in relation to bringing forward proposals for further decision in relation to the potential development of the sites at Fernlea Road, Harwich and Seaview Close, Little Oakley, as contained in the appendix and subject to the Council’s Corporate Priority actions;
- (c) determines a prioritised list of the other sites, having regard to:
 - i) the likely ease or otherwise of completing disposal actions with limited resources;
 - ii) the identified need for social housing provision in the area;
 - iii) the number of potential dwellings identified;
 - iv) the potential level of capital contribution to other priorities;

all to be subject to further decision in relation to the allocation of resources required; and
- (d) requests that Officers bring forward processes and ultimately reports for further decision in respect of the freehold disposal of sites at Crome Road Clacton-on-Sea, Dover Road, Brightlingsea and Burrows Close, Clacton-on-Sea.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Report of the Corporate Finance & Governance Portfolio Holder (A.5) – Initiation of the Property Dealing Procedure in order to explore the Development Potential of various areas of Council Land – submitted to Cabinet on 15 July 2022.

Published Minutes of the Cabinet meeting held on 15 July 2022.

Published Minutes of the Full Council meeting held on 2 March 2023.

APPENDICES

None

REPORT CONTACT OFFICER(S)

Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	iford@tendringdc.gov.uk (01255) 686584

COUNCIL

11 JULY 2023

REPORT OF CHIEF EXECUTIVE

A.4 **CHANGES IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Conservative Group, the Leader of the Tending Independents Group and the authority delegated to me, the following appointments have been duly made since the annual meeting of the Council, namely:-

Community Leadership Overview & Scrutiny Committee

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

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

Human Resources & Council Tax Committee

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

Licensing & Registration Committee

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

Resources and Services Overview & Scrutiny Committee

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

Standards Committee

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

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

11 JULY 2023

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

A.4 CHANGES IN MEMBERSHIP OF COMMITTEES

Formal appointments dated 30 and 31 May and 22 June 2023.

LAYOUT FOR MEETING OF THE COUNCIL - PRINCES THEATRE (JULY 2023 MEETING)

(Chairman
Vice Chairman
Chief Executive
Deputy Chief Executive &
Monitoring Officer)



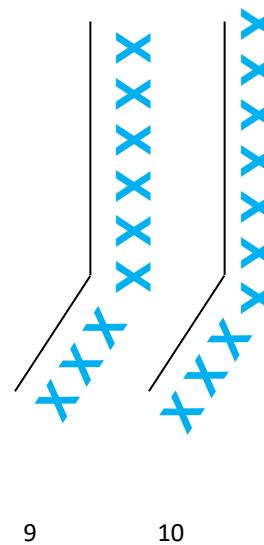
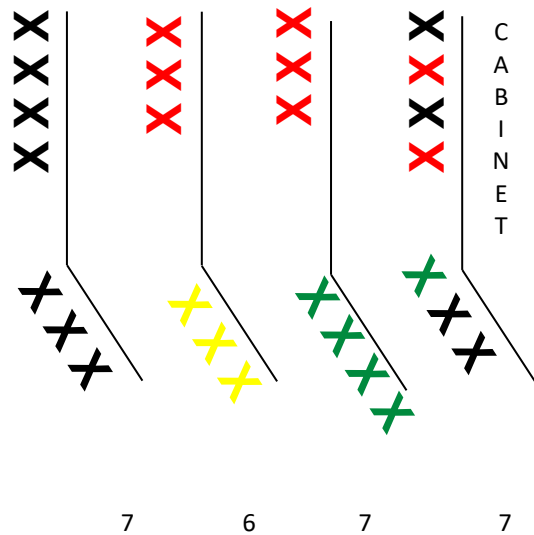
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Committee Services Staff

KEY

- X (Blue) = Conservatives
- X (Black) = Tending Independents
- X (Green) = Independent
- X (Red) = Labour
- X (Yellow) = Liberal Democrats
- X (Purple) = Chairman and Vice-Chairman
- X (Lime) = Officers

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SEATING FOR PUBLIC

Agenda Item 18

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QUESTIONS PURSUANT TO COUNCIL PROCEDURE 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Chris Griffiths to Councillor Gina Placey, Portfolio Holder for Partnerships:

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

NOTE: Councillor Griffiths’ question refers to proposed upgrades to the Council’s existing CCTV cameras and 29 new CCTV cameras for Clacton Town Centre, along with an improved Control Centre and increased monitoring.

Question Two

From Councillor Paul Honeywood to Councillor Mick Barry, Portfolio Holder for Leisure & Public Realm:

“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?”

NOTE: Councillor Honeywood’s question refers to litter and the provision of waste bins on Clacton seafront and its beaches.

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