

**MINUTES OF THE MEETING OF THE COUNCIL,  
HELD ON TUESDAY, 17TH SEPTEMBER, 2024 AT 7.30 PM  
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-  
ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Casey (Chairman), Davidson (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Land, Newton, Oxley, Placey, Platt, Scott, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, Turner and Wiggins
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Keith Durran (Committee Services Officer), Bethany Jones (Committee Services Officer), James Dwan (Communications Officer) and Simon Kedge (Casual Technician (Princes Theatre))

**40. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bush, Kotz, McWilliams, Morrison and White.

**41. MINUTES OF THE LAST MEETING OF THE COUNCIL**

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

**RESOLVED** that the minutes of the meeting of the Council held on 6 August 2024 be approved as a correct record and be signed by the Chairman.

**42. DECLARATIONS OF INTEREST**

In relation to agenda item 12, motion to Council pursuant to Council Procedure Rule 12 (concern about the Government's intention to cut the entitlement to the Winter Fuel Allowance), Councillor Harris declared that his Mother would be one resident that would lose the Winter Fuel Allowance. He felt sure that other Members would be affected directly or indirectly by the Government's proposed action.

The Monitoring Officer (Lisa Hastings) informed Council that Councillor Harris had spoken to her before the meeting and she agreed that whilst the actual matter concerned might not fall under the definition of Non-Registerable Interests, within the Council's adopted Code of Conduct, this was nevertheless a matter that would affect a number of Members either personally or members of their family or close associates. Therefore, for the record, the Monitoring Officer was content to grant a Dispensation to all Members so that they could discuss this item at this meeting.

**43. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**

The Chairman informed Members that, since the last meeting of Full Council on 6 August 2024, he had attended the following civic events:-

<b>Date</b>	<b>Location</b>	<b>Event</b>
14/08/2024	Town Hall, Clacton-on-Sea	Chairman's Chaining Ceremony. Formal exchange of chains and gifts in the Chairmans Parlour.
15/08/2024	War Memorial, Clacton-on-Sea	VJ Day Civic Service
22/08/2024 – 23/08/2024	Clacton-on-Sea	Clacton Airshow, escorting the WW2 Veterans
01/09/2024	Sunspot, Jaywick	Essex Pedal Power 3 Year Anniversary
03/09/2024	Town Hall, Clacton-on-Sea	Merchant Navy Day Flag Raising
09/09/2024	Town Hall, Clacton-on-Sea	999 Emergency Services Day Flag Raising
15/09/2024	War Memorial, Clacton-on-Sea	Battle of Britain Day Parade
10/09/2024	Town Hall, Clacton-on-Sea	Annual Veteran's Tea Dance, hosting and organising the event for the WW2 veterans.
11/09/2024	Central Parade, Rosemary Road, Clacton-on-Sea	The Gallery opening
13/09/2024	The Sunken Rose Garden, Clacton-on-Sea	Unveiling of the Holocaust Memorial stone.
15/09/2024	Town Hall, Clacton-on-Sea	Battle of Britain Flag raising

In addition to the above events, the Chairman also advised Council that, on 21<sup>st</sup> May 2024, he had attended a King's Garden Party at Buckingham Palace. This event had not been reported to Council at its meeting on 6 August 2024.

The Chairman was also happy to announce to Councillors that nominations had opened for the Pride of Tendring Awards 2025. An email had been sent on 29 August to all Councillors with the details and the nomination form. Members were requested to contact [leadershipsupport@tendringdc.gov.uk](mailto:leadershipsupport@tendringdc.gov.uk) if they required a further form. The deadline for nominations was 30 October 2024.

Furthermore, the Chairman informed Members that he had attended the Armed Forces weekend at Clacton Pier where he had had a wonderful time accompanied by James Goss a WWII veteran.

#### **44. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

The Chief Executive (Ian Davidson) made the following announcement in respect of a change in membership of a Committee of the Council:-

*"Mr Chairman, I formally report that, on 16 September 2024, and in accordance with the wishes of the Leader of the Tendring Independents Group, I exercised my delegated powers and appointed Councillor Bernie Goldman to serve on the Resources and Services Overview & Scrutiny Committee in the stead of Councillor Adrian Smith.*

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*This announcement is for **MEMBERS' INFORMATION ONLY.***

**45. STATEMENTS BY THE LEADER OF THE COUNCIL**

The Leader of the Council (Councillor M E Stephenson) formally welcomed Councillor Adrian Smith to his Cabinet as the new Portfolio Holder for the Environment. Councillor Stephenson also recorded his grateful thanks to Councillor Bush for his service as the former Portfolio Holder for the Environment.

**46. STATEMENTS BY MEMBERS OF THE CABINET**

The Portfolio Holder for Housing and Planning (Councillor Baker) made statements in respect of the following matters:-

- (1) Silver Level Housing Award as part of the RSPCA's prestigious 'Pawprint' awards; and
- (2) Referendums on 12 September 2024 in Ardleigh and in Elmstead – Affirmative vote in both referendums for the adoption of their respective Neighbourhood Plans.

**47. 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.

On this occasion no such Questions on Notice had been submitted by members of the public.

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

Council considered a report of the Leader of the Council which notified it of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

It was duly reported that, on 20 August 2024, the Partnerships Portfolio Holder and the Leader of the Council, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Head of People, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that their joint decision relating to the approval of the format and design of the Careline consultation, be exempted from the call-in procedure.

The Portfolio Holder for Partnerships and the Leader of the Council's joint decision had been as follows:-

*“To formally agree the format and design of the Careline consultation (in consultation with the Assistant Director for Partnerships and the Assistant Director for Governance).”*

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

*“A delay in the Authority’s ability to commence consultation with Careline Customers, key Stakeholders, and residents on the proposals as outlined in the Cabinet Report 26 July 2024 would hinder the reaching of a timely resolution.*

*This consultation was based upon balancing best value principles with the needs of our existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue to supply the service for.”*

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that the contents of the report be noted.

**49. MINUTES OF COMMITTEES**

It was moved by Councillor M E Stephenson and:-

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

Human Resources and Council Tax of Tuesday 30 July 2024.

**50. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - PROPOSALS FOR A COMMUNITY GOVERNANCE REVIEW OF CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS**

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

*“That Full Council -*

*(1) notes that:*

- a. Parish and Town Councils are an established and valued form of local democracy with an important role to play in both rural, and urban, areas.*
- b. the District currently has 27 Town and Parish Councils with a cumulative electorate of almost 75,000 and that Clacton-on-Sea, Holland-on-Sea and Jaywick are not currently parished and the cumulative electorate for those areas is almost 45,000. As such, about 62% of residents have one of 27 Town and Parish Councils to represent them and their interests at a very local level. 38% of the District’s residents do not have that representation.*
- c. between 1891 and 1974, Great Clacton (later renamed Clacton as it also covered Clacton-on-Sea) had its own specific tier of local government, and the area of this tier of local government was expanded in 1934 to take in the then former parish of Little Holland (later renamed Holland-on-Sea).*

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- d. since 1974, with the abolition of Clacton Urban District Council and creation of this District Council, there has been no distinct Local Council representation for specifically Clacton-on-Sea, Holland-on-Sea and Jaywick.*
  - e. it has been more than 25 years since the electors of Jaywick Sands last had the chance to express their view on the issue of a parish for that Town.*
  - f. the nature/responsibilities of local government has changed over the years and, in recent years, there has been a distinct impetus to devolve power from Whitehall to local councils and communities that will further change that landscape.*
  - g. the Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to the District Council for its area, through a process called a community governance review which has, at its heart, engagement with local people in the defined review area and that representations received in connection with the review are taken into by the District Council.*
- (2) *requests that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.”*

Prior to the commencement of the meeting the Council’s statutory officers had confirmed that they did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Stephenson formally moved the motion and Councillor Baker formally seconded the motion.

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

Councillors Bray, P B Honeywood, Griffiths, Scott, Everett, Amos, Doyle, Barrett, Baker, Ferguson and Thompson spoke during the debate on this matter.

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

51. **MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CONCERN ABOUT THE GOVERNMENT’S INTENTION TO CUT THE ENTITLEMENT TO THE WINTER FUEL ALLOWANCE**

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

- (a) *“This Council notes that:-*
- (i) the Chancellor of the Exchequer, Rachel Reeves MP, has indicated that the winter fuel payment will be cut completely from all pensioners except those receiving pension credits.*
  - (ii) this will likely disproportionately affect the District of Tendring as we have the highest average age population in the UK.*

- (iii) this removal has happened to coincide with the recent announcement by the OFGEM Regulator that the fuel price cap has risen, resulting in bills increasing by 10% on average, meaning some pensioners maybe a reported £500 worse off when combined with the removal of the Winter Fuel Payment.*
- (iv) many of our pensioners are already deeply concerned at these announcements and may worry about the affordability of winter fuel, and that putting it simply some may have to decide between heating or eating.*

*(b) Therefore, this Council requests that:*

- 1. the Leader of Tendring District Council, Councillor Mark Stephenson, writes to the Chancellor of the Exchequer, Rachel Reeves MP, to request that the Government rethink and halt its plans to cut Winter Fuel Payment for pensioners.*
- 2. the Leader of the Council also writes to Sir Bernard Jenkin MP and Nigel Farage MP to lobby their support for the urgent review of this Government action.*
- 3. if the Government carries out its intention to remove the Winter Fuel Payment from pensioners, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.”*

Prior to the commencement of the meeting the Council’s statutory officers had confirmed that they did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Harris formally moved the motion and Councillor Bray formally seconded the motion.

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

Councillor P B Honeywood moved and Councillor Alexander seconded that part (b) of Councillor Harris’ motion be amended by the addition of the following text:-

- “4. the Council commits to signing the ‘Save the Winter Fuel Payment for struggling Pensioners’ petition being run by Age UK and to write to all Members offering them the opportunity to sign the petition themselves.”*

Pursuant to the provisions of Council Procedure Rule 16.6 both the mover of the Motion (Councillor Harris) and the seconder of the Motion (Councillor Bray) consented to alter the motion to incorporate Councillor Honeywood’s amendment.

Councillor M E Stephenson moved and Councillor I J Henderson seconded that part (b) of Councillor Harris’ motion, as now altered, be amended to read as follows:-

*“(b) Therefore, this Council requests that:*

1. *the Leader of Tendring District Council, Councillor Mark Stephenson, writes to the Chancellor of the Exchequer, Rachel Reeves MP, to highlight the challenge for our residents, especially as the uptake of Pension Credits is low.*
2. *the Leader of the Council also writes to Sir Bernard Jenkin MP and Nigel Farage MP to lobby their support to encourage the take up of Pension Credit as the uptake of Pension Credits is low.*
3. *Following the Government's decision to remove the Winter Fuel Payment from pensioners not in receipt of pension credit, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.*
4. *The availability of Pension Credit be promoted by the Council and with partners to assist all those entitled.*
5. *The Portfolio Holder for Partnerships organise a briefing at the Older Person's Forum in November to raise awareness of Pension Credits."*

Pursuant to Council Procedure Rule 16.11, Councillor Bray requested a ruling on whether Councillor M E Stephenson's amendment was acceptable under Council Procedure Rule 16.5 as he felt that it negated the principal purpose of Councillor Harris' motion, in particular, part (b) paragraph 1.

The Monitoring Officer (Lisa Hastings) informed Council that, in her professional opinion, the amendment did not negate Councillor Harris' motion. However, the Monitoring Officer reminded Members that, under Article 5.01 of the Council's Constitution, it was the responsibility of the Chairman of the Council "to uphold and promote the purposes of the Constitution, and to rule on the interpretation and application of the Constitution as and when necessary at meetings [of the full Council];"

The Chairman of the Council (Councillor Casey) duly considered the matter and ruled that he would accept, as valid, Councillor M E Stephenson's amendment.

Councillors Bray, Ferguson, Griffiths, P B Honeywood, Harris, Everett, Calver and I J Henderson spoke during the debate on Councillor M E Stephenson's amendment.

Pursuant to the provisions of Council Procedure Rule 19.5, Councillor Harris, supported by, at least, nine other Members rising in their places, requisitioned a record of the voting on Councillor M E Stephenson's amendment as set out above. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Baker	Alexander	None	Bush
Barrett	Amos		Kotz
Barry	Bray		McWilliams
Bensilum	Codling		Morrison
Calver	A I Cossens		White
Casey	M A Cossens		
Chapman BEM	Everett		

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Davidson	Fairley
Doyle	Ferguson
Fowler	Griffiths
Goldman	Guglielmi
I J Henderson	Harris
J Henderson	P B Honeywood
Newton	S A Honeywood
Oxley	Land
Placey	Platt
Scott	Skeels
Smith	Turner
Steady	
G L Stephenson	
M E Stephenson	
Sudra	
Talbot	
Thompson	
Wiggins	

Councillor M E Stephenson's amendment was declared **CARRIED** and it then became the substantive motion.

Councillors Everett, Calver, Harris, Doyle, Ferguson, Bray, Griffiths and Barry spoke during the debate on the substantive motion.

Councillor M E Stephenson's amendment on being put to the vote as the substantive motion was declared **CARRIED**.

**52. RECOMMENDATIONS FROM THE CABINET**

On this occasion there were no recommendations from the Cabinet that were required to be considered by Full Council.

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

Council would consider any reports submitted to it by an Overview and Scrutiny Committee.

No such reports had been submitted for consideration at this meeting.

**54. REPORT OF THE CHIEF EXECUTIVE - A.2 - APPOINTMENT OF A TENDRING DISTRICT COUNCIL SUBSTITUTE REPRESENTATIVE TO SERVE, WHEN REQUIRED, ON THE TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE**

Council recalled that, under the jointly agreed (by Essex County Council, Colchester City Council and Tendring District Council) terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC had to be appointed by Tendring District Council (TDC).



Members were also aware that, at the meeting of the Full Council held on 30 November 2021 (Minute 93 referred), this Council had decided that those three Members would comprise:-

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

Members were reminded that, at the Annual Meeting of the Council held on 23 May 2023 (Minute 21 referred) it had been 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.”*

The Leader of the Council had, later on, duly appointed Councillor Bush (the then Environment Portfolio Holder) as the Executive’s representative on the TCBGCJC.

Subsequently, at the meeting of the full Council held on 28 November 2023 (Minute 80 referred) it had been reported that, since the Annual Council on 23 May 2023, Councillor Guglielmi had subsequently become a member of the TCBGCJC by right in his capacity as the elected Chairman of the Planning Policy & Local Plan Committee (Minute 10 – 5.10.23 referred). That had meant that there was, automatically, a vacancy for a Member from a political group that was not represented on the Cabinet.

At that meeting held on 28 November 2023, Council had resolved that Councillor M A Cossens be appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee in order to fill the aforementioned vacancy.

The Chief Executive now reported to Council that, on 6 September 2024, the Leader of the Council had formally appointed Councillor Baker (the Housing and Planning Portfolio Holder) to serve in place of Councillor Bush as the Executive’s representative on the TCBGCJC. This meant that there was, automatically, a vacancy for a Substitute Member for the TCBGCJC.

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

**RESOLVED that -**

- (a) it is noted that the Leader of the Council has formally appointed Councillor Baker (the Housing and Planning Portfolio Holder) to serve as the Executive's representative on the TCBGCJC; and
- (b) Councillor Fowler be appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee as Tendring District Council's designated Substitute.

**55. 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.

One question on notice had been submitted by a Member on this occasion as set out below:-

Question

Councillor Griffiths asked the Portfolio Holder for Partnerships (Councillor Placey):-

*"Following the Cabinet decision on the 26th of July relating to the Future of the Careline Service, many Careline customers fear that the decision has already been made, and that the current consultation is merely a smokescreen to privatise the service by the backdoor.*

*What reassurances can the Portfolio Holder give to concerned Careline customers that the Cabinet will take note of the outcome of the current consultation, listen to the concerns of service users, who are worried that a change in service provider, could lead to an increase in costs, reduction of service, and have a detrimental impact on their quality of life?"*

The Portfolio Holder for Partnerships replied as follows:-

*"Thank you, Councillor Griffiths, for your question regarding the future of Careline.*

*As you will be aware from my report at Cabinet on 26<sup>th</sup> July 2024, the Council is going through a very detailed consultation exercise prior to any decisions being made regarding the future of the Careline service.*

*For many years, the Careline service has been a success story for both residents and Tendring District Council.*

*However, following the 'deep dive' exercise that commenced in June 2023, it has become apparent that there are other providers in the market, both in the public sector and the private sector, that offer a comparable service for a similar price or offer a free service, such as Essex Council, if their eligibility criteria is met.*

*The July Cabinet report also noted challenges with staff recruitment and retention, which impact the Council's ability to maintain the consistent and high-quality service we want to deliver.*

*It would be remiss of me not to undertake this review, as the Best Value guidance for all Councils clearly states that Councils must strive for continuous improvement and transformation.*

*Despite Careline being an important service for those who use it, the change to the telecare market and the increased costs, alongside recruitment difficulties, leaves me with no alternative but to look at what is in the best interests of residents going forward.*

*The consultation exercise is still being undertaken, 1902 letters have been sent to customers and a further 1524 to their Next of Kin.*

*Responses are being received, and I would like to reassure you that they will be carefully considered before I present my next report to Cabinet in November 2024. I have been made aware of some calls from customers requesting support in completion of the consultation form, and I have requested Officers make available one to one support, if required.*

*If in November 2024, Cabinet is minded to make a decision to cease the service, we have also set aside £300k for Officers to support residents with transitional arrangements, moving them across to an alternative provider of their choosing.*

*Part of this funding will also be made available for Human Resources support to aid the dedicated staff who work in Careline through the necessary processes should this decision be taken.*

*I would like to take this opportunity to request that all Councillors encourage their residents to respond to the consultation and to reassure current customers that their views will be heard.”*

**56. 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 9.14 pm

**Chairman**