

Public Document Pack

TENDRING DISTRICT COUNCIL

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

22 April 2024

Dear Councillor

I HEREBY SUMMON YOU to attend the annual meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 30 April 2024 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 Annual Meeting to be held on Tuesday, 30 April 2024

Prayers

1 Apologies for Absence

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

2 Retiring Chairman's Announcements

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

3 Election of the Chairman of the Council for the 2024/2025 Municipal Year

Pursuant to the provisions of Sections 3 and 4 of the Local Government Act 1972, the Council will elect its Chairman for the 2024/2025 Municipal Year.

4 Appointment of the Vice-Chairman of the Council for the 2024/2025 Municipal Year

Pursuant to the provisions of Section 5 of the Local Government Act 1972, the Council will appoint its Vice-Chairman for the 2024/2025 Municipal Year.

5 Announcements by the Chairman of the Council

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

6 Announcements by the Chief Executive

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

7 Size of membership of Committees et cetera

Council will formally note 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)

NOTE: With the exception of the Town and Parish Councils Standards Sub-Committee, the membership of the above Committees and Sub-Committees are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

8 **Report of the Chief Executive - A.1 - Allocation of seats on Committees and Sub-Committees to the Political Groups formed on Tendring District Council and the Appointment of the Membership of Committees et cetera for the 2024/2025 Municipal Year (Pages 7 - 16)**

Following a meeting of Group Leaders held to discuss and decide the matter, Council is requested to approve the allocation to the political groups formed on Tendring District Council of seats on those bodies that are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

In accordance with the wishes expressed by Group Leaders, Council will also appoint Members to serve on those bodies that are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

9 **Appointment of the Town and Parish Councils Standards Sub-Committee for the 2024/2025 Municipal Year**

Council will note that the appointment of Members to serve on the Town and Parish Councils Standards Sub-Committee will take place at the next meeting of the Standards Committee.

NOTE: The Town and Parish Councils Standards Sub-Committee's membership **must** be chosen from the membership of the Standards Committee.

10 **Election of Chairmen and Vice-Chairmen of Committees et cetera for the 2024/2025 Municipal Year**

With the exception of the Town and Parish Councils Standards Sub-Committee, Council will formally elect the Chairmen and Vice-Chairmen of the bodies listed under Agenda Item 7 above.

NOTE: Article 6.02(ii) of the Council's Constitution states, inter alia, that the elected Chairman and Vice-Chairman of the Resources and Services Overview & Scrutiny Committee must be Members appointed to that Committee who, normally, are also members of a Political Group that is unrepresented on the Council's Cabinet.

11 Report of the Monitoring Officer - A.2 - The Council's Constitution (Pages 17 - 18)

In accordance with Council Procedure Rule 1.1 (xi), to formally reaffirm the Council's current Constitution.

12 Reference from Cabinet - A.3 - Timetable of Meetings: 2024/2025 Municipal Year (Pages 19 - 26)

Council will consider the proposed timetable of meetings for the 2024/25 Municipal Year.

13 Report of the Assistant Director (Governance) & Monitoring Officer - A.4 - Independent Remuneration Panel and Independent Persons' Recruitment (Pages 27 - 32)

Council will consider the recommendation submitted to it by the Standards Committee in relation to the Independent Remuneration Panel's and Independent Persons' term of office, exploring alternative options and future recruitment.

14 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 will 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.

NOTE: Two of the Members appointed must be the Leader of the Council and the Deputy Leader of the Council. Up to two further names can be put forward to Council by the Leader of the Council and/or by other Group Leaders.

Date of the Next Scheduled Meeting of the Council

Tuesday, 21 May 2024 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.

Filming by the Council

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to four years (the Council retains three full years of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

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ANNUAL MEETING OF THE COUNCIL

30 APRIL 2024

REPORT OF CHIEF EXECUTIVE

A.1 ALLOCATION OF SEATS ON COMMITTEES ET CETERA TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL AND APPOINTMENT OF THE MEMBERSHIPS OF COMMITTEES ET CETERA

Members will be aware that, as part of the ordinary business that needs to be conducted at the Annual Meeting of the Council, and as set out in Council Procedure Rule 1.2, Council will:-

- (i) Appoint the Committees and Sub-Committees it considers appropriate for the municipal year;
- (ii) Decide the size and the terms of reference and delegated powers for any new Committees and Sub-Committees;
- (iii) Decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and
- (iv) Appoint Members to each Committee and Sub-Committee and the Chairman and Vice-Chairman of each Committee and Sub-Committee as appropriate.

Council, is invited, with the assistance of this report, to formally conduct the review referred to in (iii) above and to appoint Members to Committees et cetera in accordance with (i) and (iv) above.

For the purposes of the review, the representation of the political groups on the Council as a whole is as follows:

Table 1

Political Group	Number of Members on the Council as a whole	Percentage of the total Council Membership
Conservative	15	31.25%
Independents	5	10.42%
Labour	7	14.58%
Liberal Democrats	4	8.33%
Tendring Independents	12	25.00%
Tendring Residents' Alliance	3	6.25%
TOTAL	46	

There are two Members of the Council (Councillors Casey and Turner) who are not members of any political group.

The percentage figures in the third column of the table above have been used for the determination of the allocation of seats on Committees/Sub-Committees, so far as reasonably practicable, must **give effect to the following principles:**

- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

- (c) subject to (a) and (b), that the **total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority**; and
- (d) subject to (a) and (c), that **the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority**.

In (c) and (d) of the above principles there is highlighting to emphasise the elements that apply to this Council's circumstances at this point in time.

Taking principle (c) first -

The relevant Committees and Sub-Committees of the Council that the determination of the allocation of seats applies to, taken together, they amount to 70 places.

For the avoidance of doubt the Cabinet and the Premises/Personal Licences Sub-Committee are excluded from the political proportionality requirements that this report concerns. In addition, the Tendring/Colchester Borders Garden Community Joint Committee and the Town & Parish Councils Standards Sub-Committee have not formed part of this calculation for the purposes of the review and determination to be undertaken. This is on the basis that the Council has previously determined that they are to be excluded. Recommendation (a) below seeks confirmation of this position.

Table 2 – sets out the effect of Principle (c) above

Political Group	Percentage of the total Council Membership	Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)	Rounded Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)
Conservative	31.25%	21.87	22
Independents	10.42%	7.29	7
Labour	14.58%	10.21	10
Liberal Democrats	8.33%	5.83	6
Tendring Independents	25.00%	17.50	18
Tendring Residents' Alliance	6.24%	4.37	4

The above rounded position (last column) adds up to 67 places whereas there are 70 places on the relevant Committees/Sub-Committees. As a consequence, there are three unallocated places.

Council is therefore invited, in accordance with principle (c) above, to determine the allocation of seats on the relevant Committees and Sub-Committees in accordance with Table 2 above.

Turning now to principle (d) above, the following allocation would apply:

Table 3

Political Group	Percentage of the total Council Membership	Number of places per Political Group to accord with the Percentage shown (<i>rounded figures shown together with figures to two decimal places for reference</i>)			
		For 'Committee' a	For 'Committee' a	For 'Committee' a	For 'Committee' a

		with 5 Members	with 7 Members	with 9 Members	with 10 Members
Conservative	31.25%	2 (1.56)	2 (2.19)	3 (2.81)	3 (3.13)
Independents	10.42%	1 (0.52)	1 (0.72)	1 (0.94)	1 (1.04)
Labour	14.58%	1 (0.73)	1 (1.02)	1 (1.31)	1 (1.46)
Liberal Democrats	8.33%	0 (0.42)	1 (0.58)	1 (0.75)	1 (0.83)
Tendring Independents	25.00%	1 (1.25)	2 (1.75)	2 (2.25)	3 (2.50)
Tendring Residents' Alliance	6.25%	0 (0.31)	0 (0.44)	1 (0.56)	1 (0.63)

Using the above the allocation to 'Committees' is as follows (in Table 4):

Table 4

Political Group	5 Members - Audit Committee and Miscellaneous Licensing Sub-Committee	7 Members - Human Resources & Council Tax and Standards Committees	9 Members - Planning, Planning Policy & Local Plan, Resources and Services O&S and Community Leadership O&S Committees	10 Members - Licensing & Registration Committee	TOTAL across all these 'Committees'
Conservative	2	2	3	3	23
Independents	1	1	1	1	9
Labour	1	1	1	1	9
Liberal Democrats	0	1	1	1	7
Tendring Independents	1	2	2	3	17
Tendring Residents' Alliance	0	0	1	1	5

As such, the above does not accord with principle (c) as follows:

Table 5

Political Group	From Table 2 - Rounded Number of places per Political Group to accord with the Percentage shown (from a total of 70 places)	From Table 4 - TOTAL across all the relevant 'Committees'	Excess (+)/ Deficit (-) of Places between the allocations on 'Committees' and the political proportion overall
Conservative	22	23	+1
Independents	7	9	+2
Labour	10	9	-1
Liberal Democrats	6	7	+1

Tending Independents	18	17	-1
Tending Residents' Alliance	4	5	+1

The above adjustments in the fourth column of Table 5 would preserve the three 'unallocated' places referred to earlier.

Table 6 below sets out the last allocation of committee et cetera seats to political groups i.e. as decided at the meeting of the Council held on 19 March 2024. Council's decision followed a meeting of the Group Leaders with the Chief Executive and other Officers held on 28 February 2024 when, in order to remove the excess/deficit position identified in Table 5 above, alternative allocations to the Committees were proposed by the Leaders of the relevant Political Groups.

Table 6

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

The effect of the above (i.e. Table 6) meant that one unallocated place was left on the **Community Leadership Overview & Scrutiny Committee, Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee**. At its meeting held on 19 March 2024 Full Council appointed Councillor Casey to serve on both the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee. The remaining seat on the Community Leadership Overview and Scrutiny Committee was left vacant at that time.

A meeting of the Group Leaders with the Chief Executive and the Committee Services Manager was held on 11 April 2024 in order to agree their wishes as to the allocation of Committee seats to political groups in readiness for the Annual Meeting of the Council. At that meeting on 11 April 2024, Group Leaders agreed their wish to keep the allocations to political groups the same as that agreed for the March 2024 Council meeting.

Council should be aware that the “trading” set out in Table 6 above does not conform with Section 15(5) of the Local Government & Housing Act 1989 [i.e. the aforementioned “Principles”]. However, the Council can, in accordance with the provisions of Section 17(1) of the Local Government & Housing Act 1989, approve such a “trade” as long as no member of the Council votes against it. If this was to occur, i.e. a member of the Council does vote against it, then:-

- (1) the Labour Group would revert to having one seat on the Licensing and Registration Committee (instead of two) and one seat on the Resources and Services Overview & Scrutiny Committee (instead of none); and
- (2) the Tendring Independents Group would revert to having three seats on the Licensing & Registration Committee (instead of two) and two seats on the Resources and Services Overview & Scrutiny Committee (instead of three).

The membership of the Committees et cetera now proposed by Group Leaders in the light of the above is set out at Appendix 1 to this report.

In the light of the above information:-

IT IS RECOMMENDED THAT:-

- (a) Council confirms that the political balance rules shall not be applied to the Tendring/Colchester Borders Garden Community Joint Committee and the Town & Parish Councils Standards Sub-Committee;

[Note: Recommendation (a) requests a nemine contradicente vote to be approved.]

- (b) Council approves the review of the allocation of places on relevant Committees, as set out in Table 2 above in so far as it sets out the total number of seats on all those Committees to be allocated to political groups represented on the Council, (principle (c) of the “Principles”);

- (c) Council approves, subject to the subsequent consideration of (d) below, the number of seats on each relevant Committee to be allocated to political groups such that, for each group, their proportion of seats on individual Committees is proportionate to their overall membership on the Council (principles (c) and (d) of the “Principles”):

Table 7

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents	Tendring Residents' Alliance
Audit Committee	5	2	1	1	0	1	0

Community Leadership O & S Committee	9	3	1	1	1	2	0
Human Resources & Council Tax Committee	7	2	1	2	0	2	0
Licensing & Registration Committee	10	3	0	1*	1	3*	1
Miscellaneous Licensing Sub-Committee	5	2	0	1	0	1	0
Planning Policy & Local Plan Committee	9	3	1	1	1	2	1
Planning Committee	9	2	1	1	1	3	1
Resources and Services O & S Committee	9	3	1	1*	1	2*	1
Standards Committee	7	2	1	1	1	2	0

(d) That the following changes to the allocations set out in Table 7 above be approved (the relevant allocations are shown ‘*’ in Table 7):

- (1) the Labour Group to have two seat on the Licensing and Registration Committee (instead of one) and no seat on the Resources and Services Overview & Scrutiny Committee (instead of one); and
- (2) the Tendring Independents Group to have two seats on the Licensing & Registration Committee (instead of three) and three seats on the Resources and Services Overview & Scrutiny Committee (instead of two).

[Note: Recommendation (d) requests a nemine contradicente vote to be approved.]

(e) Council endorses and approves, in so far as it reflects the earlier decisions on this matter, the appointment of Members to serve on the relevant Committees et cetera, as set out in Appendix 1 to this report;

(f) Council decides who should be appointed to the unallocated seats on the Community Leadership Overview & Scrutiny Committee, the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee.

IAN DAVIDSON
CHIEF EXECUTIVE

A.1 APPENDIX 1

MEMBERSHIP OF COMMITTEES/SUB-COMMITTEE (MAY 2024)

Committee		Conservative	Independent	Labour	Liberal Democrats	Tendring Independents	Tendring Residents' Alliance	Unallocated (subject to decision by Full Council)
Audit Committee	5	Fairley Platt 2	Steady 1	Morrison 1	0	Sudra 1	0	0
Community Leadership Overview & Scrutiny Committee	9	Ferguson Griffiths McWilliams 3	Steady 1	Davidson 1	Barrett 1	Doyle Oxley 2	0	1
Human Resources & Council Tax Committee	7	Amos Guglielmi 2	Chapman 1	Calver Morrison 2	0	Baker G Stephenson 2	0	0
Licensing & Registration Committee	10	Codling A Cossens Skeels 3	0	Davidson J Henderson 2	Wiggins 1	Smith Thompson 2	Bray 1	1

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Planning Policy & Local Plan Committee	9	M Cossens Fairley Guglielmi	3	Chapman	1	Fowler	1	Scott	1	Bush Newton	2	Bray	1	0
Planning Committee	9	Alexander McWilliams	2	White	1	Fowler	1	Wiggins	1	Goldman Smith Sudra	3	Everett	1	0
Resources and Services Overview & Scrutiny Committee	9	M Cossens P Honeywood S Honeywood	3	Steady	1		0	Bensilum	1	Doyle Newton Smith	3	Harris	1	0
Standards Committee	7	Ferguson Land	2	Talbot	1	J Henderson	1	Wiggins	1	Newton Oxley	2		0	0

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Miscellaneous Licensing Sub-Committee	5	Codling A Cossens	2	0	J Henderson	1	0	Smith	1	0	1
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FOR INFORMATION ONLY – NOT SUBJECT TO ANY DECISION AT THIS FULL COUNCIL MEETING

Town & Parish Councils' Standards Sub-Committee (not subject to the rules of political proportionality)

Currently, Councillors Ann Oxley, Michael Talbot and Ann Wiggins

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ANNUAL MEETING OF THE COUNCIL

30 APRIL 2024

REPORT OF THE MONITORING OFFICER

A.2 **THE COUNCIL'S CONSTITUTION**

(Report prepared by Ian Ford)

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

The Council's Constitution has been amended to reflect the changes approved by Council at its meetings held on 30 January 2024 and 19 March 2024 and the full text of the Constitution can be found on the Council's website.

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

RECOMMENDED – That the Council's Constitution be reaffirmed.

LISA HASTINGS
ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

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ANNUAL MEETING OF THE COUNCIL

30 APRIL 2024

REFERENCE FROM CABINET

A.3 TIMETABLE OF MEETINGS: 2024/2025 MUNICIPAL YEAR

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider the timetable of meetings for the 2024/2025 municipal year.

EXECUTIVE SUMMARY

This report will enable Council, as required by the Constitution (Council Procedure Rule 1.1(xii)), to agree a timetable of ordinary meetings of the Council and Committees for the 2024/2025 Municipal Year.

RECOMMENDATION(S)

- (a) That the timetable of meetings for the Council and Committees, as set out in the Appendix to this report, be approved; and**
- (b) That the proposed dates for All Member Briefings and Councillor Development sessions be noted.**

PART 2 – SUPPORTING INFORMATION

BACKGROUND

Further to minute 103 of the meeting of the Cabinet held on 12 March 2024 a proposed timetable of meetings is set out as an Appendix to this report. At that meeting Cabinet decided that:-

- (a) the timetable of meetings for the Council and Committees, as set out in the Appendix to the Portfolio Holder's report (A.3), be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and*
- (b) the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.*

The meetings of the Full Council, the Community Leadership Overview and Scrutiny Committee, the Human Resources and Council Tax Committee and the Resources and Services Overview and Scrutiny Committee will normally commence at 7.30 p.m.

Meetings of the Licensing and Registration Committee will normally commence at 6.30 p.m.

Meetings of the Planning Policy and Local Plan Committee and the Tendring Colchester

Garden Community Joint Committee will normally commence at 6.00 p.m.

Meetings of the Licensing & Registration Committee and the Tendring Colchester Borders Garden Community Joint Committee will be arranged as and when required.

Meetings of the Standards Committee will normally commence at 10.00 a.m.

Meetings of the Audit Committee will normally commence at 10.30 a.m.

Full Council, at its meeting held on 19 March 2024 (Minute 138 refers), made a formal decision to amend the Planning Committee's start time from 6.00 p.m. to 5.00 p.m.

Cabinet meetings are fixed by the Leader of the Council in accordance with Article 7.08 - Cabinet Procedure Rules - sub-section 1.1 of the Council's Constitution and therefore the scheduling et cetera may change. The public meetings of the Cabinet listed will normally commence at 10.30 a.m.

The programme does not show meetings of Sub-Committees, which are arranged either at meetings of the relevant Sub-Committee, or from time to time when required.

Dates for All Member Briefings and Councillor Development sessions have been included in order to assist Members in keeping their diaries up-to-date. These will be held either in person or online via Microsoft Teams.

For the same reason the dates of known Portfolio Holder Working party meetings in 2024 have also been included.

Wednesday evenings have been avoided, whenever possible, for meetings of Committees et cetera as the Princes Theatre is used in term time for the Princes Theatre Youth Group and it is felt that to have a publicly accessible meeting on the same night will raise significant safeguarding issues. In addition, Monday evenings have been avoided, whenever possible, to avoid clashing with meetings of the Arts & Literature Society in the Princes Theatre for similar reasons.

Venues for Meetings of the Council, Cabinet and Committees et cetera.

Meetings of the full Council will normally be held in the Princes Theatre in the Town Hall, Clacton-on-Sea.

Meetings of the Cabinet and Committees will normally be held in the Committee Room in the Town Hall.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Cabinet held on 12 March 2024.

Published Minutes of the meeting of the Full Council held on 19 March 2024.

APPENDIX

Proposed timetable of ordinary Council and Committee Meetings for the 2024/2025 Municipal Year.

REPORT CONTACT OFFICER(S)

Name	Ian Ford
Job Title	Committee Services Manager
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A.3 APPENDIX

TIMETABLE OF MEETINGS – 2024/2025 MUNICIPAL YEAR (& PART WAY BEYOND)

2024

Body	Time	Day	Date	Notes
ANNUAL COUNCIL (Already agreed)	7.30 p.m.	Tuesday	30 April	
Planning Committee	5.00 p.m.	Tuesday	14 May	Note 8
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	15 May	
Standards Committee	10.00 a.m.	Thursday	16 May	Note 9
Cabinet	10.30 a.m.	Friday	17 May	
Freeport East Portfolio Holder Working Party	4.00 p.m.	Monday	20 May	
COUNCIL	7.30 p.m.	Tuesday	21 May	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	22 May	
Planning Policy & Local Plan Committee	6.00 p.m.	Tuesday	28 May	
Planning Committee	5.00 p.m.	Tuesday	11 June	
Levelling Up Fund & Capital Regeneration Projects Portfolio Holder Working Party	2.00 p.m.	Monday	17 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	18 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	19 June	
Cabinet	10.30 a.m.	Friday	21 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	26 June	
Audit Committee	10.30 a.m.	Thursday	27 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	2 July	
Planning Committee	5.00 p.m.	Tuesday	9 July	
Standards Committee	10.00 a.m.	Wednesday	10 July	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	11 July	
COUNCIL	7.30 p.m.	Tuesday	16 July	
Cabinet	10.30 a.m.	Friday	19 July	
Planning Policy & Local Plan Committee	6.00 p.m.	Tuesday	23 July	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	24 July	
Freeport East Portfolio Holder Working Party	4.00 p.m.	Monday	29 July	
Planning Committee	5.00 p.m.	Tuesday	6 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	21 August	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	28 August	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	3 September	
Levelling Up Fund & Capital Regeneration Projects Portfolio Holder Working Party	2.00 p.m.	Thursday	5 September	
Planning Committee	5.00 p.m.	Tuesday	10 September	
COUNCIL	7.30 p.m.	Tuesday	17 September	
Cabinet	10.30 a.m.	Friday	20 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 September	
Audit Committee	10.30 a.m.	Thursday	26 September	
Freeport East Portfolio Holder Working Party	4.00 p.m.	Monday	30 September	
Planning Committee	5.00 p.m.	Tuesday	8 October	
Standards Committee	10.00 a.m.	Wednesday	9 October	
Planning Policy & Local Plan Committee	6.00 p.m.	Thursday	10 October	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	15 October	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	17 October	
Cabinet	10.30 a.m.	Friday	18 October	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	23 October	
Planning Committee	5.00 p.m.	Tuesday	5 November	
Levelling Up Fund & Capital Regeneration Projects Portfolio Holder Working Party	2.00 p.m.	Thursday	7 November	
Cabinet	10.30 a.m.	Friday	15 November	

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ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	20 November	
COUNCIL	7.30 p.m.	Tuesday	26 November	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	27 November	

Freeport East Portfolio Holder Working Party	4.00 p.m.	Monday	2 December	
Planning Committee	5.00 p.m.	Tuesday	3 December	
Planning Policy & Local Plan Committee	6.00 p.m.	Tuesday	10 December	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	17 December	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	18 December	
Cabinet	10.30 a.m.	Friday	20 December	

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Resources and Services Overview & Scrutiny Committee (INFORMAL)	7.30 p.m.	Monday	6 January	Note 1
Planning Committee	5.00 p.m.	Tuesday	7 January	
Community Leadership Overview & Scrutiny Committee (INFORMAL)	7.30 p.m.	Wednesday	8 January	Note 1
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	13 January	Note 2
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	14 January	Note 2
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	15 January	
COUNCIL	7.30 p.m.	Tuesday	21 January	

COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	22 January	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	28 January	
Audit Committee	10.30 a.m.	Thursday	30 January	
Cabinet	10.30 a.m.	Friday	31 January	Note 3
Planning Committee	5.00 p.m.	Tuesday	4 February	
Standards Committee	10.00 a.m.	Wednesday	5 February	
COUNCIL (Budget & Council Tax setting)	7.30 p.m.	Tuesday	11 February	Note 4
Cabinet (PROVISIONAL)	10.30 a.m.	Wednesday	19 February	Note 5
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	19 February	
Cabinet	10.30 a.m.	Friday	21 February	
Human Resources & Council Tax Committee	7.30 p.m.	Monday	24 February	Note 6
Planning Policy & Local Plan Committee	6.00 p.m.	Wednesday	26 February	
COUNCIL (PROVISIONAL)	7.30 p.m.	Thursday	27 February	Note 7

Planning Committee	5.00 p.m.	Tuesday	4 March	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	11 March	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	12 March	
Cabinet	10.30 a.m.	Friday	14 March	
COUNCIL	7.30 p.m.	Tuesday	25 March	

ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	26 March	
Audit Committee	10.30 a.m.	Thursday	27 March	
Planning Committee	5.00 p.m.	Tuesday	1 April	
Planning Policy & Local Plan Committee	6.00 p.m.	Tuesday	8 April	
Standards Committee	10.00 a.m.	Wednesday	9 April	
Cabinet	10.30 a.m.	Friday	11 April	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	15 April	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	16 April	
ANNUAL MEETING OF THE COUNCIL	7.30 p.m.	Tuesday	29 April	

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2025/2026 MUNICIPAL YEAR

(Provisional dates for early cycles of meetings in 2025/2026 – for information only, subject to change)

Body	Time	Day	Date	Notes
Cabinet	10.30 a.m.	Friday	9 May	
Planning Committee	5.00 p.m.	Tuesday	13 May	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	14 May	
COUNCIL	7.30 p.m.	Tuesday	20 May	

ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	21 May	
Cabinet	10.30 a.m.	Friday	6 June	
Planning Committee	5.00 p.m.	Tuesday	10 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	17 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	18 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 June	
Audit Committee	10.30 a.m.	Thursday	26 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	1 July	

Cabinet	10.30 a.m.	Friday	4 July	
Planning Committee	5.00 p.m.	Tuesday	8 July	
Standards Committee	10.00 a.m.	Wednesday	9 July	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	10 July	
COUNCIL	7.30 p.m.	Tuesday	15 July	

ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	23 July	
Cabinet	10.30 a.m.	Friday	1 August	
Planning Committee	5.00 p.m.	Tuesday	5 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	20 August	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	27 August	
Planning Committee	5.00 p.m.	Tuesday	2 September	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	9 September	
COUNCIL	7.30 p.m.	Tuesday	16 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	24 September	
Audit Committee	10.30 a.m.	Thursday	25 September	
Cabinet	10.30 a.m.	Friday	26 September	

Notes

1. Informal Meeting arranged to allow the Overview & Scrutiny Committee to conduct pre-scrutiny on the Cabinet's Financial Forecast and initial budget and special expenses proposals.
2. Extra Meetings arranged to allow the Overview & Scrutiny Committees to consider and then formally comment on the Cabinet's Financial Forecast and initial budget and special expenses proposals. Also, to allow the Committees to discuss those proposals with Portfolio Holders. Portfolio Holders are requested to reserve these dates in their diaries in the likelihood that the meeting will take place.

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3. At this meeting Cabinet will approve its final proposals in relation to the Council's Budget and Council Tax precept for 2024/25 for submission to Full Council.
4. Meeting of the Council to approve the Cabinet's budget proposals and set the Council Tax for Tendring District Council but excluding County, Fire and Police Council Tax calculations.
5. Provisional extra meeting of the Cabinet arranged in order to allow the Cabinet to meet and consider the Council's objections/amendments to the Budget (which may arise following the Council meeting referred to in note 7 above.)
6. Meeting to formally confirm the County, Fire and Police precepts on the Council's Collection Fund and for each Council Tax band in the parished and unparished areas of the District.
7. Provisional extra meeting of the Council arranged in order to allow the Council to meet and consider the Cabinet's revised budget proposals or the Cabinet's disagreement with the Council's budget objections (which may arise following the meetings referred to in notes 4 and 5 above.)
8. The start time for this meeting and all subsequent meetings of the Planning Committee in 2024/25 and beyond was confirmed by Full Council at its meeting held on 19 March 2024.
9. This meeting will be conducted under the Hearings Procedure and will consider a Members' Code of Conduct complaint made against a Tendring District Councillor.

ANNUAL MEETING OF THE COUNCIL

30 APRIL 2024

REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

A.4 INDEPENDENT REMUNERATION PANEL AND INDEPENDENT PERSONS' RECRUITMENT

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider the recommendations submitted to it by the Standards Committee in relation to the Independent Remuneration Panel's and Independent Persons' term of office, exploring alternative options and future recruitment.

EXECUTIVE SUMMARY

At its meeting held on 20 March 2024 (Minute 13 refers), the Standards Committee considered a report of the Assistant Director (Governance) & Monitoring Officer in relation to the Independent Remuneration Panel and Independent Persons' term of office, exploring alternative options and future recruitment, with a view to making relevant recommendations to Full Council.

At that meeting it was:

“RESOLVED that the Standards Committee -

(a) *notes the contents of this report (A.1);*

(b) *recommends to Full Council that:*

- (i) *the previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;*
- (ii) *future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;*
- (iii) *for the purposes of (b)(ii) the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors; and*
- (iv) *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 a separate recruitment exercise to be undertaken for the sole role of Independent Person.”*

A copy of the published Assistant Director (Governance) & Monitoring Officer's report to the Standards Committee meeting held on 20 March 2024 is attached as an appendix to this report.

RECOMMENDATIONS

That Council approves that –

- (a) the previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;**
- (b) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;**
- (c) for the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors; and**
- (d) 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 a separate recruitment exercise to be undertaken for the sole role of Independent Person.**

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Standards Committee held on 20 March 2024

APPENDICES

Published Report (A.1) of the Assistant Director (Governance) & Monitoring Officer for the meeting of the Standards Committee held on 20 March 2024.

A.4 APPENDIX

STANDARDS COMMITTEE

20 MARCH 2024

REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

A.1 INDEPENDENT REMUNERATION PANEL AND INDEPENDENT PERSONS RECRUITMENT

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Committee to comment on the Independent Remuneration Panel and Independent Persons' term of office, exploring alternative options and future recruitment, with consideration to recommendations to Full Council.

EXECUTIVE SUMMARY

Current Position

- At the meeting on 27 November 2018, Council agreed the appointment of Mr David Irvine, Mrs Clarissa Gosling, Mrs Jane Watts and Mrs Sue Gallone as the Council's Independent Remuneration Panel for the purposes of making recommendations to Council on Members' allowances.
- Mr David Irvine, Mrs Clarissa Gosling, Ms Jane Watts and Ms Sue Gallone were also confirmed as the Council's Independent Persons for the purposes of standards arrangements.
- The roles of Independent Remuneration Panel and Independent Persons are still separate but the same individuals have been appointed to both and are in place until Annual Council in April 2024. Each role is covered by separate legislation and are different in their nature, the statutory provisions regarding these roles are set out below, although due to economies dual appointments were previously made.
- The appointments as Independent Persons (IPs) were extended for a year from May 23 – 24, at Full Council in on 22nd November 2022 (Minute no. 52) and as Independent Remuneration Panel (IRP) members at Full Council on 2nd March 2023 (Minute no. 108).
- There was a requirement, following the decision at Full Council on 22nd November 2022, that alternative arrangements for the IRP be 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.
- During last year, Braintree District Council (BDC) expressed an interest in joint working on the role of the IRP (not IP) and recently advertised to recruit to their IRP role and included reference to working with other Essex Councils (although Tendring District Council was not specifically named).
- The Assistant Director (Governance) & Monitoring Officer took part in the BDC interview process and each candidate confirmed they would be interested in joint working with TDC, if this was approved locally as an approach going forward.
- Following the decision of Full Council in November 2022, the Monitoring Officer can report there is interest in a joint working arrangement whereby a pool of IRPs could be appointed to undertake reviews of Members' Allowance Schemes for different Councils and the successful candidates through the BDC process could be recommended for appointment by Tendring.

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- The advertisement of vacancies for the position of Independent Person(s) and the Independent Remuneration Panel, the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed is delegated to the Chief Executive (Part 3.9).
- It is recommended that this delegation is amended to include the Monitoring Officer together with the Chief Executive, so that the administrative process for Tending can be undertaken and recommendations made to Full Council in July 2024. Currently, there is no requirement for a review of Tending's Members' Allowances Scheme through the interim period.
- It is recommended that in light of the proposed joint working arrangements for IRPs, the automatic appointment to both roles at Tending ceases to allow different arrangements to be implemented.
- It is recommended that the existing appointments to IPs are extended, to those who express a wish to continue, to ensure we comply with the requirements of the Localism Act 2011. The current appointments are working well and there are a few standards cases in the pipeline whereby consistency and continuity would be beneficial.

Recruitment and alternative options

- With regard to the roles of Independent Persons for the Ethical Standard arrangements, a pool of Independent Persons are available through the Public Law Partnership (covering Essex, Hertfordshire and Suffolk) that can be called on by any authority, subject to the necessary approvals through formal appointments. These arrangements are considered appropriate to use where capacity or conflicts of interest are an issue. Whilst the Council has previously approved and adopted this flexibility, using the pool has not been required due to having four Independent Persons. Therefore, it is still considered prudent for Tending District Council to continue appointing its own Independent Persons whilst retaining the flexibility of a wider pool to call upon if necessary.
- The IP and the IRP could continue as joint appointments or be separated.
- The term of office for IRP and IPs were currently aligned to the term of office for District Councillors and consideration should be given to alternative approaches such as staggering and overlap of terms, providing consistency and effective use of resources, preventing regular recruitments.
- Since the recruitment last undertaken in 2018, the Committee on Standards in Public Life published its report in January 2019, which with regards to the role of the Independent Persons and their recommendations were responded to by Government in March 2022. Therefore, it is timely for Tending District Council to review its own approach and give consideration to different options.

Statutory and Constitutional Requirements

- Section 28(6) and (7) of the Localism Act 2011 requires the Council to appoint at least one Independent Person to work with the Monitoring Officer within the Standards Framework.
- Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003 requires that an Independent Remuneration Panel shall be established in

A.4 APPENDIX

respect of each authority and that the Panel shall consist of at least three people.

- In the Council's Constitution, the advertisement of vacancies of Independent Person(s) and the Independent Remuneration Panel, the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed, are delegated to the Chief Executive. However, as both of these independent roles do have strong engagement with Councillors it is considered appropriate that the views of the Committee are sought. It is recommended that the existing Independent Persons term of office be extended for a year to allow the joint working opportunities for the Independent Remuneration Panel to be implemented.

RECOMMENDATION(S)

It is recommended that the Standards Committee:-

(a) notes the contents of this Report;

(b) recommends to Full Council that:

- (i) the previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;**
- (ii) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;**
- (iii) for the purposes of (b)(ii) the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors; and**
- (iv) 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, to allow a separate recruitment exercise to be undertaken for the sole role of Independent Person.**

BACKGROUND

The following recruitment process was undertaken for the roles in 2018/19:-

- up to four people were to be appointed to serve as both the Independent Remuneration Panel and Independent Persons;
- an allowance of £600 per annum was allocated for payment to each person;
- a Recruitment Pack be produced incorporating comments from the Standards Committee;
- the posts were advertised locally;
- interviews be undertaken by a Joint Member / Officer panel;
- the recommended appointments by the Panel be submitted directly to Full Council for approval.

The Committee on Standards in Public Life (CSPL) reported the outcome of their national review in a Report published in January 2019, which included a number of recommendations relating to Local Government Ethical Standards. The Report also

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includes a number of Best Practice recommendations, those which relate to the role and responsibilities of the Independent Person were:

Recommendation 8: The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

Whilst, the following did not translate into the formal recommendation or within the list of best practice, the CSPL report stated (page 56) *“The terms of multiple Independent Persons should ideally overlap, to ensure a level of continuity and institutional memory”*.

In the Letter from Kemi Badenoch MP (Minister of State for Equalities and Levelling Up Communities) to Lord Evans, Chair, Committee on Standards in Public Life dated 18th March 2022, in response to this recommendation it was stated:

“The government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The government’s view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution “fresh” and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.”

CSPL Best Practice 7: Local authorities should have access to at least two independent Persons.

CSPL Best Practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.

APPENDICES

None