

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 25TH MARCH, 2025 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Davidson (Vice-Chairman, in the Chair), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Harris, I Henderson, J Henderson, Keteca, Kotz, Land, Morrison, Newton, Oxley, Placey, Platt, Scott, Skeels (except items 131 (part) - 141), Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot and White
In Attendance:	Ian Davidson (Chief Executive) (except items 137 and 138), Katie Wilkins (Head of People), Ian Ford (Committee Services Manager), Maddie Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer), Katie Koppenaal (Committee Services Officer), James Dwan (Communications Officer), Kai Aberdeen (Theatre General Manager (Technical)) and Simon Kedge (Casual Technician (Princes Theatre))

118. CHAIR

In the absence of the Chairman of the Council (Councillor Casey), the Chair was occupied by the Vice-Chairman (Councillor Davidson).

119. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Casey, Guglielmi, P B Honeywood, S A Honeywood, Thompson and Wiggins.

120. 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 extraordinary meeting of the Council held on 11 March 2025 be approved as a correct record and be signed by the Chairman.

121. DECLARATIONS OF INTEREST

The Chief Executive declared Interests in Agenda Item 19 (report A.6 – Pay Policy Statement 2025/26) and in Agenda Item 20 (report A.7 – Review of Changes to the Chief Executive’s Terms and Conditions). He informed the meeting that he would leave the room whilst those items were being deliberated and decided upon.

122. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

In the absence of the Chairman of the Council, there were no such announcements on this occasion.

123. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive made the following announcements:-

LGR - Submission of Initial Proposals to the Government

The Chief Executive was pleased to inform the Council that the LGR Initial Proposals Submission had been submitted to the Government by the deadline of 21 March 2025. It had been supported by all 15 Essex local authorities and the Police, Fire & Crime Commissioner for Essex. The Government had confirmed that it had received the submission. The Government's response was expected to be received by mid to late April 2025 and once received Members would be advised accordingly.

The Late Councillor Nicholas Turner

"Mr Chairman, it is with sadness that I formally report that, on 20 March 2025, Councillor Nicholas Turner passed away.

Councillor Turner was a long-standing Member of this Council, having first been elected to it in May 1999, representing Frinton, he served on the Cabinet between 2010 and 2017, holding portfolios for services including parking, environment and coast protection – and as Deputy Leader of the Council in 2014-15. At Frinton and Walton Town Council he also represented the Frinton ward.

Nick was passionate about the Walton Backwaters and coastal protection and was a dedicated member of the Naze Management Board. During his time on Cabinet, he oversaw a number of initiatives, including the £36million coastal defence scheme along Holland-on-Sea and the development of a new sea wall at the Naze. He also oversaw the previous procurement process for the Waste Management contract.

Our thoughts are with Nick's wife Sue and family at this difficult time. I was able to speak to Nick on the day before he passed and I thanked him for all of his work for this Council and the community, which he was able to acknowledge though he could not speak.

As a mark of respect for the service of the late Councillor Turner, the flag at Clacton Town Hall is flying at half-mast.

Councillor Ferguson has placed a yellow rose on the dais in remembrance of Councillor Turner as he always wore a yellow rose at Council meetings along with his Tendring District Council tie."

The Vice-Chairman of the Council then led Members and all persons present in a silent tribute to Councillor Turner.

Councillors Platt, M E Stephenson, Ferguson, Everett, Calver, Bray, M A Cossens, Morrison, Chapman BEM, Scott and Bush all paid personal tributes to the memory of Councillor Turner.

124. STATEMENTS BY MEMBERS OF THE CABINET

The Leisure and Public Realm Portfolio Holder (Councillor Barry) made the following statement:-

“I’d like to bring to Members’ attention that we have a conference that is going to be held in the Princes Theatre on Monday 19 May 2025. It’s from 12.00 p.m. until 5.00 p.m. and it’s for the launch of the Sport and Activity Strategy across the District. We will have a marketplace, national speakers, workshops and invites have been sent to organisations, sporting bodies, schools, volunteers and other interested parties to come along, listen, participate and hopefully increase our community engagement across the District. All Councillors are welcome to attend and see what they can pick up for their Wards and their residents.”

125. STATEMENTS BY THE LEADER OF THE COUNCIL

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

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

The Leader of the Council made the annual Statement of the State of the Tendring District as follows:

“Chairman, Councillors, members of the public both here in person and online.

It is a privilege to stand before you once again to deliver the annual State of Tendring address as a moment to reflect on how far we have come, acknowledge the challenges before us and set out our ambition for the future.

Tendring is changing. Not just in the projects we see taking shape in our towns, or the new homes rising from the ground, but in the way we govern, the way we grow, and the way we shape our communities for future generations.

The last year has been one of real progress. Across our District, cranes are on the horizon, investments are turning into action, and long-discussed plans are becoming reality. This has been a year of delivery, of bricks laid, businesses supported, homes provided, and opportunities unlocked.

And yet, as we look ahead, we know change is coming, not just in what we build, but in how we govern. Local Government Reorganisation is now firmly on the agenda. Whether we welcome it or not, we must be ready. The question is not whether change will come, but how we ensure that it works for Tendring.

This Council has always stood for its people and that will not change. But before we look ahead to the challenges and opportunities of the future, let us take stock of what we have achieved.

I’d like to start with regeneration, which is not just about investment, it is about restoring civic pride, creating places where people want to live, work, and visit across Tendring, and that vision is becoming reality.

In Clacton, we have made real progress in delivering long-awaited transformation. Planning applications have been submitted for the redevelopment of Carnarvon House and the town’s multi-story car park. These projects will create 28 modern homes and vibrant new community spaces. At the same time, Essex County Council’s plans for Clacton Library will bring state-of-the-art learning spaces, an Adult Community Learning Centre, registration services, and a base for the University of Essex’s Centre for Coastal

Communities. Together, these projects represent £30 million of investment in Clacton's future.

Meanwhile, Dovercourt is undergoing its own transformation. Planning has been submitted to modernise the Milton Road car park, creating 23 new spaces in the heart of the town centre and we have cleared and prepared sites for new homes in Victoria Street, demonstrating our commitment to delivery. The library redevelopment is well underway and public realm improvements are progressing. With £9 million investment secured, Dovercourt's future is one of opportunity.

Also, in Dovercourt, the High Street Accelerator program's investment is empowering local businesses. £237,000 has been secured for town centre improvements, bringing businesses together to drive change. Meanwhile, an additional £500,000 will improve open spaces, strengthen transport links between the seafront and town centre and bring more greenery into our shopping areas.

Our vision extends beyond bricks and mortar. The newly approved Community Regeneration Partnership; formerly the Levelling Up Partnership, has unlocked £20 million for Clacton and Jaywick Sands. This investment will support cultural venues, revitalise public spaces and create new opportunities for businesses and residents alike. Clacton's shopfronts are already benefiting from improvement grants, while Martello Tower E is set to become a new cultural and visitor hub.

All of this is happening now, not years away, not aspirational plans gathering dust, but real, tangible progress and that is something this Council can be proud of.

It continues with The Long-Term Plan for Towns initiative which allocates an additional £20 million over ten years for Clacton. The Clacton Town Board, who oversees the finances and plan, has been established and is working diligently on a long-term vision for Clacton. While we await final confirmation from the Government on the exact scope and funding available, the Board has not been idle.

Already, interim projects are making a real difference. Empty shops in Clacton town centre have been revitalised with creative window displays, brightening up the area and fostering a renewed sense of civic pride. This is just the beginning. The Board's vision includes improving safety and security, enhancing the High Street and public spaces and strengthening transport and connectivity. By focusing on these key areas, we, alongside the Board, aim to create a thriving town that honours its heritage while embracing the future.

Our businesses are the backbone of our economy, and we are committed to their success. The Award-winning Sunspot initiative exemplifies our work in supporting small businesses. Under the Tending4Growth banner, we delivered a two-week business event in the autumn, featuring a jobs and skills fair and expert-led sessions on tourism, culture, and digital marketing. This culminated in the third annual Tending4Growth Business Awards, celebrating the achievements of our vibrant business community. Tending4Growth is a year-round commitment. We continue to provide sector-specific support, ensuring that businesses in our District have the tools they need to thrive.

Of course, being a coastal district, we have a rich maritime heritage, but our future does not rest solely on our past. Freeport East continues to take shape, with the potential to create 13,500 jobs and drive economic transformation. One clear sign of progress is the development of Centurion Park at Horsley Cross, a new business hub that will

strengthen Harwich's role as a gateway for global trade. I recently visited the site and saw first-hand the scale of what is happening. These are real opportunities, and we must ensure our residents are equipped with the skills to seize them.

Growth isn't solely about jobs and investment; it is also about housing. Our Local Plan, the blueprint for Tendring's future, has been under review. The government's shifting policy landscape caused delays, but now we are pressing ahead, consulting with residents on the best way to accommodate between 7,000 and 8,000 new homes by 2041. The Tendring Colchester Borders Garden Community remains a key part of this and we expect to hear from the Planning Inspector imminently on the next steps.

However, housing is more than mere numbers, it's about the people who call those houses home. That is why I am particularly proud of the completion of the Spendells House project in Walton-on-the-Naze. What was once an outdated sheltered housing block has been transformed into 32 modern flats, providing safe and stable accommodation for families experiencing homelessness. The first families moved in just in time for Christmas, a powerful reminder of why we do what we do.

In Lawford, the Honeycroft project has delivered 13 high-quality, energy-efficient homes designed for older residents, allowing them to remain in their community. Former tenants have returned to modern, comfortable homes and their gratitude speaks volumes. As a result of this development, and residents/tenants re-sizing, six council properties were released back into our housing stock, for allocation to those residents requiring such properties.

This is what delivering for Tendring looks like, planning for future growth, while making a real difference in people's lives today.

Tendring's natural beauty is one of its greatest assets and we are determined to protect and enhance it for generations to come. Our Climate Change Action Plan, adopted this past year, is already driving real change, with new initiatives taking shape across the district. Meanwhile, we are strengthening our commitment to conservation, ensuring that our historic landscapes and cherished green spaces remain places of pride and inspiration. Through our Sports and Activity Strategy, we are encouraging residents to step outside, get active and enjoy the stunning open spaces that make Tendring unique.

Our heritage is not just something we preserve; it is something we celebrate. The iconic Dovercourt Leading Lights are undergoing a vital assessment, funded by Historic England, to secure their future. We will soon unveil the Tendring Witch Heritage Trail, an immersive journey through our district's past, bringing to life the rich and often untold stories that shape our history. This is about more than preserving the past, it is about making history a living, breathing part of our community's future.

Arts and culture are the soul of our community and nowhere is this more evident than at the Princes Theatre. Last season's pantomime, Snow White and the Seven Dwarfs, did not just entertain, it astonished, setting a new gold standard with breathtaking laser shows and immersive 3D effects. The reaction was electric, proving once again that the Princes Theatre is a premier destination for top-tier performances.

But we haven't stopped at the stage. Behind the scenes, we have invested in our performers, ensuring they have the facilities to match their talent. The theatre's changing rooms have been transformed with new makeup desks, bright modern lighting,

and upgraded amenities now standing as a testament to our commitment to excellence. And the best part? Not a single penny of council tax was spent as this investment was fully funded through the restoration fee on tickets.

With every curtain rise, the Princes Theatre strengthens our cultural landscape, enriches our community and proves that the arts in Tendring are thriving.

I cannot stand here tonight without celebrating the power of our partnerships. Working together is what drives real change and partnerships are at the heart of our success. From joining forces with the Integrated Care Board to improve community health, to collaborating with Essex Police to enhance safety, we are building strong, dynamic relationships that deliver real results. Our work with Sport England is inspiring active lifestyles, while our strategic partnerships with businesses, education providers and cultural organisations are fueling long-term prosperity. Tendring has a proven track record of bringing people together, unlocking opportunities and achieving more than any of us could alone.

None of the work that we do is possible without our dedicated workforce and I extend my gratitude to our remarkable staff. Their commitment is seen in everything we do, big and small, as an authority, from the biggest projects I have outlined tonight to the day-in, day-out support they provide to residents, from cutting the grass to helping housing tenants.

Earlier this year, I attended our staff awards and was struck by the sheer number of long-service awards showing 30 and 35 years of commitment to public service. Their dedication is the backbone of this Council and despite the uncertainty caused by future re-organisation, all our staff continue to perform and deliver to the highest standards. I want to place on record my thanks to each and every one of them.

This Council has always risen to the challenges before it. Now, we face perhaps our biggest challenge yet, Local Government Reorganisation.

Not all of us would have chosen this path, but it is the path we are on. The question is not whether change will come, but how we ensure that Tendring emerges stronger. I am grateful for the cross-party support in the Chief Executive and I to ensure that we, as a council, are in the best possible position to make sure Tendring's voice is heard.

One of the most immediate steps in this journey is our Community Governance Review, exploring the creation of a town council for the unparished areas of Clacton, Holland-on-Sea and Jaywick Sands. This is about ensuring that local voices remain at the centre of decision making, because whatever comes next, our duty is to the people of Tendring.

In summary Chairman, Tendring has a proud history, but more importantly, it has a bright future.

We have built a legacy of delivery, of strong financial management, of embracing innovation and opportunity. We have shown time and again that we can rise to the challenges before us, and as we face the future, we do so with confidence.

We will not simply be passengers in this new era of local government. We will help to shape it, because our mission remains unchanged: to deliver, to protect, and to stand: as our motto says - pro bono omnium - for the good of all.

Thank you.”

Councillor Platt spoke in the debate on the Leader’s statement.

Council noted the foregoing.

127. PETITIONS TO COUNCIL - REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 - "SAVE CITIZENS ADVICE TENDRING"

Council considered a report of the Head of Democratic Services & Elections (A.1) that formally reported the receipt of a petition that had been submitted requesting the Council to continue to fund Citizens Advice Tendring and the Mental Health Hub and which enabled Council to consider that petition alongside Cabinet’s formal response to that petition, arising from Cabinet’s meeting held on 17 March 2025.

It was reported that a paper petition submitted by Danny Mayzes as lead petitioner, had been received on Friday 21 February 2025. Following a check carried out by Officers in Electoral Services, the petition had been found to contain at least 514 names and addresses that were legible and those persons had been included on the electoral register.

The text of the paper petition stated:-

“We the undersigned petition Tendring District Council to continue to fund Citizens Advice Tendring and the Mental Health Hub to ensure this vital advice service can continue to support the residents, families and small businesses of the Tendring District. The core grants of £144,000 and £28,000 per annum should be reinstated for 2025/2026 and beyond. Citizens Advice is a national treasure and a staple of UK life, and we want this protected locally for the people of Tendring at all costs.

The Council has stated publicly that it would not be able to deliver the same level of advice for less cost, and that Council staff would not have the knowledge to deliver the advice required in-house. The Council praises Citizens Advice Tendring as value for money, and despite core funding not having increased in 10 years, the advice service by Citizens Advice Tendring is better than ever and must be retained.”

In addition, the Lead Petitioner, Danny Mayzes, had submitted an E-Petition with the same text. That E-Petition had been e-signed by 349 individuals who had given an address within the District.

As this matter related to an executive function (Partnerships Portfolio) the Cabinet had been the appropriate body to consider this matter in the first instance and this had duly taken place at the meeting of the Cabinet held on 17 March 2025.

Section 2 of the Council’s adopted Scheme for Dealing with Petitions stated, inter alia,:-

“(b) A valid petition containing 501, or more signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council to advise that the petition has been received. Once it has been investigated, a report will be prepared and presented with the petition at the next meeting of the Council for consideration. If it relates to a matter that is an Executive function under the law the petition will also be presented to the first

practicable meeting of the Cabinet and any views, comments or recommendations made by Cabinet will be incorporated into the aforementioned report to Council."

In accordance with the Petitions Scheme, Danny Mayzes had been invited to attend the meeting on 17 March 2025 to address the Cabinet, outlining the reasons for the submission of the petition and what action the petitioners would like the Council to take.

Having discussed the petition Cabinet had needed to decide what views, comments or recommendations it wished to be incorporated into this report to Full Council.

Cabinet, having duly considered the Petition together with the information provided in the Officer report, decided:-

"That Cabinet –

- (a) notes the allocation of £0.072m to Citizen's Advice Tendring to continue to contribute to the existing information and advice guidance service through direct funding for the interim period up to 30 September 2025 in accordance with a subsidy scheme; and*
- (b) recommends to Council that having considered the petition and having reviewed the assessment and advice set out within the Head of Democratic Services & Elections' report (A.8), Cabinet believes the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet."*

The Corporate Director (Place & Economy)'s Assessment and Advice (as submitted to Cabinet on 17 March 2025) was as follows:-

"The petitioner highlights the importance of providing a vital advice service.

Cabinet decided on this matter on 31 January 2025 with the report of the Partnerships Portfolio Holder: Procurement of information and support service. The advice to Cabinet is drawn from that report, which sought approval from Cabinet to provide an information and advice service to local residents with revised requirements via an associated specification and procurement process, with the new arrangements commencing on 1 October 2025. [...] This approach ensures a joined-up approach across the various sectors within the area with the underlying aim of maximising the use of the Council's resources.

Citizens Advice Tendring have been made aware of the proposed approach set out above and they may consider submitting their own 'bid' for the work the Council is seeking to procure and respond to the outcome of that process.

In summary, Cabinet has approved the provision of an information and advice service to local residents, which it will procure via a modular approach to determine who is best placed to deliver the services required and provide best value for the taxpayer. There is a process in place to determine the best provider of advice services for residents. As such, Cabinet should enact the recommendations made in the January 2025 report.

In relation to the Mental Health Hub, the funding for the Mental Health Hub run by Citizen's Advice Tendring remains in the Council's budget and continues."

The Partnerships Portfolio Holder's comments and recommendations as submitted to Cabinet on 17 March 2025 was as follows:-

"I believe passionately in the importance of advice and information to enable residents to make the best decisions and navigate the systems that provide financial and other support. That is why the Council extended the funding to Citizens Advice Tendring for six months to ensure there is no gap in provision and why we want to go through a process to test the best value provision of advice in the District.

Having considered the petition and reviewed the assessment and advice set out in this report, I believe the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet."

In accordance with the Petitions Scheme, Danny Mayzes had been invited to attend this meeting. Mr. Mayzes addressed Council, outlining the reasons for the submission of the petition and what action the petitioners would like the Council to take.

Councillors M E Stephenson, Land, Fairley, White and I J Henderson spoke during the debate on this matter.

Having duly considered the Petition together with the Cabinet's views and recommendations:-

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

RESOLVED that Council –

- (a) notes the allocation of £0.072m to Citizen's Advice Tendring to continue to contribute to the existing information and advice guidance service through direct funding for the interim period up to 30 September 2025 in accordance with a subsidy scheme; and
- (b) having considered the petition and having reviewed the assessment and advice set out within the Head of Democratic Services & Elections' report, Council believes the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet.

128. 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 Question on Notice had been submitted by a member of the public.

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

There were no such urgent Cabinet or Portfolio Holder decisions to report to Council on this occasion.

130. MINUTES OF COMMITTEES

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

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

- (a) Resources and Services Overview & Scrutiny of Monday 13 January 2025;
- (b) Community Leadership Overview and Scrutiny of Tuesday 14 January 2025;
- (c) Community Leadership Overview and Scrutiny of Tuesday 28 January 2025;
- (d) Audit of Thursday 30 January 2025;
- (e) Standards of Wednesday 5 February 2025;
- (f) Planning Policy & Local Plan of Monday 10 February;
- (g) Audit of Thursday 13 February 2025; and
- (h) Human Resources and Council Tax of Monday 24 February 2025.

131. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - PLANNING CONSENTS AND RENEWABLE ENERGY STIPULATIONS

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

“(a) That Tendring District Council believes that:-

- (1) in principle, any development in the District of Tendring should only be granted planning consent if suitable renewable energy is installed at the time of development. This to include options such as solar, heating and other measures, and such that developers will no longer be able to place restrictive covenants to prevent purchasers from installing these measures when they are required, with a possible exemption for very small developments; and*
- (2) furthermore, that any developers who currently hold restrictive covenants preventing homeowners from the installation of renewable energy such as solar, should be encouraged by the Council in the strongest possible terms, to remove these restrictions, where appropriate, and allow property owners to install solar panels and other green measures without hinderance.*

(b) That Tendring District Council therefore notes:-

- (1) that there are numerous developments spread across the District, where developers, by way of restrictive covenants, are preventing residents who have*

purchased a property from installing solar energy or similar 'green' energy measures;

(2) that the Council already has a policy in Section 2 of its adopted Local Plan i.e. Policy PPL10: RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES which, amongst other things, states:

"All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retrofitting of renewable energy installations.

For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the application can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered."

(3) furthermore, that the supporting text within the Local Plan (paragraph 7.9.3) states, in respect of the Renewable Energy Generation Plan (REGP), that it - "must demonstrate how different measures have been considered and incorporated which could and should include:

- Triple Glazing;*
- Solar Roof Panels or Solar Tiles;*
- Air Source Heating Systems;*
- Ground Source Heating Systems;*
- Super Insulation (walls and loft void);*
- Rainwater Capture System;*
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate facility);*
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;*
- Mechanical Heat Recovery Ventilation;*
- Solar Thermal Systems;*
- Solar Battery Storage Systems; and where appropriate*
- Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy."*

- (4) *that Paragraph 7.9.4 of that supporting text then states - “The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable”;*
- (5) *that through the review of the Local Plan, to be overseen by the Planning Policy and Local Plan Committee, the Council will be revisiting Policy PPL10 – with the view to incorporating a new version that aligns with the substantial work carried out by Essex County Council and which is designed to strengthen councils’ ability to achieve high levels of energy efficiency and renewable energy provision – with the aim of achieving net zero carbon and which will be taken into account alongside the substantial changes coming through the amended Building Regulations in April 2025 which will mandate new development having to meet much higher levels of insulation, energy efficiency and net zero capability;*
- (6) *that if a development has already been granted planning permission with certain measures required (for example by planning condition) but those measures are not delivered, the Council can consider enforcement action to ensure compliance – and that a developer could not legitimately (or sensibly) prevent those measures from happening through the use of a covenant; and*
- (7) *that, however, if a development is not required under its planning permission to do certain things (for instance the installation of solar panels), the Council cannot stop a developer applying a covenant to a property to restrict the retrofitting of such things as it would be a private matter between the developer and the buyer of a property.*
- (c) *That Tendring District Council, having duly noted the above, requests the Leader of the Council and the Portfolio Holder for Housing and Planning to encourage developers, on behalf of this Council, to cease using such restrictive covenants in the future and to further encourage that any developers who already hold restrictive covenants preventing homeowners from the installation of renewable energy measures, such as solar, to remove those restrictions, where appropriate, and to allow property owners to install solar panels and other ‘green’ energy measures without hinderance.”*

Prior to the commencement of the meeting the Council’s Monitoring Officer had confirmed that the statutory officers 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 Bensilum formally moved the motion, and Councillor Barrett formally seconded the motion.

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

Councillor Bray moved and Councillor Harris seconded that Councillor Bensilum’s motion be amended by the addition of an extra paragraph as follows:-

“(d) That this Council requests the Planning Policy and Local Plan Committee to investigate the matters raised in this motion as part of the review of the Local Plan.”

Pursuant to the provisions of Council Procedure Rule 16.6(a), Councillor Bensilum, with the consent of Councillor Barrett, accepted that amendment and altered his motion accordingly.

In addition to Councillor Bensilum, Councillors Bray, Fairley, M A Cossens, Harris, Everett, Bush, Barrett and M E Stephenson spoke during the debate on this motion.

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

132. REFERENCE FROM THE CABINET - A.2 - ADOPTION OF THE PROCUREMENT STRATEGY

Council considered a reference report from Cabinet (A.2) which informed Members that at its meeting held on 21 February 2025 (Minute 129 referred), the Cabinet had considered a report of the Assets and Community Safety Portfolio Holder (A.2) which had updated it on the progress of the collaboration procurement service, known as Essex Procurement Partnership and which had sought its approval for the Collaboration Agreement to be entered into, replacing the arrangement directly with Essex County Council and endorsing the proposed Procurement Strategy for Essex Procurement Partnership (EPP), as the interim strategy for the Council.

In relation to the proposed Procurement Strategy Cabinet had been informed that the Procurement Strategy, set out the rationale for the Collaboration, Vision, Goals, Scope and Remit, and Strategic Priorities and Actions of EPP for the next three years and would be expected to apply to procurement within this Council. This sought to deliver the agreed objectives as set out and, in particular, outlined how EPP would do so over the next three years in line with the Procurement Act 2023.

Cabinet Members were cognisant that current guidance documents produced by the Government highlighted the four stages of the commercial pathway being Plan, Define, Procure and Manage and the Strategy provided more detail on those stages, but all services across the Council would note that the procurement phase, was the third one out of four. More attention to preparation resources and groundwork being provided by the commissioning service area should be placed on the first two parts to ensure the Council could make the most of the flexibilities the new Act provided by being clear of the service's intentions through the required notices.

It was set out that EPP would review and update its Procurement Strategy annually to ensure that it remained relevant and responsive to the changing needs and circumstances of the Authorities including new legislation and national policy. EPP would monitor and report on the progress and performance of this Procurement Strategy to Members and stakeholders.

It was recognised that the new Act introduced a shift in procurement objectives, moving beyond the traditional focus on equal treatment and non-discrimination. Now, contracting authorities were mandated to deliver value for money, maximise public benefit and act with integrity throughout the procurement process.

Cabinet had been made aware that the Government's National Procurement Policy Statement (NPPS) had been published on 13th February 2025 in readiness for the Act going live on 24th February 2025 and had come into effect on the same date. The

NPPS applied to all contracting authorities as defined in the Act. The Procurement Strategy supported the priorities of the NPPS.

Cabinet recognised that a number of benefits would be achieved to EPP members, so benefiting Essex residents which included:-

- *Increased resilience – through more resource, EPP was able to better flex to the peaks and troughs of each Authority and enabled effective delivery of projects in Districts improving the services residents received.*
- *Procurement Expertise – By operating across multiple authorities, staff were able to specialise in categories of spend, with more procurement activity in those categories. The result of this should be more informed procurements which in turn would deliver better value for money for the District's residents.*
- *Category Spend management and strategic oversight for consolidation opportunities – Ensuring the Council could have regard to the importance of achieving value for money, as this was always the overarching priority in public procurement. Government guidance (e.g. Managing Public Money and Best Value statutory guidance) set out how to use public money responsibly.*
- *Savings Opportunities & Increased Market Influence – Through a common forward plan of procurements required, and working as a team, the Member Authorities would be able to better identify collaborative procurement opportunities. This gave the opportunity to combine spend, creating economies of scale and so delivering contractual savings. Additional benefits would be achieved through efficiency in the resource model, with collaborative procurements enabling fewer tender processes to be undertaken. Over time, as the team developed, savings in the staff model would be enabled so reducing the overall cost of the team to member authorities.*
- *Reduced Duplication – Working together to have one common approach to procuring and social value would both create efficiencies for the procurement team and reduce the administrative burden to those bidding for procurements. Small to Medium Enterprises and Voluntary Sector Organisations who tended to have limited resources to bid, should be particularly advantaged by this approach.*
- *Staff Retention and Improved Practice – By collaborating together, efficiencies would be created to enable the delivery of professional procurement practice. The common approach to assessing Social Value was an example of this. Other examples included work to understand the market from which the Authorities were sourcing, introducing an industry recognised category management approach to drive better value for money in Districts and Boroughs.*
- *Governance – ensuring the Member Authorities had appropriate and proportionate controls, systems and standards to manage procurement risk and to comply with legal requirements.*

It was also felt that the adoption of the EPP Procurement Strategy for the Council to deliver in line with and publication on the Council's web page set a clear direction of the next three years, in line with the requirements of the Act and the National Procurement Policy Statement.

It had been "RESOLVED that Cabinet -

- (a) agrees to enter into a Collaboration Agreement for the delivery of joint procurement services for a three-year period on substantially the same terms as set out in Appendix A of the Portfolio Holder's report (A.2) with:

- Braintree District Council
 - Castle Point Borough Council
 - Epping Forest District Council
 - Essex County Council
- (b) authorises the Director for Governance, being responsible for the Council's corporate procurement function, to sign the final Collaboration Agreement on behalf of the Council;
- (c) agrees that Essex County Council should be the Accountable Body under the Collaboration Agreement acting as Lead Party, which includes responsibility for the day-to-day management of the service and its financial administration and managing seconded staff;
- (d) notes that the Collaboration Agreement provides for annual contributions from the Council, which can be met from within existing budgets, although subject to review as part of the annual budget setting cycle to respond to changes such as inflationary increases;
- (e) notes that further secondment or employment of staff to Essex County Council to support Essex Procurement Partnership, is fully and jointly funded by its Member Authorities;
- (f) supports exploration of additional resource to support the legal support to the Essex Procurement Partnership, in particular for procurement and contract legal advice;
- (g) endorses the continuous improvement approach as identified seeking views on the existing partnership and joint working through an internal questionnaire to feed into the arrangement for the next three years;
- (h) **approves the Procurement Strategy for recommendation onto Full Council for adoption as required by the Council's Policy Framework;** and.
- (i) instructs Officers to regularly update the Portfolio Holder for Assets and Community Safety, as being responsible for procurement on the content and quality of the Council's Contract Register and Procurement Project Pipeline ensuring it is kept up to date, enabling Council projects and business as usual can be delivered through the approved Essex Procurement Partnership Prioritisation Approach."

Resolution (h) above was pertinent to this reference report (A.2).

A copy of the published Assets and Community Safety Portfolio Holder's report (and its appendices) to the Cabinet meeting held on 21 February 2025 was attached to the reference report.

Councillors M E Stephenson, Kotz, Fairley and Harris spoke during the debate on this matter.

Having considered this reference report from Cabinet:-

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

RESOLVED that Council approves and adopts the Procurement Strategy, as set out in Appendix 1, to the reference from the Cabinet (A.2).

133. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.3 - AMENDMENTS TO TENDRING DISTRICT COUNCIL'S MEMBERS' PLANNING CODE & PROTOCOL FOLLOWING A REVIEW

Council considered a joint report of the Monitoring Officer and the Cabinet (A.3) which enabled Council to consider proposed amendments to the Members' Planning Code & Protocol following a review carried out by the Standards Committee and consideration by the Cabinet.

It was reported that the Standards Committee, at its meeting held on 5 February 2025 (Minute 34 referred), had considered a report of the Monitoring Officer (A.1) which had presented the updated revised version of the Planning Probity Protocol, following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It had been reported that some themes emerging from the consultation were:

- the concept of Bias needed to be stronger.
- stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.
- importance of seeking advice earlier.
- a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.
- the importance of Member Training needed to be stressed within the Planning Probity Protocol.
- stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and
- site visits section needed to be stronger relating to the exceptional circumstances.

Members had been made aware that the outcome of the consultation had been set out in detail in Appendix B of the Officer report. In addition, it had been considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was relevant.

It had been **RESOLVED** that the Standards Committee –

- (a) notes the outcome of the consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution;
- (c) subject to (b) includes an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed

seniority of Officers and all Officers within Planning and Legal Services personal planning applications to be referred to the Planning Committee; and

- (d) subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

Resolutions (b), (c) and (d) above were pertinent to the joint report (A.3).

The Cabinet, at its meeting held on 17 March 2025 (Minute 143 referred), had considered the recommendations put forward by the Standards Committee.

Cabinet had decided to recommend to Full Council that:-

- (1) the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

The revised Planning Probity Protocol was attached as the Appendix to the joint report (A.3).

Councillors M E Stephenson, Bray, Griffiths and Baker spoke during the debate on this matter.

Having considered the joint report:-

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

RESOLVED that Council approves that –

- (1) the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

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

Council considered a joint report of the Monitoring Officer and the Cabinet (A.4) which asked Council to approve the Cabinet's recommended changes to the Constitution which followed a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for that purpose.

It was reported that the main proposals covered several miscellaneous amendments to the Articles of the Constitution, Council Procedure Rules and the Overview and Scrutiny Procedure Rules, to ensure the Council's Constitution remained effective, efficient and consistent at an operational level. The key changes to each of those documents were highlighted within the body of the joint report.

Members were informed that the Review of the Constitution Portfolio Holder Working Party (CRWP) had met on 19 February 2025 and the meeting had been attended by its Chairman, the Corporate Finance & Governance Portfolio Holder (Councillor M E Stephenson) as well as Councillors Guglielmi, Kotz, Talbot and Wiggins.

The recommendations arising from that meeting of the CRWP had then been submitted to the meeting of the Cabinet held on 17 March 2025, together with some additional minor amendments that had been required for clarity highlighted by the Section 151 Officer and the Monitoring Officer and the Leader of the Council who was proposing to amend the responsibilities for Cabinet and an individual Portfolio Holder, in one area.

Councillors M E Stephenson, Kotz, Harris and Platt spoke during the debate on this matter.

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party, together with the additional items put forward by the Section 151 Officer, the Monitoring Officer and the Leader of the Council and the Cabinet's recommendations arising from its consideration of the aforementioned matters, and to enable those recommendations to be approved and adopted:-

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

RESOLVED that Council -

1. approves that:

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to J attached to the joint report (A.4); and
 - (b) the membership of the Audit Committee be increased to seven (from five) with effect from the Annual Meeting of the Council on 29 April 2025.
2. endorses the intention to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports and that the new box will be headed "Devolution and Local Government Reorganisation Implications".
3. notes the Leader of the Council's intention to amend the Scheme of Delegation to Portfolio Holders, especially in relation to the process regarding Traffic Regulation Orders, as set out in Appendix K to the joint report (A.4).

135. 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.

136. REFERENCE FROM THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE - A.5 - HUMAN RESOURCES COMMITTEE AND ARRANGEMENTS FOR STATUTORY OFFICER AND NON-STATUTORY CHIEF OFFICER APPEALS

Council considered a reference report from the Human Resources and Council Tax Committee (A.5) which sought Council's approval of the Human Resources & Council Tax Committee's proposed amendments to the Terms of Reference of the Committee to include the determination of Appeals of Chief Officers for recommendation onto Full Council, together with a recommendation to establish a Chief Officer Employment Appeals Sub-Committee and to review the Council's HR Policies and Procedures, to ensure they were consistent with the changes concerning appeals processes.

It was reported that at its meeting held on 24 February 2025 (Minute 20 referred), the Human Resources and Council Tax Committee ("the Committee") had been made aware of the context of Officers seeking to amend the Terms of Reference of the Human Resources Committee.

The Council's Staff Handbook stated that: "*Employees have a right to appeal against any formal disciplinary decision. The appeals procedure was part of the Disciplinary Policy and Procedures.*" Members were told that the Disciplinary Policy and Procedures issued by Human Resources and last updated in October 2017 stated:-

**"15. APPEALS PROCEDURE
15.1 Refer to Appeal Policy"**

APPEALS PROCEDURE (Updated August 2012):

"As an employee of the Council, there may be occasions where a formal decision was required to be taken about your employment. Where this occurs, formal policies and procedures will be followed to ensure a fair process is applied. It is essential that any actions or decisions made are based on facts and evidence provided as part of that process.

There may, however, be times where an employee is unhappy with the decision made or action taken. Where this occurs, they have the right to appeal against that decision. The purpose of the Appeals Procedure is to outline the process which will be followed when exercising the right of appeal.

The right of appeal will usually apply where decisions are taken regarding the outcome of a disciplinary or capability hearing, formal grievance or redundancy selection. In all cases, the appeals process will be the same and further advice relating to each specific procedure can be found in the following policies:

- *Disciplinary Policy, Rules and Procedure*
- *Grievance Procedure"*

Members had also been made aware that in paragraph 2.2 of the Disciplinary Policy and Procedure, the Scope of the Procedure was stated as:

“The procedure applies to all employees of Tendring District Council, with the exception of the Council’s Statutory Officers who are covered by National Employer’s procedures. These are agreements of the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers of Local Authorities. Cases where an employee’s ability to undertake the job they are employed to do is in question, will normally be dealt with under the Capability Procedure. Human Resources will advise on the best course of action to take in these circumstances.”

Officers had informed Members that, in September 2022, the Handbook for Chief Executives had been updated by the Joint Negotiating Committee for Chief Executives. The Conditions of Service for Local Authority Chief Officers had been last updated by the Joint Negotiating Committee in 2017.

Consequently, there had been a need to review whether the Council had the appropriate decision-making structure in place to accord with appeal requirements for the Chief Executive, Statutory Officers, and Non-Statutory Chief Officers and their deputies, as set out in the relevant Staff Handbooks.

The Committee had also heard that upon undertaking the review, it had been recommended that a Chief Officer Employment Appeals Sub-Committee be established following a recommendation from the Human Resources and Council Tax Committee onto Full Council for approval and consequential amendments to the Council’s Constitution.

It had been unanimously RESOLVED that the Human Resources and Council Tax Committee:-

- (a) notes the outcome of the review undertaken by the Council’s Monitoring Officer as requested by Full Council;
- (b) recommends to Full Council that:
 - (i) the Human Resources and Council Tax Committee’s Terms of Reference be amended to include the determination of Employment Appeals of Chief Officers, with these functions being delegated to a Chief Officer Employment Appeals Sub-Committee;
 - (ii) a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix A of the Officer report (A.6), with the necessary amendments being made to the Council’s Constitution, to be highlighted in the reference report to Full Council;
 - (iii) political proportionality would not apply to the Employment Appeals Sub-Committee, on the basis that it is not a committee which meets regularly; and
- (c) authorises the Head of People to undertake a review of the Council’s Human Resources Policies and Procedures, in consultation with the Head of Paid Service, to ensure they are up to date and consistent with the appeal process for Chief Officers as set out.

Having considered the reference report from the Human Resources Committee (A.5):-

It was moved by Councillor Chapman BEM, seconded by Councillor Calver and:-

RESOLVED that Council formally approves that –

- (a) the Human Resources and Council Tax Committee's Terms of Reference be amended to include the determination of Employment Appeals of Chief Officers, with these functions being delegated to a Chief Officer Employment Appeals Sub-Committee;
- (b) a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix B to this report (A.5), with the necessary amendments being made to the Council's Constitution; and
- (c) political proportionality will not apply to the Employment Appeals Sub-Committee, on the basis that it is not a committee which meets regularly.

137. REFERENCE FROM THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE - A.6 - PAY POLICY STATEMENT 2025/26

The Chief Executive declared an Interest in the subject matter of this item and left the meeting whilst Council deliberated and reached its decision.

It was reported that at its meeting held on 24 February 2025 (Minute 17 referred), the Human Resources and Council Tax Committee had considered a report of the Head of People (A.3) which had sought the Committee's endorsement of the draft Pay Policy Statement 2025/26.

The Committee heard that the Localism Act 2011, Chapter 8 (Pay Accountability) Sections 38 and 39, required the Council to prepare a Pay Policy Statement that articulated the Council's approach to a range of issues relating to the pay of its workforce.

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

Officers informed Members that the Human Resources and Council Tax Committee had historically overseen the preparation of a draft Pay Policy Statement for recommendation onto Full Council for its approval and adoption.

Members were also informed that matters that must 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 had been reassured that the draft Pay Policy Statement 2025/26 outlined the Council's approach to remuneration, detailing policies on the pay of Chief Officers and the lowest-paid employees, the relationship between different levels of pay, and the Council's adherence to the National Pay Grades set by the National Joint Council (NJC). The adoption of this framework ensured a fair and transparent approach to remuneration, including incremental progression based on service length and performance.

Members had noted that the statement covered discretionary allowances for statutory and non-statutory officers, market forces supplements to address recruitment and retention challenges, and the Council's policies on organisational change, redundancy payments, pay protection, and access to the Local Government Pension Scheme.

The Committee had been informed about the Council's position on mileage and subsistence payments, overtime, and standby allowances. The document emphasised transparency and compliance with statutory regulations, including gender pay gap reporting, off-payroll working rules, and severance payments.

Officers had reported limited changes in the 2025/26 draft Statement, except for the implementation of the 2024/25 pay award, following agreement between National Employers and National Unions. The document had been reviewed to ensure legal compliance, best practice, and high transparency for staff and residents of Tendring. Changes in the draft Pay Policy Statement for 2025/26 had been highlighted in red text.

It had been:-

RESOLVED that the draft Pay Policy Statement 2025/26, as set out in Appendix A of the Officer report, be recommended onto Full Council for approval and adoption.

A copy of the published report of the Head of People (and its appendices) presented to the Human Resources and Council Tax Committee held on 24 February 2025, was attached to the reference report from the Human Resources and Council Tax Committee (A.6).

Having reviewed the reference report from the Human Resources & Council Tax Committee (A.6):-

It was moved by Councillor Chapman BEM, seconded by Councillor Calver and:-

RESOLVED that the Council approves the draft Pay Policy Statement for 2025/26, as detailed in Appendix 2 to the reference report (A.6), for adoption in accordance with the Authority's statutory obligations.

138. REFERENCE FROM THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE - A.7 - REVIEW OF CHANGES TO THE CHIEF EXECUTIVE'S TERMS AND CONDITIONS

The Chief Executive declared an Interest in the subject matter of this item and left the meeting whilst Council deliberated and reached its decision.

Council was asked to consider the recommendations submitted to it by the Human Resources and Council Tax Committee in respect of the review of changes to the Chief Executive's terms and conditions of employment.

It was reported that at its meeting held on 24 February 2025 (Minute 16 referred), the Human Resources and Council Tax Committee had considered a report from the Head of People regarding the outcome of the review of the Chief Executive's terms and conditions of employment.

The Committee had heard that, at its meeting on 8 August 2024, the Human Resources Sub-Committee Panel had received a report in respect of the current terms and conditions of employment of the Chief Executive and, specifically, the reduced working hours (of 27.75 hours per week) approved by Council on 25 January 2022. The substantive post on the Council's establishment remained at 37 hours per week. In approving the reduced working hours arrangement for the post holder (Ian Davidson), Full Council had determined that there should be annual reviews of the operation of the revised working hours arrangement.

Members had been informed that, in deciding to review the operation of the revised working hours arrangement for the current post holder, the Council had not specified the mechanism for that review. To advance that process, it had been determined that the composition of the Human Resources Sub-Committee Panel, as established by the Council, along with their role outlined for the Sub-Committee in the Officer Employment Procedure Rules concerning Statutory Officers, constituted the most effective approach for conducting such reviews.

Officers had informed the Committee that the Panel was composed of the Leader of the Council, the Deputy Leader of the Conservative Group and the Group Leader of the Independent Group (and Chairman of the Human Resources and Council Tax Committee). It also had had the benefit of the presence and insight of Councillor Calver (a member of the Labour Group and Vice-Chairman of the Human Resources and Council Tax Committee).

The Committee had been made aware that the special nature of the post of Chief Executive meant that the terms and conditions were set by the Joint Committee for Local Authority Chief Executives, as set out in the Chief Executives' Handbook, and locally agreed by Full Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

Members noted that to assist the Panel in undertaking the review, the Panel had been presented with the statements of the former Leader of the Council, former Councillor Neil Stock OBE, from the time of the original request to reduce the contractual working hours, as well as written representations from Councillor John Spence CBE, Chairman of the Essex Health and Wellbeing Board. Additionally, the Panel had been apprised of Mr Davidson's notable achievements during his tenure as the Council's Chief Executive, and reference had been made to his nomination for an award from the Suffolk and North Essex Integrated Care System.

The Committee was also told that the Panel had been informed that, unless otherwise agreed, the Chief Executive remained fully committed to Tendring District Council, adhering to whole-time service, with specific operational arrangements coordinated with the Leader of the Council.

At the Panel's meeting on 8 August 2024 it had been unanimously:-

"RESOLVED that:

- (i) the position in respect of terms and conditions of employment of the post holder be noted;*
- (ii) the following outcome of the review undertaken by the Panel of the operation of the current terms and conditions of the post holder be reported to the Human Resources and Council Tax Committee:*
 - (a) no alteration to the terms and conditions of employment was required and, as such, the current terms and conditions do not need to be amended;*
 - (b) the annual review determined by Council on 25 January 2022 be discontinued on the basis that the exercise of the review appeared to have no identifiable value to the Council going forward and there was a separate annual appraisal process for the post holder undertaken by the Leader; and*
 - (c) the thanks of the Panel for the valuable and enduring positive contribution of the post holder to the Council be recorded."*

Officers had also informed the Committee that since the Human Resources Sub-Committee Panel had reviewed the Chief Executive's terms and conditions of employment, Essex Devolution and Local Government Reorganisation (LGR) had been announced.

The Committee had been made aware that Devolution involved the transfer of powers and funding from central government to local authorities, enabling decisions to be made closer to the communities they affected.

Furthermore, Local Government Reorganisation, focused on restructuring local government to create simpler, more efficient council structures. In Essex, that would involve replacing the current two-tier system, where services were split between Essex County Council and 12 City, Borough, or District councils, with a number of unitary authorities responsible for all local services. That reorganisation aimed to drive economic growth and deliver better public services by creating clear accountability and more streamlined operations.

Essex had been agreed to be part of Phase 1 of that initiative, highlighting its commitment to those transformative changes. The process included submitting interim plans, followed by full proposals, with the goal of establishing new unitary councils by 2028.

The Committee had been notified that the Chief Executive's role was considered critical in the formation and implementation of those proposals for Tendring. Given his essential role, the Leader of the Council had requested that the Human Resources and Council

Tax Committee review the previously agreed reduction to his working hours and endorse, (also recommending to Full Council) that it be reversed to support his continued leadership and involvement in those significant initiatives.

Members had also noted the decision of Full Council at its meeting on 21 January 2025, whereby Full Council - 'mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and North Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges.'

It had been:-

"RESOLVED that the Human Resources and Council Tax Committee:

- (a) endorses the request from the Leader of the Council to reinstate the Chief Executive's full time working hours in light of the demands of Devolution and Local Government Reorganisation;*
- (b) notes that a special dispensation is required to alter the terms and conditions of employment of the Chief Executive (due to the special nature of this role) in relation to the Council's Flexible Retirement Policy and its application, which reinstates the Chief Executive's full time working hours as soon as practical;*
- (c) recommends that Full Council:*
 - I. considers the request from the Leader having been supported by the Human Resources and Council Tax Committee, to reinstate the Chief Executive's full time hours;*
 - II. agrees to grant the special dispensation to the Council's Flexible Retirement Policy and its application to the Chief Executive, in his role at this time due to Devolution and Local Government Reorganisation;*
 - III. subject to (i) and (ii) agrees the reinstatement to full time hours as soon as practical;*
 - IV. that the annual review as determined by Council on 25 January 2022, be discontinued on the basis that the exercise of the review is unnecessary, given that there is a separate annual appraisal process for the post holder undertaken by the Leader; and*
 - V. the thanks of the Council for the valuable and enduringly positive contribution of the post holder to the Council be recorded."*

A copy of the published report of the Head of People presented to the Human Resources and Council Tax Committee held on 24 February 2025, was attached to the reference report from the Human Resources and Council Tax Committee (A.7).

Councillors Chapman BEM, M E Stephenson, Platt, Amos and Talbot spoke during the debate on this matter.

Having reviewed the reference report from the Human Resources and Council Tax Committee:-

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

RESOLVED that Council –

- I. endorses the request from the Leader having been supported by the Human Resources and Council Tax Committee, to reinstate the Chief Executive's full time hours;
- II. agrees to grant the special dispensation to the Council's Flexible Retirement Policy and its application to the Chief Executive, in his role at this time due to Devolution and Local Government Reorganisation;
- III. agrees the reinstatement to full time hours as soon as practical;
- IV. agrees that the annual review as determined by Council on 25 January 2022, be discontinued on the basis that the exercise of the review is unnecessary, given that there is a separate annual appraisal process for the post holder undertaken by the Leader; and
- V. requests that the thanks of the Council for the valuable and enduringly positive contribution of the post holder to the Council be recorded.

139. REPORT OF THE CHIEF EXECUTIVE - A.8 - REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS ON THE COUNCIL

Council was aware that, following Councillor Bush's and Councillor Thompson's decisions on 21 and 17 January 2025 respectively to leave the Tendring Independents political group and to join the Reform UK political group and also following the By-Election held on 6 February 2025 in The Bentleys & Frating Ward, a review of the allocation of seats to political groups on relevant Committees and Sub-Committees had needed to be carried out in accordance with Section 15(1) (e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990.

Council, with the assistance of the contents of the Chief Executive's report (A.8), formally conducted the review referred to above.

Members had had circulated to them prior to the commencement of the meeting an amended Appendix 1 to the report A.8. That Appendix had been amended to reflect the wishes of the Leader of the Conservative Group in respect of his Group's nominations in relation to the Planning Policy & Local Plan Committee.

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

RESOLVED 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;
- (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 8

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

- (d) That the following changes to the allocations set out in Table 8 above be approved (the relevant allocations are shown ‘*’ in Table 8):
- (1) the Labour Group to have two seats on the Human Resources & Council Tax Committee (instead of one), two seats on the Licensing and Registration Committee (instead of one) and no seat on the Resources and Services Overview & Scrutiny Committee (instead of one);

-
- (2) the Conservative Group to have two seats on the Audit Committee (instead of one), three seats on the Community Leadership Overview & Scrutiny Committee (instead of two), one seat on the Planning Committee (instead of two), and three seats on the Resources and Services Overview & Scrutiny Committee (instead of two);
 - (3) the Reform UK Group to have no seat on the Audit Committee (instead of one), two seats on the Planning Committee (instead of one), and two seats on the Resources and Services Overview & Scrutiny Committee (instead of one);
 - (5) the Independent Group to have no seat on the Licensing and Registration Committee (instead of one) and no seat on the Miscellaneous Licensing Sub-Committee (instead of one); and
 - (6) the Liberal Democrats Group to have no seat on the Human Resources & Council Tax Committee (instead of one).
- (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 the amended Appendix 1 to this report.

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

RESOLVED that the unallocated seats on the Licensing and Registration Committee, the Planning Policy & Local Plan Committee, the Planning Committee and the Miscellaneous Licensing Sub-Committee be left vacant at this time.

140. 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 such Question on Notice had been submitted for this meeting as follows:-

Councillor Amos asked the Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson):-

“At the 6 August 2024 full Council meeting I asked a question about investment in Clacton Town Centre and particularly the wrapping of the empty shops. The answer I received was that this would be done in the Autumn, and yes, at the beginning of November some shops were indeed wrapped.

Disappointingly though there are still at least eight shops not wrapped and looking unkempt and so the Town Centre still looks scruffy and dirty which is not likely to encourage business investment!

My question therefore is: Where is the town centre regeneration money for Clacton that matches what is being invested in Dovercourt High Street?”

The Portfolio Holder for Economic Growth, Regeneration & Tourism responded as follows:-

"I would like to thank Cllr Amos for his question regarding investment and regeneration in Clacton Town Centre.

I can confirm that while some progress was made in November with several shop fronts being successfully wrapped, it is correct to point out that a number of premises remain untreated. Whilst it remains our ambition to wrap all empty shops, we are not able to make any adaptations to privately owned premises without the express permission of the property owner. And despite continued attempts, we have been unable to gain permissions for the remaining empty shops.

In contrast to the position in Dovercourt High Street, where most properties are represented by a few local estate agents, Clacton's commercial property landscape is significantly more fragmented. To provide an example of the challenges we are faced with, one property owner has been contacted on nine separate occasions and has yet to even respond. Therefore, we cannot wrap the shops without the owners' consent.

In addition to shop wrapping, the Council has significantly improved town centre cleaning and through the UK Shared Prosperity Fund, supported local organisations to stage town centre events, a Pop-up Art Gallery and provided grants for shop front improvements which will also continue through 2025.

I am also pleased to say that in the coming weeks and months you will see an installation of new banners around the Town Centre to provide a vibrancy and further animate the area. Public safety will be improved through improvements to the towns CCTV coverage, with up to 20 cameras being upgraded and new cameras installed at additional locations including the High Street. And where necessary, we will be working across the organisation to consider the range of enforcement powers available to encourage business owners to address poorly managed properties.

I should point out however that this is just the beginning of our significant ambition for regeneration. As Members of the Council will be aware, the Clacton Town Board was set up as part of the previous Government's Long-Term Plan for Towns funding criteria, bringing together community leaders, local businesses, the community and voluntary sector, education and health services, Police Fire and Crime Commissioner and Tendring District Council to develop a strategic vision for the town.

I am pleased to say that earlier this month, the Ministry of Housing, Communities and Local Government announced that Clacton is one of the 75 areas that will receive a share of its £1.5 billion Plan for Neighbourhoods programme. As such, Clacton will be given up to £20 million in funding over the next ten years, which will fall under the jurisdiction of the Town Board.

This provides an incredible opportunity to drive regeneration of the district's largest town, improve footfall and support the attraction of increased private sector investment. Following a widespread consultation process which will take place to understand what local people want to see, the Town Board will develop a strategic plan of how to spend this significant investment over the lifetime of the funding available.

Our investment commitment to Clacton Town Centre remains hugely ambitious and in addition to the Plan for Neighbourhoods programme, the Council with partners, have progressed proposals to develop a series of high-quality and exciting projects through the Levelling Up Fund, under the Clacton Civic Quarter banner. This regeneration

scheme will be a new gateway for Clacton Town Centre and include the Carnarvon Terrace project, which has now received planning permission. It will result in the delivery of 28 much-needed well-designed new homes, improvements to the existing carpark, a public realm scheme and the creation of new 'maker space units' for retail entrepreneurs. Furthermore, Essex County Council will be developing a new Clacton Hub at the same site, which will see the creation of a brand-new skills and learning hub and bring together an Adult Community Learning Centre with the Library, and the University of Essex's new Centre for Coastal Communities.

In addition, over the next few years, we will also see the development of some wonderful projects planned for the town centre area, under our Community Regeneration Partnership scheme with Government. This will include town centre projects such as:

- Providing an attractive route from the seafront to the Town Centre through an exciting new public realm scheme*
- Supporting community transport to provide better services and access to the Town Centre for local people*
- Looking at the feasibility of acquiring and repurposing a disused town centre building for community and cultural use*
- And providing £500,000 of grant funding to support improvements to local shops.*

This is an exciting time for Clacton Town Centre, and I hope you agree there is a real sense of positivity for the future."

Councillor Amos then asked a question of clarification to which Councillor I J Henderson responded.

141. 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 10.22 pm

Chairman