

# Public Document Pack

## TENDRING DISTRICT COUNCIL

### AGENDA

For the meeting to be held on 9 May 2017

#### **Prayers**

**1 Summons to Council (Pages 1 - 2)**

**2 Apologies for Absence**

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

**3 Minutes of Meetings of the Council (Pages 3 - 28)**

The Council is asked to approve, as a correct record, the minutes of the following:

- (a) Council Meeting held on 28 March 2017; and
- (b) Annual Meeting of the Council held on 25 April 2017.

**4 Declarations of Interest**

Councillors are invited to declare any disclosable pecuniary interests, or other interest, and the nature of it, in relation to any item on the agenda.

**5 Announcements by the Chairman of the Council**

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

**6 Announcements by the Chief Executive**

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

**7 Statements by the Leader of the Council**

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

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

**8 Statements by Members of the Cabinet**

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

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

**9 Petitions to Council**

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

There are none on this occasion.

**10 Questions Pursuant to Council Procedure Rule 10.1**

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

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

There are none on this occasion.

**11 Questions Pursuant to Council Procedure Rule 11.2 (Pages 29 - 30)**

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

The time allocated for receiving and disposing of questions shall be a maximum of 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members unless withdrawn by the questioner.

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

The Council will receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There is no such report on this occasion.

**13 Minutes of Committees (Pages 31 - 48)**

The Council will receive the minutes of the following Committees:

- (a) Community Leadership and Partnerships Committee of Monday 20 March 2017;
- (b) Standards Committee of Monday 27 March 2017;
- (c) Service Development and Delivery Committee of Monday 3 April 2017; and
- (d) Local Plan Committee of Thursday 20 April 2017.

**NOTES:** (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record;

(2) There is a Recommendation to Council contained in Minute 21 of the Standards Committee Minutes of 27 March 2017 which Council will need to consider; and

(3) There is a Recommendation to Council contained in Minute 33 of the Local Plan Committee Minutes of 20 April 2017 which Council will need to consider.

**14 Motions to Council - Proposed Parish/Town Council for Clacton-on-Sea (Pages 49 - 50)**

The Council will consider a motion, notice of which has been given, pursuant to Council Procedure Rule 12, by Councillor Jack Parsons.

**15 Motions to Council - Proposed Road Safety Measures at Brickmans Bridge on the B1352 (Pages 51 - 52)**

The Council will consider a motion, notice of which has been given, pursuant to Council Procedure Rule 12, by Councillor Zoe Fairley.

**16 Recommendations from the Cabinet - Asset Management Plan and consequential Amendments to the Council's Constitution (Pages 53 - 70)**

Council's approval is sought in respect of the Asset Management Plan (AMP) 2016/2017 to 2021/2022 and consequential amendments to the Council's Constitution.

Cabinet considered the AMP at its meeting held on 21 April 2017 and its recommendation to Council is contained in Minute 179. The Report of the Resources and Corporate Services Portfolio Holder which Cabinet considered is attached, together with the Draft AMP and the Schedule of proposed amendments to the Council's Constitution.

**17 Reports Submitted to the Council by an Overview and Scrutiny Committee**

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are none on this occasion.

**18 Report of the Management and Members' Support Manager - A.1 - Electoral Review of Tendring (Pages 71 - 114)**

To ask Council to agree its formal response to the Local Government Boundary Commission for England's (LGBCE) draft recommendations on new electoral arrangements for Tendring.

**19 Urgent Matters for Debate**

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

**Date of the Next Scheduled Meeting of the Council**

Tuesday, 6 June 2017 at 7.30 pm - Princes Theatre, Town Hall, Clacton-on-Sea, CO15 1SE

**PRINCES THEATRE**

**FIRE EVACUATION PROCEDURE**

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

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

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

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it.

Your calmness and assistance is greatly appreciated.

# Agenda Item 1

## TENDRING DISTRICT COUNCIL

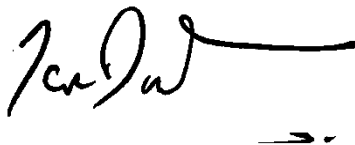
Committee Services  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex  
CO15 1SE

28 April 2017

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 9 May 2017 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson  
Chief Executive

To: All members of the  
Tendring District Council

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**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 28 MARCH 2017 AT 7.34 PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Chapman (Chairman), Platt (Vice-Chairman), Amos, Baker, Bennison, Bray, Broderick, B E Brown, J A Brown, M Brown, Bush, Callender, Calver, Cawthron, Chittock, Coley, Cossens, Davis, Everett, Fairley, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, Watson, White, Whitmore, Winfield and Yallop (except items 158 – 165)

**In Attendance:** Chief Executive (Ian Davidson)(except item 164), Corporate Director (Corporate Services) (Martyn Knappett), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of People, Performance and Projects (Anastasia Simpson), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Committee Services Officer (Katie Sullivan)

**144. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bucke, Honeywood and Ferguson.

**145. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – GREAT AND LITTLE OAKLEY WARD**

The Returning Officer reported that, at the by-election in the Great and Little Oakley Ward of the District, held on 9 February 2017, Michael Bush had been duly elected as a Councillor for the Great and Little Oakley Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Michael Bush had since made a Statutory Declaration of Acceptance of Office.

Councillor Bush had also given notice that he wished to be treated as a member of the United Kingdom Independence Party (UKIP) Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Leader of the UKIP Group, Councillor Stephenson.

Members congratulated Councillor Bush with a round of applause.

The Council noted the foregoing.

**146. MINUTES**

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 7 February 2017, be approved as a correct record and signed by the Chairman.

**147. DECLARATIONS OF INTEREST**

There were none made at this time.

**148. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman's and Vice-Chairman's engagements for the period 24 January 2017 to 23 March 2017 were tabled at the meeting.

**Swimming Teachers**

The Chairman reported that, following a trial, 10 unemployed members of the public covering an age range of between 17 – 51 years old had achieved Level 1 for Swimming Teachers and were shortly to embark on their Level 2.

**Lisa Hastings**

The Chairman welcomed back Lisa Hastings, Head of Governance and Legal Services & Monitoring Officer following her recovery from a surgical operation.

**Councillor Michael Bush**

The Chairman congratulated Councillor Bush on his election to the Council.

**149. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

Further to Minute 137 (7.2.17) the Chief Executive informed Council that the review of the arrangements for security and for filming at meetings of the Council was underway. He confirmed that this review would be extended to also include Committee etc. meetings in due course.

The Chief Executive stated that initial steps had been undertaken which included a guidance note for the public which had been placed on seats in the public gallery and also that Officers were present in a 'front of house' role to welcome the public and to deal with any issues as they arose.

The Chief Executive also informed Council that when the review was finalised the outcome of that review would be presented at an All-Member Briefing in order to receive Members' feedback and comments on its contents.

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

The Leader of the Council made the following statements -

**New Prisons**

*"The Government has committed to creating 10,000 modern prison places by 2020 backed by £1.3 billion to transform the estate. As part of this review the Ministry of Justice wrote to all local authorities in early 2016 to enquire whether they had any sites which matched certain criteria and which may be suitable for a new prison.*

*20 local authorities responded, of which Tendring was one, on the grounds that a new prison would secure inward investment and economic development as well as creating many, many much-needed jobs. Three employment sites in the District were put forward which came closest to matching the Ministry of Justice criteria.*

*We received no further communication, or reply, from the Ministry of Justice and doubtless all Members will be aware that last week the Justice Secretary announced that sites at Full Sutton, Hindley, Rochester and Port Talbot have been earmarked for*



*development of new prisons. There are no plans to build a prison in Tendring.”*

The Leader of the Council then responded to a question asked by Councillor J Henderson.

#### Douglas Carswell MP

*“The Member of Parliament for Clacton, Douglas Carswell, announced over the weekend that he has quit UKIP and will now sit as an Independent MP.*

*There has understandably been much speculation about whether there will be yet another by-election following this decision, and there has been much national and international press coverage of the issue and hence of this District, and the Clacton constituency in particular, as a result.*

*For the benefit of clarity there is no vacancy and hence there will be no by-election, and there appears to be no likely prospect of one occurring unless and until Mr. Carswell chooses to resign.*

*So, in the meantime, I would advise all residents in the Clacton constituency to continue to go to Mr. Carswell as their member of Parliament for help and support on any issue that they see fit.”*

#### Use of Council Resources and Comments about Essex Police

*“My third and final statement relates a little bit to the previous one, in terms of some of the subject matter, but not entirely.*

*In particular, I was less than impressed with the large number of emails that populated my official Tendring District Council inbox over the weekend – sent from Members to all other Members, and sometimes including an even wider audience as well.*

*It is not my position to lecture Members on their obligations under the Code of Conduct which we all signed before taking office and nor is it my position to comment on the appropriate use of Council resources; I will leave that to others, although I might be tempted to remind Members that we have all agreed to certain standards of behavior and maybe some Members might be well-advised to refresh their memory as to what those obligations and duties are.*

*I make this statement tonight to commend and congratulate the vast majority of Members who admirably refrained from hitting the “reply-to-all” button when I am sure that like me, it was sometimes getting very hard to resist.*

*I can understand the excitement surrounding the shenanigans of Mr. Carswell but I really didn't need to be copied in on all those angry little messages.*

*But what concerned me much, much more disturbingly though was the email that was savagely critical of the Police, and with a recipient list that even included senior Police officers, sent out let us not forget, just two days after the Police lost one of their own in the line of duty, protecting the very heart of our democratic institutions at Westminster.*

*If we want to challenge or question policing in Tendring or anywhere else there are ways and means of doing it but we do not publicly bash the very men and women who put on the uniform to protect and serve, on behalf of us all, and immediately make themselves a target. We can attack the Government for its policies or its funding of the Police, we can*

*criticize the Home Secretary or the Minister for Policing and these days of course we can even call to account the Essex Police and Crime Commissioner – and as a Council we have done. But we must never seek to undermine the serving officers of Essex Police.*

*So I want to make it absolutely clear as Leader of Tendring District Council that I and this Council absolutely support and applaud what the men and women of Essex Police do for us and for our residents and our communities.”*

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

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

**152. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL**

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

*“Madam Chairman, Councillors, members of the public, I am proud to present to you this year’s State of Tendring address. This statement is intended to give you a summary of the Council’s achievements over the past year; to reflect on the journey we have travelled, and to consider the challenges that lie ahead.*

*We now approach the mid-term point of the electoral cycle, following the 2015 Election, and quite frankly, we should all be extremely proud of what we have achieved and the progress that has been made. Our success has continued despite the year-on-year financial challenges.*

*We continue to demonstrate strong community leadership through all aspects of our work. We are an integral part of local, regional and national partnership working, we lead the way with innovative solutions to local challenges, all the time aiming to improve the lives of our local Tendring residents.*

*Here are a few examples:*

*Starting with our Coastal projects and festivals following the completion of the £36million coast defence and regeneration project, we are now embarking on a new £5million scheme to stabilise the cliffs along the Clacton to Holland coastline. This project has come about due to the outstanding success of the previous coastal work completed in October 2015, which was completed on time and under budget.*

*We have had a second Beach Festival in 2016 with 50,000 people attending, and there are plans progressing to make the most of our beach economy, developing a series of Tendring Festivals, with the jewel in the crown, the Clacton Air Show.*

*The 25<sup>th</sup> Clacton Air Show gave us another fantastic two days, as well as evening flights. An estimated 250,000 enjoyed the event. The evening flights ensured that more people stayed in the District enjoying Tendring and boosting the local economy. The Air Show team were also delighted to be recognised at a national level, receiving the national award for the Event of the Year by the National Outdoor Events Association (NOEA).*

*Other outdoor events during 2016 included the Beat the Street programme attracting over 10,000 participants and of course, the ever-popular Tour de Tendring.*

*Progress across different areas of the District includes developing the unique tourism*

*offer of Harwich and Dovercourt; and we have forged strong and positive relationships with a wide range of partners. This collaborative working has led to a number of achievements such as an 'Historic Harwich' brand, which is now being proudly displayed in the windows of local businesses, together with a tourism website and a soon to be released promotional film. And as the 400<sup>th</sup> anniversary of the sailing of the Mayflower to America approaches, we are working with national partners to ensure the integral part which Harwich played in this iconic story is recognised world-wide and we take full advantage of the once-in-a-lifetime tourism opportunity that 2020 brings.*

*Progress also continues to be made in Jaywick Sands. Residents have seen road improvements through the District's joint work with Essex County Council. We have purchased 28 hectares of land (that's 69 acres) and plans are being developed to deliver new homes, business and infrastructure. We are now starting to see real investments and plans taking shape within the area. Three very exciting planning proposals have recently been agreed, showcasing Art Deco designs. Changes are taking place in close collaboration with the community. We are a Council that listens and works with our residents.*

*Further to the success in Jaywick, we successfully applied for Coastal Community Team status for Harwich and Dovercourt, resulting in Tendring being the only Local Authority in the country with two CCTs.*

*As a Council, we like to be dynamic and at the cutting edge. The revolutionary work developing Garden Communities continues to take shape, with the ambition to build infrastructure and create sustainable jobs alongside new homes. Our partnership working with Essex, Braintree and Colchester goes from strength to strength and central government has now made £1.2 million available to support the work. Local Delivery Vehicles are being formed to bring forward development quickly and to a high quality and Tendring will have Officers leading and working within those Local Delivery Vehicles. The plans are innovative, they are ambitious and they are a superb example of how Tendring District Council collaborates successfully with partners to deliver housing outcomes based on Garden City principles. This project, the most significant of its kind in the UK, is not simply about building new homes; it is about creating fantastic new communities with industry and commerce providing jobs and employment, with health and education facilities tailored to meet local needs and with IT and transport infrastructure that is fit for the future.*

*The local plan continues to be developed which will guide development within the District to 2033 and beyond. There is of course always a difficult balance to be struck between the requirement for significant new development and the protection of the status quo, but all sane commentators agree that until the Local Plan is finalised and approved we will continue to be at risk of unwanted development. Getting the local plan agreed, swiftly and without delay, will ensure that this district is not subject to speculative planning applications that win on appeal despite this Council's strong objections; Getting the local plan agreed, swiftly and without delay, will also ensure that we can start to deliver the housing that is needed for our own residents as families grow and expand and as people attempt to get their foot onto the property ladder. And getting the local plan agreed, swiftly and without delay, will ensure that we can start to attract new businesses and employers to the district to create new jobs and employment and to give the economy of Tendring a much-needed boost. Madam Chairman, we really do need to get the new Local Plan agreed, swiftly and without delay!*

*Just last week The Housing and Finance Institute formally recognised our work across several different measures, awarding us "Housing Business Ready" status and commenting that "Tendring Council is amongst the very best in the country for*

*understanding the importance of housing to its locality. Tendring Council creates housing opportunities that support its residents and strengthens local communities.”*

*We are proud to work with a range of partners and the Tendring Community Safety Hub is a great model of partnership working which has been highly praised through an LGA Peer Review. Tendring has 42 agencies signed up to the Hub and all agencies are working together to tackle crime and disorder across the District. Her Majesty's Inspectorate of Constabulary recognises the importance of the role of the Hubs in Essex. In the recent HMIC inspection of policing across Essex the standards for the extent to which the force is effective at keeping people safe and reducing crime have improved from 'requires improvement' to 'Good' in the past year, and that huge improvement is, in part, specifically down to the work of the ground-breaking Tendring Hubs.*

*The data shows that Tendring has seen decreases in the following crimes:*

- *Anti-Social Behaviour –reduced by 3.1%*
- *Theft–reduced by 9.4%*
- *Burglary – reduced by 5.2%*

*However, our work does not stop here. The statistics show that and there have been increases in other crimes, such as domestic abuse and motor vehicle thefts.*

*Our priorities for 2017/18 include:*

- *Tackling Anti-Social Behaviour and the Prevention of Crime*
- *Protecting Vulnerable People from Hidden Harms*
- *Reduce Re-offending*

*Looking at success, the Tendring Community Policing team recently raided a suspected brothel in Clacton Town Centre. Arrests were made for brothel keeping, money laundering and immigration offences.*

*We continue to work alongside partners to keep residents safe and improve our community.*

*Community leadership is all about strengthening the community, removing any obstacles so that together we can improve public services for all, whether you live, work or visit Tendring we have something that we can offer to all. No one individual can bring new business to the District, build new roads or equip children for the future, now more than ever we must do these things together, as one Council and one Tendring.*

*We continue to work with those that need us most and we must continue to care for the vulnerable and protect people from life's worst hazards and misfortunes. We do this through our work with Family Solutions, supporting families that need us most, as well as supporting the Tendring Mental Health Hub and the local Citizen's Advice Bureau to ensure that members of our community receive appropriate and timely support and interventions.*

*We support the development of Skills and Education across Tendring. The Tendring Jobs and Careers' Fair continues to go from strength to strength, attracting over 2,000 job seekers. In 2016, 700 jobs were available on the day with 55 exhibitors attending. The 5<sup>th</sup> Jobs and Career's fair, is taking place on Tuesday 3<sup>rd</sup> October 2017.*

*We are supporting schools within Tendring, through our partnership working with the Tendring Education Improvement Group and local Universities. This work has led to a £1.2 million investment in a new Education centre within Tendring which aims to support*

*children reaching their full potential and aspirations, whether this is going to University or through further vocational training.*

*There are Memorandums of Understanding with both local universities, which strengthen our commitment to partnership working and our influencing role.*

*We are proud of our own Tendring Learning provider, Career Track, which is constantly delivering between 65 to 70 apprenticeships at any one time and supporting many local young people and businesses throughout Tendring.*

*All of this is happening despite saving £12 million from our revenue budget since 2011/12, and we are well aware that a further £5 million in savings still has to be found over the next 3 years. £1.56 million savings being required in 2017/18 alone. We know this will mean that in some cases we may now have to stop doing certain things, but we are ready for this challenge and responding to what our residents want and expect from a modern, forward-thinking Council.*

*We have agreed a new Customer-focussed strategy, where we are improving digital access to our residents; this is the first time we have seen that residents are asking for more Council forms to be available electronically and we are responding to our residents. This also enables our Officers to give our most vulnerable residents more time, offering an enhanced service to our most needy.*

*We are rationalising our offices, looking at moving from three to two main sites, becoming a more flexible and responsive Council to ensure better service delivery and wherever possible saving money.*

*We will take every opportunity to become leaner and be increasingly more self-sufficient, we are looking at rationalising our public conveniences, keeping those in tourist areas and essential locations but where they are underutilised looking at different options. We are not an asset rich Council but we are reviewing our assets to determine what we need going forward and making the most of investment opportunities.*

*We are acknowledged as a Council that demonstrates excellence and we can proudly celebrate obtaining the highly prestigious Investors In People Gold Standard. This sits alongside many other accolades such as the Clacton Air Show, Event of the Year by the National Outdoor Events Association. These awards celebrate our initiative and enterprise, our insistence on hard work and personal responsibility; these are the constants within the character of Tendring. We also held our second Tendring STARS event for staff, recognising the exceptional contributions from staff right across the Council. This year the event was held in the Prince's theatre and it was also a pleasure to see that the event also included volunteers and partners who work alongside of the Council contributing to the success of everything that we do.*

*But Madam Chairman, there is still so much more to do and to this end we have identified some key priorities to deliver improvement for our District.*

*We have a new Corporate Plan for 2016-2020 which has Community Leadership at its heart. Our residents expect the Council to represent and support them with their issues, whether it is services delivered by Tendring District Council or a host of other issues where we can offer support and represent their views. These include health, education and community safety. We have worked closely with representatives on these issues and I believe that this work has had a real impact and a positive effect on improvement. For example, we are supporting a primary school, opening a Mental Health Hub. Our staff have supported this school through training school staff, creating a model for the*

*hub in partnership with the Head teacher. Plans are in place to up-scale this project, to support other schools across the District. This is an example of us not only bringing partners together but also providing tangible evidence of our direct work, supporting health and education.*

*We will ensure that this ethos to both influence improvements and where possible provide tangible support will continue to be part of our work.*

*Madam Chairman, we will continue to focus on key priorities:*

*Our Council/Our Community working with our communities and effectively with partners providing high quality affordable services. Alongside transferring and managing our assets, within a balanced budget.*

*Health and housing – providing quality living environments and local regeneration to promote wellbeing and healthier lifestyles, including the introduction of the Park Run in Clacton with an average of 100 participants each week, Dig4Jaywick and working with partners to raise awareness of the impact of housing on health.*

*Employment and Enjoyment, supporting business growth and making the most of opportunities, such as the Galloper wind farm and influencing plans for the Superfast Essex programme, rolling out broadband across the whole District.*

*And Madam Chairman, I want to take a moment to thank all Members of this Authority for the hard work you do on behalf of the residents of Tendring. I want to thank my Cabinet members for their dedication and hard work and for working together to deliver many of the things I have highlighted and to scrutiny members who have really helped to shape the Council's work and budget. There has also been some excellent cross party working together in scrutiny and other committees, such as the Local Plan Committee. Through working together, we can achieve so much more for residents within our District. At the end of the day, despite whatever political differences we may all have, I am sure we are all here to make a difference to our community and the lives of residents within Tendring.*

*A great example of Councillors coming together includes the work being undertaken to review ward boundaries. The Member Working Party which had cross party representation included many constructive and helpful suggestions. The work of that group has enabled the Council to submit a proposal to the Local Government Boundary Commission for England to reduce from 60 to 48 Councillors. I appreciate that this was not an easy task but I thank you all for your ideas, pragmatism and support.*

*I would also like to thank our Chief Executive and his Officers, we are very fortunate to have such commitment, hard work and talent within Tendring, delivering quality services across the District and constantly striving to improve and respond to residents. We really do have the very best local government officers working for us here in Tendring; there are none better and without them I really don't know where we would be.*

*And so Madam Chairman, to conclude:*

*We face many challenges in the forthcoming year, so I urge all Members to carry on contributing positively to address issues and problems that the Council faces. There will be difficult decisions to make; it is likely that we will have to look at different ways of delivering some services and stopping other services completely; that will not be easy.*

*We face uncertain times ahead both nationally and internationally, not least with Article*

*50 about to be invoked bringing about the official start of Brexit; nobody knows what that will look like or how it will affect us and meanwhile the cuts imposed upon us by Government continue to bite, but at least we can be reassured that:*

- *We are part of a Council that listens and is dedicated to meet the needs of our residents*
- *We have excellent Officers who continue to go above and beyond to support us.*
- *And despite our many and varied political differences we are a Council that when push comes to shove is prepared to come together for the good of the district and for the good of our residents.*

*So I urge us all to be responsible, fair and take a consistent approach to making big decisions irrespective of political persuasions and to continue to build upon the support of strong partnerships developed locally and regionally.*

*Madam Chairman, I urge all members to carry on contributing positively, to addressing problems and issues the Council faces in the coming year. It will be difficult; some decisions will challenge us but we cannot shy away from them. This Council has always been at its best when facing its most challenging circumstances; if we continue to think big, be resolute in the face of adversity and never stop believing in what we are doing, then I have no doubt that this Council will continue to go from strength to strength."*

Members expressed their appreciation of Councillor Stock's speech with a round of applause.

Councillors I J Henderson, Scott, Miles, Calver, Land, Broderick, Porter and Bray all addressed the Council during the debate on the Leader's Statement.

### **153. PETITIONS TO COUNCIL**

There were none on this occasion.

### **154. 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.

There were no questions on this occasion.

### **155. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2**

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

There was one question on this occasion as set out below:

#### Question

From Councillor Richard Everett to Councillor Neil Stock, Chairman of the Local Plan Committee:

*"At the meeting of the Local Plan Committee held on Thursday, 19th January, 2017, a methodology for calculating the Five-Year Housing Land Supply was discussed. The Local Plan Committee:*

- *agreed a flawed methodology for calculating the five-year housing land supply;*
  - *noted an underestimation of the real position of a five-year housing land supply;*
- and*
- *noted that a formal housing land supply statement would be reported in March which has not since materialised.*

*Given that these decisions were taken on incomplete and incorrect data, and excluding an essential element of supply permitted by the High Court ruling last year (the Modwen Judgement), does the Chair of the Local Plan Committee feel that it was wise voting for a flawed methodology that gives speculative developers a green light for their development?*

*Further does he feel that the underestimation of the real position on housing land supply is fair to the people of Tendring who wish to be able to defend against greedy developers dumping their housing in inappropriate places, such as Ardleigh, Great Bentley, Great Oakley, Kirby, Little Clacton and Weeley to name just a few.”*

Councillor Stock replied as follows:

*“Chairman, let me start by saying that I expect difficult and demanding questions from opposition Members who dislike or disagree with decisions that have been made by the Council under my leadership; they are a right and proper part of the democratic process and an essential and vital element of the scrutiny and challenge that is necessary for good government.*

*But I have to say that this question appears to represent none of those values and quite frankly Chairman it is difficult to know where to start to answer a question from a Member who within his question and by statements he has made previously in this chamber and elsewhere challenges the integrity of everyone who sits on the Local Plan Committee; has gone to the Police claiming that Officers and / or Members are corrupt and is attempting to seek a judicial review against a decision taken by a committee upon which he was sitting when the decision was made.*

*Members will be aware that the position in Tendring, in respect of a 5-year supply of housing land is a quickly improving one; supply was calculated to be 3 years at 31 March 2016 it is estimated that it will be 4.4 years by the end of this month.*

*Councillor Everett refers to decisions made by the Local Plan Committee on 19 January this year – a meeting of the committee that was not only attended by Councillor Everett as a member of it but where I am informed that Councillor Turner as acting Chairman allowed him more than generous opportunity to put his case and argue his point. Although obviously the Committee disagreed with him and voted the other way – I know it’s not nice to lose a vote but that is how democracy works.*

*Councillor Everett firstly suggests that the methodology agreed by the committee was flawed. Far from being flawed, the methodology is robust and it is consistent with Government policy and guidance. Members may be aware that the Government does not prescribe exactly how to calculate housing land supply and so Councils look to policy, guidance, best-practice, the courts and legal precedents (including the one that Councillor Everett mentions) to assist. This thorough approach was taken by Officers in reaching the methodology recommended to and adopted by the Local Plan Committee in January.*

*The methodology is both robust and appropriately cautious in its approach. Some, like*



*Councillor Everett, would argue that supply in the District is higher than shown by this methodology but equally many others would argue that it is overly optimistic. As supply in the District approaches 5 years, developers are becoming more interested in challenging the Council's position.*

*The Committee noted that a formal statement of housing land supply for 2016/17 would be reported to the Local Plan Committee as soon as possible **after** March 2017, not **in** March. The period of measurement ends at the end of March and so could not be reported in the timeframe suggested by Councillor Everett.*

*The Council takes seriously its responsibility to present accurate information and was recently congratulated by the Chief Executive of the Housing and Finance Institute, for our understanding of the District's housing position, including supply.*

*It would be grossly unfair to the people of Tendring to rely on an over-optimistic and unrealistic calculation that could easily lead to challenge and a worsening of the housing land supply position. As Chair of the Local Plan Committee and as Leader of this Council I want to ensure the Council's position is responsible and in the long-term interests of the District.*

*But obfuscation tactics, threats of legal action from UKIP councillors, wishful thinking and pretending to be an expert is not in interests of this District and will only delay the new Local Plan so that those large planning applications that we are struggling to prevent will become much more likely.*

*Chairman, getting the local plan agreed, swiftly and without delay, is the only way to ensure that this district is in charge of its own destiny when it comes to planning decisions."*

Councillor Everett then responded to Councillor Stock's reply and, in turn, Councillor Stock then responded.

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

Council had before it a report of the Leader of the Council, which in accordance with the requirements of Rule 17.4 of the Access to Information Procedure Rules and Rule 16(i) of the Overview and Scrutiny Procedure Rules, notified Members of an Executive Decision taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

It was reported that the decision in question had been taken by the Leader of the Council and related to his agreement that the Council submit a bid to bring a time trial stage of the Men's Cycle Tour of Britain 2017 to the District of Tendring.

It was moved by Councillor Stock and **RESOLVED** that the contents of the report be noted.

**157. MINUTES OF COMMITTEES**

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

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

- 
- (a) Community Leadership and Partnerships Committee of Monday 9 January 2017;
  - (b) Local Plan Committee of Thursday 19 January 2017;
  - (c) Audit Committee of Thursday 26 January 2017;
  - (d) Corporate Management Committee of Monday 13 February 2017;
  - (e) Community Leadership and Partnerships Committee of Monday 20 February 2017;
  - (f) Council Tax Committee of Wednesday 22 February 2017;
  - (g) Service Development and Delivery Committee of Monday 27 February 2017;
  - (h) Corporate Management Committee of Monday 13 March 2017;
  - (i) Human Resources Committee of Tuesday 14 March 2017; and
  - (j) Audit Committee of Thursday 16 March 2017.

Community Leadership and Partnerships Committee – 9 January 2017 – Minute 29 – East Anglia Rail Franchise

Councillors I J Henderson and Scott each raised questions and concerns with regard to the proposed closure of ticket offices on certain stations to which the Chairman of the Community Leadership and Partnerships Committee (Councillor Fairley) responded.

Service Development and Delivery Committee – 27 February 2017 – Minute 38 – Update on Review of Spendells & Honeycroft Sheltered Housing Schemes

Councillor I J Henderson raised questions and concerns with regard to Essex County Council's (ECC) intention to withdraw Housing Related Support Funding from the end of the current financial year which would leave this Council with a £100,000 deficit in the Housing Revenue Account. The Chairman of the Service Development and Delivery Committee (Councillor Griffiths) responded thereto.

Corporate Management Committee – 13 March 2017 – Minute 59 – Corporate Budget Monitoring Report for the Third Quarter of 2016/17

Councillors I J Henderson, Scott and Stephenson all commented on the Corporate Management Committee's decision to request Cabinet to urge ECC to reconsider its decision to end the Supporting People funding. The Committee had expressed its disappointment that this Council had not made a public protest about this and that this was a precedent for future ECC decisions. The Committee was also concerned that any public blame for any future decision to remove Sheltered Housing Wardens as a result of the ensuing budgetary pressures would be placed at the door of TDC.

The Chairman of the Corporate Management Committee (Councillor Steady) responded to the points raised.

**158. MOTIONS TO COUNCIL**

There were no motions submitted to Council, pursuant to Council Procedure Rule 12, on this occasion.

**159. RECOMMENDATIONS FROM THE CABINET – ANNUAL TREASURY STRATEGY 2017/2018 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)**

The Council had before it the recommendations submitted to it by the Cabinet in respect of the proposed merger of the Annual Treasury Strategy for 2017/2018 [Minute 166 of the Cabinet meeting held on 17 March 2017 referred].

It was moved by Councillor G V Guglielmi and **RESOLVED** that the Annual Treasury Strategy for 2017/2018 (including Prudential and Treasury Indicators), be approved and implemented.

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

There were none on this occasion.

**161. REPORT OF THE CHIEF EXECUTIVE – A.2 – ST JAMES WARD BY-ELECTION**

The Chief Executive formally reported that Notice of the vacancy in the St James Ward had been given and requests to fill the vacancy had been received. The by-election would be held on Thursday 6 April 2017.

Council noted the foregoing.

**162. REPORT OF THE CHIEF EXECUTIVE – A.3 – REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS**

It was reported that, following the by-election in the Great and Little Oakley Ward and in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups had been subsequently carried out.

The outcome of that review was that the UKIP Group were entitled to one extra seat..

Consequently, on 27 February 2017 and in accordance with the wishes of the Leader of the UKIP Group and the authority delegated to the Chief Executive, the following appointment had been made:

Planning Committee

Councillor Davis was appointed to fill the vacant seat.

Council noted the foregoing.

**163. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) – A.4 - OPERATION OF POLITICAL PROPORTIONALITY RULES IN ALLOCATING SEATS ON COMMITTEES ETC. TO NON-ALIGNED MEMBERS**

The Council had before it a report of the Corporate Director (Corporate Services) which sought to enable Council to:

- consider the operation of political proportionality rules in allocating seats on Committees etc. to Non-Aligned Members; and

- then choose one of the three available options which would be implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Council was reminded that the political proportionality rules that applied in allocating seats on Committees etc. were set out in the Local Government and Housing Act 1989 and applied only to political groups and not non-aligned Members.

It was reported that Members had requested clarification on this and therefore Officers had reviewed how the political proportionality rules applied in allocating seats on Committees etc. to Non-Aligned Members (i.e. Members who were not a member of any political group on the Council). This was also in the light of the fact that six Members were not a member of any political group which equated to 10% of the Council's total membership.

Following that review Officers had put forward three options for Members to consider, namely:

#### **Option One – Maintain the Status Quo**

This Option was an alternative approach that departed from Section 15 of the 1989 Act and could only be implemented in strict accordance with Section 17 of that Act i.e. only if no Member of the Council voted against.

This Option would see the Council continue its current practice of including the Non-Aligned Members in the initial calculation and allocate seats to them as if, in effect, they were a group in themselves. At the present time this would equate to 10% of the overall seats on Committees etc.

Appendix A to the Report of the Corporate Director (Corporate Services) set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

#### **Option Two – Do Not Include The Non-Aligned Members In The Initial Calculation**

This Option was an alternative approach that departs from Section 15 of the 1989 Act and could only be implemented in strict accordance with Section 17 of that Act i.e. only if no Member of the Council voted against.

This Option would see the Council not include the Non-Aligned Members in the initial calculation or allocation of seats but would instead see the Non-Aligned Members assigned the remaining "left-over" seats once the Political Groups had taken their allocations.

Appendix B to the aforementioned report set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

#### **Option Three – Do Not Include The Non-Aligned Members At All**

This Option complied with Section 15 of the 1989 Act.

This Option would see the Council not include the Non-Aligned Members at all and the initial calculation would be carried out as if the Council had, in effect, 54 Members and not 60. Therefore, no Non-Aligned Members would receive any Committee seats unless they were unilaterally donated by a Group Leader. This would need Council approval.

Appendix C to the above-mentioned report set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

Members were made aware that, in preparing the three examples, Officers had assumed that UKIP would win the St James Ward By-Election. This was based solely on the fact that the late John Hughes had been elected for UKIP in the St James' Ward at the Council Elections in May 2015. Obviously the figures would be recalculated in the event that another Party won the By-Election.

Having considered the three options together with the advice of the Head of Governance and Legal Services & Monitoring Officer:

It was moved by Councillor Stock and seconded by Councillor Talbot that Option One (Maintain the Status Quo) be approved and implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Councillors Everett, Scott, Parsons, Miles, Griffiths, Fairley, Porter, Stephenson, I J Henderson, Broderick, Calver, G V Guglielmi and Bray all addressed the Council during the debate on Councillor Stock's motion.

Councillor Stock undertook, in his capacity as Leader of the Council, to write to the Prime Minister to urge the Government to undertake a review of the Local Government and Housing Act 1989.

Councillor I J Henderson asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Stock's motion be taken.

Accordingly, the result of that vote was as follows:

| <u>Councillors For</u> | <u>Councillors Against</u> | <u>Councillors Abstaining</u> | <u>Councillors Not Present</u> |
|------------------------|----------------------------|-------------------------------|--------------------------------|
| Amos                   | Bray                       | Bennison                      | Bucke                          |
| Baker                  | Everett                    | Bush                          | Ferguson                       |
| Broderick              | Porter                     | Davis                         | Honeywood                      |
| B E Brown              | Stephenson                 | Hones                         | Yallop                         |
| J A Brown              | Watson                     | Khan                          |                                |
| M Brown                |                            | Newton                        |                                |
| Callender              |                            | Pemberton                     |                                |
| Calver                 |                            | Raby                          |                                |
| Cawthron               |                            | Whitmore                      |                                |
| Chapman                |                            |                               |                                |
| Chittock               |                            |                               |                                |
| Coley                  |                            |                               |                                |
| Cossens                |                            |                               |                                |
| Fairley                |                            |                               |                                |
| Fowler                 |                            |                               |                                |
| Gray                   |                            |                               |                                |
| Griffiths              |                            |                               |                                |
| G V Guglielmi          |                            |                               |                                |
| V E Guglielmi          |                            |                               |                                |
| Heaney                 |                            |                               |                                |
| I J Henderson          |                            |                               |                                |
| J Henderson            |                            |                               |                                |

King  
Land  
Massey  
McWilliams  
Miles  
Nicholls  
Parsons  
Platt  
Poonian  
Scott  
Skeels Jnr.  
Skeels Snr.  
Steady  
Stock  
Talbot  
Turner  
Watling  
White  
Winfield

Councillor Stock's motion was declared **LOST** as the requirements of Section 17 of the Local Government and Housing Act 1989 had not been met insofar as at least one Member of the Council had voted against.

It was then moved by Councillor Stock and seconded by Councillor G V Guglielmi that Option Two (Do Not Include The Non-Aligned Members In The Initial Calculation) be approved and implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Councillors Porter and I J Henderson addressed the Council during the debate on Councillor Stock's motion.

| <u>Councillors For</u> | <u>Councillors Against</u> | <u>Councillors Abstaining</u> | <u>Councillors Not Present</u> |
|------------------------|----------------------------|-------------------------------|--------------------------------|
| Amos                   | Everett                    | Bray                          | Bucke                          |
| Baker                  | Hones                      | J A Brown                     | Ferguson                       |
| Bennison               | Pemberton                  | Gray                          | Honeywood                      |
| Broderick              | Porter                     | Watson                        | Yallop                         |
| B E Brown              |                            | Whitmore                      |                                |
| M Brown                |                            |                               |                                |
| Bush                   |                            |                               |                                |
| Callender              |                            |                               |                                |
| Calver                 |                            |                               |                                |
| Cawthron               |                            |                               |                                |
| Chapman                |                            |                               |                                |
| Chittock               |                            |                               |                                |
| Coley                  |                            |                               |                                |
| Cossens                |                            |                               |                                |
| Davis                  |                            |                               |                                |
| Fairley                |                            |                               |                                |
| Fowler                 |                            |                               |                                |
| Griffiths              |                            |                               |                                |
| G V Guglielmi          |                            |                               |                                |

V E Guglielmi  
Heaney  
I J Henderson  
J Henderson  
Khan  
King  
Land  
Massey  
McWilliams  
Miles  
Newton  
Nicholls  
Parsons  
Platt  
Poonian  
Raby  
Scott  
Skeels Jnr  
Skeels Snr  
Steady  
Stephenson  
Stock  
Talbot  
Turner  
Watling  
White  
Winfield

Councillor Stock's motion was declared **LOST** as the requirements of Section 17 of the Local Government and Housing Act 1989 had not been met insofar as at least one Member of the Council had voted against.

Council was advised that, as Options 1 and 2 had both failed to meet the statutory requirements, Option 3 (Do Not Include The Non-Aligned Members At All) would, by default, apply with effect from the Annual Meeting of the Council on 25 April 2017 as this Option complied with Section 15 of the Local Government and Housing Act 1989.

Council noted the foregoing.

**164. PAY POLICY STATEMENT 2017/18**

Further to minute 22 of the meeting of the Human Resources Committee held on 14 March 2017 the Council gave consideration to a proposed Pay Policy Statement for 2017/18 which would meet the requirements of the Localism Act 2011 (Section 38(1)).

The Chief Executive declared a pecuniary interest in this item and left the meeting during the consideration thereof and the voting thereon.

Councillors I J Henderson and Scott addressed the Council during the debate on this item.

It was moved by Councillor Chapman, seconded by Councillor G V Guglielmi and:-

**RESOLVED** that

- (a) the Pay Policy Statement 2017/18, as set out in the Appendix to item A.5 of the Report of the Corporate Director (Corporate Services), be adopted; and
- (b) the costs of applying the salary payments from SCP8 on the National Joint Council pay spine be met from existing salary/vacancy provision within budgets.

**165. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The meeting was declared closed at 10.07 p.m.

Chairman



**ANNUAL MEETING OF THE TENDRING DISTRICT COUNCIL****HELD ON 25 APRIL 2017 AT 7.30 P.M.****IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bennison, Bray, B E Brown, J A Brown, M Brown, Bush, Callender, Calver, Cawthron, Chapman (in the Chair for items 1 -5 (part)), Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Heaney (except items 1 - 5 (part)), I J Henderson, J Henderson, Hones, Honeywood, Khan, King, Land, McWilliams, Miles, Nicholls, Parsons, Pemberton, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, Watson, White, Whitmore and Winfield

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of People, Performance and Projects (Anastasia Simpson), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford), Communications and Public Relations Manager (Nigel Brown) and Committee Services Officer (Katie Sullivan)

**1. CHAIR**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Broderick, Bucke, Gray and Newton.

**3. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – ST JAMES WARD**

The Returning Officer reported that, at the by-election in the St James Ward of the District, held on 6 April 2017, Maurice John Michael Alexander had been duly elected as a Councillor for the St James Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Maurice Alexander had since made a Statutory Declaration of Acceptance of Office.

Councillor Alexander had also given notice that he wished to be treated as a member of the Conservative Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Deputy Leader of the Conservative Group, Councillor G V Guglielmi.

Members congratulated Councillor Alexander with a round of applause.

With the permission of the Chairman, Councillor Turner made a short speech welcoming back Councillor Alexander to the Council after a 14 year absence.

The Council noted the foregoing.

#### **4. RETIRING CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Alexander and outlined her engagements for the period 24 March to 25 April 2017.

#### **5. CHAIRMAN OF THE COUNCIL**

It was moved by Councillor Turner, seconded by Councillor V E Guglielmi and:

**RESOLVED** that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Platt be elected Chairman of the Council for the 2017/2018 municipal year.

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

Councillor Platt thanked his proposer and thanked Members for the honour of being Chairman of the Council. He paid tribute to Councillor Chapman, and her husband, for their fantastic year in Office and stated that they should be proud of their efforts. He stated that being Councillor Chapman's Vice-Chairman had been a pleasure.

Councillor Platt informed Council that the theme for his year in office would be "This Is Tendring" which would be a celebration of the District and all of its diversity and attractions and also of the work of the Council.

Councillor Platt also informed Members that his nominated Charities for the year would be the RNLI (the local District Stations), Prostate Cancer, St Helena Hospice (Clacton) and Guide Dogs for the Blind. He also indicated that he would announce further charities that he wished to support at a later date.

Councillor Platt then gave Councillor Chapman her Past Chairman's Badge together with a memento of her year in Office.

Councillor Chapman then addressed the Council and stated that it had been an honour and a privilege to be Chairman. She had had a fantastic year with many highlights and had met some wonderful people. She thanked Councillor Platt, her consort, friends, family, Members and Officers (especially Nigel Brown, Elizabeth Ridout, Sophie Hickson and Emma Haward) for all their support.

Councillor Chapman was delighted to announce that over £13,400 had been raised for her two nominated charities; the Tendring Specialist Stroke Service and The Swimming Trust.

Finally, Councillor Chapman wished Councillor Platt best wishes for a successful year in Office.

#### **6. VICE-CHAIRMAN OF THE COUNCIL**

It was moved by Councillor Ferguson, seconded by Councillor Watling and:

**RESOLVED** that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Yallop be elected Vice-Chairman of the Council for the 2017/2018 municipal year.

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

Councillor Yallop paid tribute to her predecessor, Councillor Platt, for all his hard work in supporting Councillor Chapman during her year as Chairman. She pledged that she would give Councillor Platt every support during his year in Office as Chairman.

The Chairman's and Vice-Chairman's Consorts were invested with their Badges of Office.

**7. CHAIRMAN'S ANNOUNCEMENTS**

There were none on this occasion.

**8. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

**9. REPORT OF THE CHIEF EXECUTIVE – A.1 – FORMATION/DISSOLUTION OF POLITICAL GROUPS ON TENDRING DISTRICT COUNCIL**

Non-Aligned Group

The Chief Executive formally reported that, on 29 March 2017, Councillor Peter Cawthron and Councillor Alex Porter, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was the Non-Aligned Group. The Leader of the Non-Aligned Group was Councillor Cawthron and Councillor Porter was the deputy Group Leader.

Tendring Democrats Group

The Chief Executive also formally reported that, on 4 April 2017, Councillor John Brown and Councillor Laurie Gray, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was the Tendring Democrats Group. The Leader of the Tendring Democrats Group was Councillor Gray and Councillor J Brown was the deputy Group Leader.

Subsequently, on 5 April 2017, and pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor John Brown had served formal notice on the Council that he no longer wished to be treated as a member of the Tendring Democrats political group.

As Regulation 8(1) of the Regulations required a political group to have a minimum of two members this meant that the Tendring Democrats Group had automatically ceased to exist as mandated in Regulation 8(2).

Tendring First/Liberal Democrats Group

The Chief Executive also formally reported that, on 11 April 2017, Councillor Robert Bucke and Councillor Gary Scott, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was the Tendring First/Liberal Democrats Group. The Leader of the Tendring First/Liberal Democrats Group was Councillor Scott and Councillor Bucke was the deputy Group Leader.

Council noted the foregoing.

**10. REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL**

The Council had before it a report of the Management and Members' Support Manager, which informed Members that the Independent Remuneration Panel (IRP) had recently undertaken a review of Members' Allowances for a scheme commencing 1 May 2017 and

that the Panel's recommendations had been published in the local press in accordance with legislation.

Council was advised that it must now have regard to the recommendations of the IRP in determining a Scheme of Allowances for 2017/18. The Council could depart from the IRP's recommendations provided it could demonstrate good reasons for doing so, having taken all relevant matters into account.

Council recalled that it had last agreed a Scheme of Allowances on 26 April 2016 which had had effect from 1 May 2016. It was reported that the latest review proposed an across the board 1% inflationary increase and a modest increase for Cabinet Members.

The Leader of the Council thanked the members of the IRP for their work and due diligence in conducting their review of Members' Allowances.

It was moved by Councillor Stock and seconded by Councillor G V Guglielmi that -

*(a) the allowances recommended by the IRP, as set out in its report to the Council (Appendix A to item A.2 of the Report of the Management and Members' Support Manager) be approved.*

Councillor Stephenson then moved, and Councillor I J Henderson seconded, the following amendment –

*"In the light of the residents facing rising council tax bills and unprecedented cutbacks in public services we, the councillors of Tendring, feel it would be inappropriate to accept the IRP's recommendations for 2017/18 and propose that we maintain the remuneration from 2016/17."*

Following the receipt of advice from the Chief Executive and the Monitoring Officer, Councillors Stephenson and Henderson agreed to withdraw their amendment.

Councillor Porter then moved and Councillor Cawthron seconded that all Members' Allowances should be abolished. The Monitoring Officer advised Council that this amendment could not be allowed to proceed, as the proposal negated the motion, which was not permitted in accordance with Council Procedure Rules. The proposal being put forward by Councillor Porter could not be considered until such time as Council had decided whether to approve the allowances recommended by the IRP.

Councillors Davis, Stephenson, Porter, Bray, Heaney, I J Henderson, Steady, Parsons, Scott, G V Guglielmi and Calver addressed Council during the debate on Councillor Stock's motion.

Councillor Parsons asked that, in accordance with the provisions of Council Procedure Rule 19.4, a record of the vote on Councillor Stock's motion be taken.

Accordingly, the result of that vote was as follows:

| <u>Councillors For</u> | <u>Councillors Against</u> | <u>Councillors Abstaining</u> | <u>Councillors Not Present</u> |
|------------------------|----------------------------|-------------------------------|--------------------------------|
| Alexander              | Bennison                   | Griffiths                     | Broderick                      |
| Amos                   | Bray                       | Scott                         | Bucke                          |
| Baker                  | J A Brown                  |                               | Gray                           |
| B E Brown              | Bush                       |                               | Massey                         |
| M Brown                | Calver                     |                               | Newton                         |
| Callender              | Cawthron                   |                               |                                |
| Chittock               | Chapman                    |                               |                                |
| Coley                  | Davis                      |                               |                                |

|               |               |
|---------------|---------------|
| Cossens       | Everett       |
| Fairley       | Fowler        |
| Ferguson      | I J Henderson |
| G V Guglielmi | J Henderson   |
| V E Guglielmi | Hones         |
| Heaney        | Khan          |
| Honeywood     | King          |
| Land          | Parsons       |
| McWilliams    | Pemberton     |
| Miles         | Porter        |
| Nicholls      | Raby          |
| Platt         | Stephenson    |
| Poonian       | Watson        |
| M J Skeels    | Whitmore      |
| M J D Skeels  | Winfield      |
| Steady        |               |
| Stock         |               |
| Talbot        |               |
| Turner        |               |
| Watling       |               |
| White         |               |
| Yallop        |               |

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

It was then moved by Councillor Stock, seconded by Councillor Turner and -

**RESOLVED** that -

- (b) the IRP undertakes a further review for 2018/19 and makes recommendations to Annual Council in April 2018;
- (c) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses; and
- (d) Members who do not wish to take the increase in their Allowances or any Allowances at all are free to do so.

**11. APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES AND ELECTION OF CHAIRMEN AND APPOINTMENT OF VICE-CHAIRMEN**

(a) (i) Appointment of Committees and Sub-Committee subject to the Widdicombe Rules

The Council had before it a schedule of Members that it was proposed should serve on each of the Council's Committees and Sub-Committee, which were subject to the Widdicombe Rules.

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

**RESOLVED** that the Committees and Sub-Committee of the Council, subject to the Widdicombe Rules be, and are, hereby appointed for the 2017/2018 municipal year and that their membership be as set out hereunder:

Audit Committee

Councillors Alexander, Bucke, Coley, Hones and Poonian

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Community Leadership and Partnerships Scrutiny Committee

Councillors Amos, Baker, Broderick, Fairley, I J Henderson, Land, Newton, Pemberton, Poonian, Scott and Yallop

Corporate Management Committee

Councillors Baker, Chittock, Nicholls, Parsons, Scott, Steady, Stephenson and Whitmore

Council Tax Committee

Councillors Bray, Cawthron, Chittock, Miles and Nicholls

Human Resources Committee

Councillors Amos, Bennison, B E Brown, Callender, Calver, Chapman, Cossens, Davis, Ferguson, Massey, King, Nicholls, Porter and Skeels Snr

Licensing and Registration Committee

Councillors Amos, B E Brown, M Brown, Bucke, Bush, Callender, Cossens, V E Guglielmi, J Henderson, Raby, Skeels Jnr, Watson, White, Whitmore and Winfield

Local Plan Committee

Councillors Bray, Broderick, G V Guglielmi, I J Henderson, Land, Newton, Nicholls, Platt, Porter, Skeels Snr, Stephenson, Stock, Turner, Watson and Yallop

Planning Committee

Councillors Alexander, Baker, Bennison, Cawthron, Everett, Fairley, Fowler, Heaney, Hones, McWilliams and White

Service Development and Delivery Scrutiny Committee

Councillors Bush, Chapman, Fowler, Griffiths, V E Guglielmi, Miles, Pemberton and Skeels Jnr

Standards Committee

Councillors Davis, Heaney, J Henderson, Honeywood, Nicholls, Steady and Whitmore

General Purposes Sub-Committee

Councillors M Brown, Cossens, V E Guglielmi, J Henderson, Massey, Watson, White and Winfield

(a) (ii) Appointment of the Premises/Personal Licences Sub-Committees

The Council had before it a schedule of Members that it was proposed should serve on the Premises/Personal Licences Sub-Committees, which were not subject to the Widdicombe Rules.

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

**RESOLVED** that the Premises/Personal Licences Sub-Committees be, and are, hereby appointed for the 2017/2018 municipal year and that their membership be as set out hereunder:

Premises/Personal Licences Sub-Committee 'A'

Councillors V E Guglielmi, Whitmore and Winfield

Premises/Personal Licences Sub-Committee 'B'

Councillors Callender, Watson and White

Premises/Personal Licences Sub-Committee 'C'

Councillors Cossens, J Henderson and Skeels Jnr

(a) (iii) Appointment of the Town and Parish Councils Standards Sub-Committee

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

**RESOLVED** that the Town and Parish Councils Standards Sub-Committee be, and is, hereby appointed for the 2017/2018 municipal year and that its membership be as set out hereunder:

Councillors Heaney, Nicholls and Steady

(b) Election of a Chairman of each of the above Committees and Sub-Committees (except the Town and Parish Councils Standards Committee) and Appoint a Vice-Chairman of each of the above Committees and the General Purposes Sub-Committee

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

**RESOLVED** that the Chairmen and, where appropriate, the Vice-Chairmen of the following Committees and Sub-Committees be and are elected respectively for the 2017/2018 municipal year as follows:

| <u>Committee/Sub-Committee</u>               | <u>Chairman</u> | <u>Vice-Chairman</u> |
|--|-----------------|----------------------|
| Audit  | Coley           | Poonian              |
| Community Leadership and Partnerships        | Fairley         | Baker                |
| Corporate Management                         | Steady          | Baker                |
| Council Tax                                  | Miles           | Bray                 |
| Human Resources                              | Callender       | Chapman              |
| Licensing and Registration                   | Cossens         | Callender            |
| Local Plan                                   | Stock           | Turner               |
| Planning                                     | White           | Heaney               |
| Service Development and Delivery             | Griffiths       | V E Guglielmi        |
| Standards                                    | Heaney          | Honeywood            |
| General Purposes Sub-Committee               | V E Guglielmi   | Cossens              |
| Premises/Personal Licences Sub-Committee 'A' | V E Guglielmi   | n/a                  |
| Premises/Personal Licences Sub-Committee 'B' | White           | n/a                  |
| Premises/Personal Licences Sub-Committee 'C' | Cossens         | n/a                  |

The Leader of the Council (Councillor Stock) placed on record his thanks to the Committee Services Manager (Ian Ford) for his work and due diligence in carrying out the political proportionality review of Committee seats for the Annual Meeting of the Council together with the several such reviews that he had undertaken during the preceding municipal year.

Members showed their appreciation for Ian Ford's efforts with a round of applause.

**12. THE COUNCIL'S CONSTITUTION**

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

The full text of the Council's Constitution could be found on the Council's website and Members had previously been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors. That booklet would shortly be reprinted and reissued to Members to reflect the recent changes that had been made to Portfolio Holders' responsibilities and the Constitution.

It was moved by Councillor G V Guglielmi, seconded by Councillor Turner and:

**RESOLVED** that the Council's Constitution be reaffirmed.

**13. PROGRAMME OF MEETINGS: 2017/2018 MUNICIPAL YEAR**

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Human Resources Committee, the Licensing and Registration Committee, the Local Plan Committee, the Planning Committee, the Service Development and Delivery Committee and the Standards Committee for the 2017/2018 municipal year.

It was moved by Councillor Stock and:

**RESOLVED** that the programme of meetings of the Council and the Committees, as set out in the Appendix to item A.4 of the Reference from Cabinet, be approved.

**14. OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMME FOR 2017/2018 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2016 TO APRIL 2017**

The Council considered a report which sought its approval to a proposed work programme for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2017/2018 municipal year and which reviewed the work carried out by those Committees during the period May 2016 to April 2017.

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

**RESOLVED** that the proposed work programmes for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2017/2018 municipal year and the review of the work carried out in the period May 2016 to April 2017, as set out in Appendices A5A and A5B to item A.5 of the References from Committees, be approved.

Finally, the Chairman invited Members and Officers, together with their families and guests to join him in the Chairman's Parlour after the meeting for refreshments.

The meeting was declared closed at 9.01 p.m.

**Chairman**



## **Questions pursuant to Council Procedure 11.2**

The following question has been received, on notice, from a Member:

### Question

From Councillor Andrew Pemberton to **Councillor Nick Turner, Portfolio Holder for Commercialisation, Seafronts and Parking:**

*“Does we know if anything is happening with the old Victorian streetlamps, which used to be along our sea front on Clacton East and West greensward? In 2014 the last few lights were taken down for safety and just the posts remain.*

*Are there any plans for these to be restored?”*

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**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE, HELD ON MONDAY 20 MARCH 2017 AT 7.30 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

|                            |  |
|----------------------------|--|
| <b>Present:</b>            | Councillors Fairley (Chairman), Baker (Vice-Chairman), Amos, Broderick, Henderson, Newton, Parsons, Poonian, Raby and Yallop |
| <b>Also Present:</b>       | Councillors McWilliams, Nicholls and Turner  |
| <b>In Attendance:</b>      | Karen Neath (Management and Members' Support Manager) and Katie Sullivan (Committee Services Officer)                        |
| <b>Also In Attendance:</b> | Susannah Howard (STP Programme Director – Clinical Commissioning Group)  |

**37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were apologies for absence received from Councillor King (with Councillor Broderick substituting).

**38. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Monday 20 February 2017, were approved as a correct record and signed by the Chairman.

**39. DECLARATIONS OF INTEREST**

There were none.

**40. SPECIAL CONSTABLES**

The Chairman announced that Mark Fenton (Essex Police) was unable to attend the meeting to give the Committee an update on the recruitment and retention of Special Constables and so this item would be postponed for a future meeting.

**41. NORTH EAST ESSEX CLINICAL COMMISSIONING GROUP SUSTAINABILITY TRANSFORMATION PLAN**

Susannah Howard (STP Programme Director) from the Clinical Commissioning Group was in attendance and gave the Committee a presentation on the Sustainability Transformation Plan. This was a high level strategy for transformation of the health service and focused on a system rather than an organisational approach. The next stage would be to develop operational plans for each strand so that meaningful consultation can take place with a wider audience on what the STP means in practice for front line staff and patients. The presentation covered the following:

- (1) Introduction;
- (2) NHS structure;
- (3) Working together and moving forward;
- (4) Suffolk and North East Essex footprint statistics;
- (5) The three main areas of the STP Plan;
- (6) The required steps to help achieve and deliver the complex programme;

- (7) The conclusions of the Kings Fund Review of STPs;
- (8) Taking the STP forward;
- (9) Work streams;
- (10) Governance;
- (11) STP programme board – Terms of reference;
- (12) Process of aligning work streams to the STP;
- (13) Work stream delivery mandate;
- (14) Dashboard reporting; and
- (15) Forthcoming interactive programme events.

Members asked questions on various issues which included:-

- Social care issues and bed blocking;
- How the high level STP will be communicated down to front line staff;
- What the impact of the STP will ultimately be on patients;
- Financial savings;
- Collaborative working with for example the ambulance service and GP services and how the STP integrated with other health issues such as the urgent care review and the contract for provision to 0 -19 year olds;
- Engagement with other stakeholders such as Police and Fire; and
- The need to streamline health provision ranging from consultants to chemists and how this could be done.

Following discussion it was **RESOLVED** that Susannah Howard be invited back to a future meeting along with representatives from the North East Essex Clinical Commissioning Group and Essex County Council in order to discuss a more detailed plan of what STP means for Tendring health staff and patients.

It was **AGREED** that Cabinet be requested to contact the STP Lead to seek assurance that when the STP Plan is at a more detailed level, timely consultation with the wider public will take place.

**42. REPORT OF THE MANAGEMENT AND MEMBERS' SUPPORT MANAGER - A.1 - ANNUAL REVIEW OF THE YEAR 2016/17 AND WORK PROGRAMME FOR 2017/18**

There was submitted a report by the Management and Members' Support Manager, which provided the Committee with a review of the work it had carried out in the current municipal year and sought Members' approval to a draft Work Programme for the coming 2017/2018 municipal year for recommendation to the annual meeting of the Council to be held on 25 April 2017.

The Council's Management and Members' Support Manager explained that Appendix A to the report was a summary of what had been discussed and agreed by the Committee in the municipal year thus far. She stated that Appendix B was a suggested work programme for the Committee and that she was happy for the Committee to add any items it felt were required.

Following discussion by the Committee it was **RESOLVED** that:

- (a) the report on the review of the year 2016/17, as detailed in Appendix A to item A.1 of the Report of the Management and Members' Support Manager be noted; and

- (b) the draft 2017/18 Work Programme, as set out in Appendix B to the aforementioned report, be agreed and submitted to the Annual Meeting of the Council for approval, subject to:
- (i) the inclusion of one additional meeting in July for a further discussion on the STP and wider health issues; and
  - (ii) given the collaborative work taking place between Police and Fire, the Fire Service update being moved from the meeting scheduled for May to the meeting scheduled for November when the Police and Crime Commissioner will also be in attendance.

The meeting was declared closed at 9.55 p.m.

**Chairman**

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**MINUTES OF THE STANDARDS COMMITTEE  
HELD ON MONDAY 27 MARCH 2017 AT 10.00 A.M.  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

**Present:** Councillors Heaney (Chairman), Cawthron, Nicholls, Steady and Whitmore

**In Attendance:** Monitoring Officer (Lisa Hastings) and Committee Services Manager (Ian Ford)

**Also in Attendance:** John Wolton (Independent Person)

**18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor J A Brown (with no substitute) and Councillor Honeywood (with no substitute).

**19. MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 26 SEPTEMBER 2016**

The minutes of the meeting of the Standards Committee, held on 26 September 2016, were approved as a correct record and signed by the Chairman.

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**21. COMPLAINTS PROCEDURE – REFERENCE BACK FROM COUNCIL**

There was submitted a report (A.1) by the Monitoring Officer which, at the request of full Council, asked the Committee to reconsider its previous recommendation to amend the Complaints Procedure.

The Committee was aware that the Standards Framework included the Complaints Procedure (contained within the Members' Constitution Booklet) and that Section 5 of the Complaints Procedure set out how an investigation was to be conducted and under Section 5.6, that the investigation report must contain a conclusion as to whether the evidence supported a finding of failure to comply with the Code of Conduct. Annex E of the Complaints Procedure set out the Investigation Procedure.

Members were also aware that, if an investigation concluded that there was no evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 6.1 provided the Monitoring Officer with the authority, in consultation with the Independent Person, to decide no further action was required. In such circumstances, the Monitoring Officer would notify the Standards Committee.

At the meeting of the Committee held on 26 September 2016 (minute no. 14 referred) Members had been made aware that the current procedure, which had been adopted by full Council in November 2013, did not provide the Monitoring Officer with any discretion to refer a matter to the Standards Committee, if they considered an investigation was finely balanced. In most cases, an investigator would have a clear conclusion as to whether any evidence existed of a failure to comply with the Code of Conduct but, in rare circumstances, this might not be the case. The Monitoring Officer, in consulting colleagues in other authorities, had found that their Councils had provided them with a discretion to refer to the Standards Committee, if they personally felt it was necessary to do so.

Therefore, at that meeting and following discussion, the Standards Committee had decided, inter alia, to:

*“(f) Recommend to Council to amend the Complaints Procedure, as set out in the Constitution to allow the Monitoring Officer, at their own discretion and, in exceptional cases, following consultation with the Chief Executive and the Chairman of the Standards Committee, to decide to refer cases to the Committee for determination where the outcome of an investigation was to recommend no breach of the Code of Conduct.”*

The Committee was reminded that, at the meeting of Council held on 22 November 2016, when that recommendation was being considered (minute 83 referred) Councillor Calver had moved an amendment, which was seconded by Councillor Bray, that to have the ongoing confidence of the entire Council it required the possibility of any political interference to be removed and that the recommendation would be safer and stronger if any consultation was between the Chief Executive and the Monitoring Officer with no involvement of the Chairman of the Standards Committee.

Following those concerns raised by Members with respect to the original recommendation of the Standards Committee and pursuant to Council Procedure Rule 16.6 (Alteration of Motion), Councillor Stock, with the consent of both the meeting and his seconder, (Councillor Heaney), indicated that he was prepared to alter his motion so that it read as follows:

- (a) that the minutes of the meeting of the Standards Committee held on 26 September 2016, as circulated, be received and noted; and*
- (b) that consideration of the recommendation to Council, as contained in Minute No.14 (resolution (f)) of the Standards Committee of 26 September 2016 be deferred and that the matter be referred back to the Standards Committee for reconsideration.*

Councillor Calver and Councillor Bray had both then agreed to withdraw their amendment and Councillor Stock's altered motion was then approved.

The Standards Committee were therefore requested to reconsider their proposed amendment to the Complaints Procedure taking into account the concerns raised at the meeting of full Council on 22 November 2016.

Having discussed the matter, it was moved by Councillor Heaney, seconded by Councillor Nicholls and:

**RECOMMENDED TO COUNCIL that the Complaints Procedure, as set out in the Constitution, be amended to allow the Monitoring Officer, at their own discretion and, in exceptional cases, following consultation with the Chief Executive, to decide to refer cases to the Committee for determination where the outcome of an investigation was to recommend no breach of the Code of Conduct.**

## **22. REVIEW OF MONITORING OFFICER PROTOCOL**

The Committee was requested to review the Monitoring Officer Protocol and suggest any proposed amendments to that Protocol for consideration by full Council.

Having considered the contents of the current Monitoring Officer Protocol it was moved by Councillor Whitmore, seconded by Councillor Steady and:

**RESOLVED** that the Committee is satisfied with the current Monitoring Officer Protocol and therefore has no amendments that it wishes at the present time.



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**23. DISCLOSURE OF INFORMATION – NON-PAYMENT OF COUNCIL TAX BY COUNCILLORS**

There was submitted a report (A.3) by the Monitoring Officer which requested the Committee to discuss whether it agreed to add the matter of processes and procedures involving Councillors and the payment of Council Tax to its work programme, or that a guidance note be issued for Members following on from case-law, concerning the public interest and fairness in disclosing information of non-payment of council tax by councillors.

The Committee was reminded that, at the meeting of full Council held on 22 November 2016, Councillor Everett had asked a supplementary question to the former Portfolio Holder for Finance (minute no. 81 referred) concerning the general matter of processes and procedures involving councillors and the payment of council tax. As this matter fell within the remit of the Standards Committee, the Monitoring Officer had agreed to take this matter to the next meeting for a discussion as to whether the Committee wanted to include it within their work programme.

Members were informed that in March 2016 an Upper Tier Tribunal (Administrative Appeals Chamber) had decided that it was fair and reasonable to identify a councillor who had defaulted in the payment of council tax, due to being a serious matter of public concern, both as to the ability if the councillor to perform their key functions and in terms of public confidence and accountability.

The Monitoring Officer explained in detail the view of the Tribunal in *Haslam v Information Commissioner and Bolton Council [2016]* and drew Members' attention to several sections of the judgement handed down by Judge Markus QC. This included how the Tribunal had taken into account the legal aspects of Section 106 of the Local Government and Finance Act 1992, Sections 1(1) and 40(2) of the Freedom of Information Act 2000 and Section 1 of the Data Protection Act 1998.

The Monitoring Officer also reported that it was alleged that Leeds City Council were to challenge the Information Commissioner's decision (Reference: FS50635609 Dated: 3 November 2016) that it must release the names of four councillors who were in arrears, to a newspaper. The Information Commissioner had told the Council to release the names of Members who had been sent court summons over unpaid council tax to the Yorkshire Post. It was understood that Leeds Council believed that there were mitigating circumstances and in all of the cases, one instalment had been accidentally missed and reasonable explanations had been given as to why and all outstanding debts had not immediately been paid.

Having considered the detail of the Upper Tribunal's ruling together with the legal advice provided by the Monitoring Officer it was moved by Councillor Whitmore, seconded by Councillor Nicholls and:

**RESOLVED** that a Guidance Note be issued by the Monitoring Officer to all Councillors informing them of the outcome of the Upper Tribunal case and that, in response to any Freedom of Information request concerning non-payment of Council Tax, information may be disclosed.

**24. ANNUAL REPORT DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS**

There was submitted a report (A.4) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of interests by, Members.

The Committee recalled that, at its meeting held on 29 June 2016 (Minute 8 referred), it had agreed that, as part of its annual work programme, the Committee would receive an

annual report on declarations of interest and associated matters. The report before Members covered the period from 1 August 2016 to 10 March 2017.

Having considered the information submitted it was moved by Councillor Steady, seconded by Councillor Whitmore and:

**RESOLVED** that:

- (a) the contents of the report be noted; and
- (b) the Monitoring Officer be requested to ensure that any declarations of offers/receipt of gifts and hospitality made by District Councillors be published on the Council's website.

## 25. **STANDARDS COMMITTEE – ANNUAL WORK PROGRAMME**

There was submitted a report (A.5) by the Monitoring Officer which sought to agree the Committee's work plan for the 2017/2018 Municipal Year.

The Monitoring Officer reminded Members that the elements of the Standards Framework were:

- The Members' Code of Conduct (contained within the Members' Constitution Booklet);
- The Monitoring Officer Protocol (contained within the Members' Constitution Booklet);
- The Independent Persons' Protocol (contained within the Members' Constitution Booklet);
- Member and Officer Relations Protocol (contained within the Members' Constitution Booklet); and
- The Complaints Procedure (contained within the Members' Constitution Booklet).

The overall approach of the arrangements was to seek:

- Information and training for Members and Officers to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which were proportionate to their seriousness;
- Timeliness – with clear timescales for the various stages of complaints to be progressed;
- Checks, balances, reporting requirements and delegation to the Monitoring Officer of key elements of the process to maximise independence from the political process; and
- Early and informal intervention to resolve complaints wherever possible (including an expectation that Group Leaders would play a key role).

The Monitoring Officer further reminded Members that the arrangements had been adopted by full Council in November 2013, and that elements had been reviewed in 2014, 2015, 2016 and 2017 in order to ensure that the procedures and protocols were robust, up to date and fit for purpose. The Members' Code of Conduct was currently being reviewed.

To enable the Committee to focus on promoting high standards of conduct as well as reacting to complaints it was considered appropriate to discuss and agree a work plan for the Committee for 2017/18. Members referred to Appendix 1 of the Monitoring Officer's report.

It was moved by Councillor Nicholls, seconded by Councillor Steady and **RESOLVED** that:

- (a) the contents of the report be noted; and
- (b) the Annual Work Plan for 2017/2018, as set out in Appendix 1 to the Monitoring Officer's report, be approved.

## 26. **DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER**

### Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through it with the Committee. The Monitoring Officer also highlighted a number of other matters which included:

### Advice sought by Clerks to Parish/Town Councils

There had been an increase in the number of occasions when Clerk to Parish/Town Councils had sought advice on matters which did fall within the remit of the Monitoring Office, such as on constitutional matters or on-going complaints or actions taken by the Council. In each instance, the Clerk had been advised that this Council's legal department was not the legal adviser to the parish/town council.

There had also been an increase in the number of requests for advice with regard to declarations of interest at Parish/Town Council level and queries being raised as to whether declarations should have been made.

### Politically Motivated Queries

The Monitoring Officer reported that queries were being raised by members of the public and councillors concerning the actions of others and, in most instances, it was clear that those were politically motivated, especially with the County Council Elections pending.

### 'No Further Action' Cases

The Monitoring Officer reiterated that even in cases where 'no further action' was decided, detailed reasons were provided to both the complainant and the respondent to explain that decision.

### Training Session for new Councillors

The Monitoring Officer informed the Committee that a training session would shortly be arranged for both the newly elected Councillor Bush and also for the Councillor who would be elected following the by-election in the St James Ward on 6 April 2017.

### Requests for Dispensations

No requests for dispensations had been submitted since the last meeting of the Committee.

## 27. **EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Nicholls, seconded by Councillor Steady and:

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the item detailed below on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

**28. EXEMPT MINUTE OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 26 SEPTEMBER 2016**

The exempt minute of the meeting of the Standards Committee, held on 26 September 2016, was approved as a correct record and signed by the Chairman.

The meeting closed at 11.01 a.m.

Chairman

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**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY  
COMMITTEE, HELD ON MONDAY 3 APRIL 2017 AT 7.30 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

|                       |  |
|-----------------------|--|
| <b>Present:</b>       | Councillors Griffiths (Chairman), Fowler, Hones, Miles, Nicholls, Pemberton, Skeels Jnr and Yallop   |
| <b>Also Present:</b>  | Councillor Talbot – Environment Portfolio Holder   |
| <b>In Attendance:</b> | Mark Westall (Head of Customer and Commercial Services), John Fox (Head of Environmental Services), Jonathan Hamlet (Street Scene Officer) and Katie Sullivan (Committee Services Officer) |

**42. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology was received from Councillor V Guglielmi (with Councillor Nicholls substituting).

**43. MINUTES OF THE LAST MEETING**

The Chairman requested that the Council's Head of Housing (Tim R Clarke) respond to Councillor Ivan Henderson with clarification regarding the £100,000 HRA deficit from cuts in Housing Related Support Funding and if the cuts completely related to Careline alarms (Minute 38 – Update on review of Spendells & Honeycroft Sheltered Housing Schemes).

The Chairman requested that the minutes be updated to include the clarification and that when Mr Clarke responds he also copies in members of the Service Development and Delivery Committee.

The minutes of the last meeting of the Committee, held on 27 February 2017, were then approved as a correct record and signed by the Chairman.

**44. DECLARATIONS OF INTEREST**

Councillor Miles declared a non-pecuniary interest in item 4 on the agenda, by virtue of the fact she was a Ward Councillor for Walton.

**45. UPDATE ON WALTON LIFESTYLES AND OTHER TDC LEISURE CENTRES**

The Chairman confirmed that the Council's Corporate Director (Operational Services) had produced a written update statement on Walton Lifestyles and other TDC Leisure Centres.

The Council's Head of Customer and Commercial Services (Mark Westall) read the statement out to the Committee which confirmed the following:

*"1. Following a comprehensive risk assessment at Walton Lifestyles, undertaken by an independent specialist water management company, all priority works have been completed.*

2. *Whilst legionella bacteria was only identified within certain locations the entire water system serving the centre has been super chlorinated and systematically tested to ensure that legionella has been eliminated from the site.*
3. *Risk assessments have been undertaken at all other leisure centres by the same independent water management company and any matters identified have either been remedied or are programmed to be rectified in accordance with the risk profile.*
4. *Staff have been retrained at all sites and a comprehensive review of legionella policy has been undertaken across TDC with all appropriate actions and recommendations being implemented as required.*
5. *I am satisfied that all necessary measures have been put in place across all TDC leisure centres to ensure that effective legionella controls are in place.*
6. *Given the ongoing investigation by the HSE it would be inappropriate to provide any further information or to speculate on the cause or location of the legionella proliferation.”*

The statement was **NOTED**.

#### **46. DECLINE IN FLY TIPPING PERFORMANCE**

The Environment Portfolio Holder (Councillor Talbot) introduced the item and gave a political overview to the Committee.

The Council's Head of Environmental Services (John Fox) and Street Scene Officer (Jon Hamlet) were in attendance and informed the Committee of the decline in fly tipping performance.

The following areas were covered:

- The varying levels of fly tipping – a black bin bag to a tipper load;
- The Council's target for clearing 90% of all reported fly tipping incidents within 72 hours;
- Clearing carried out by Veolia, who the Council had a contract with;
- Reasons why performance may vary;
- Grouping of workload where possible to help performance;
- Statistics;
- Difficulties/issues experienced; and
- Causes of delays.

Members raised questions and concerns in regards to fly tipping which Officers responded to.

Following discussion, it was **RECOMMENDED** to Cabinet that:

- (a) the Service Development and Delivery Committee being concerned about the extent of fly-tipping, which is a criminal offence, around the District request Cabinet to investigate the extent of the Council's surveillance powers and the

extent of the penalties the Council could expect to be imposed if a prosecution is successful; and

- (b) an analysis be undertaken to understand the cost of surveillance versus possible fines that could be imposed.

The Committee gave thanks to Councillor Talbot, John Fox and Jon Hamlet for their excellent contributions.

**47. ESSEX COUNTY COUNCIL'S PROPOSED CONTRIBUTION TO THIS COUNCIL'S CLEAR-UP COSTS**

The Environment Portfolio Holder (Councillor Talbot) introduced the item and gave a political overview to the Committee.

The Council's Head of Environmental Services (John Fox) and Street Scene Officer (Jon Hamlet) informed the Committee of Essex County Council's proposed contribution to this Council's (TDC) clear-up costs.

Members were informed that, as of November 2016, Essex County Council (ECC) had changed the rules at recycle centres which had resulted in business waste being refused and restrictions put in place and that there had been concerns that there would be an increase in fly tipping in the District resulting from the changes to the rules.

Members were informed that, at many of the recycle centres in the District, businesses had been dumping their waste when they should have been taking it to a site specifically for disposal of business waste and paying for it.

Councillor Talbot informed the Committee that there was a verbal agreement that ECC would pay the cost of clearing up an increase in fly tipping if it should occur.

A leaflet provided by Essex County Council which gave guidance as to what residents could, and could not, take to recycle centres was distributed to the Committee for information.

The Council's Street Scene Officer (Jon Hamlet) informed the Committee that the Council had been monitoring the figures in relation to fly tipping and that at this early stage it was difficult to spot any differences in trend since the new rules had come into place. Mr Hamlet confirmed that the figures would be checked and monitored on a month-by-month basis.

Members raised questions which Officers responded to.

Following discussion, it was **RECOMMENDED** that Cabinet recognise that TDC's Environmental Services team has a good working partnership with Essex County Council.

The Committee gave thanks to Councillor Talbot, John Fox and Jon Hamlet again for a second excellent contribution.

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**48. REPORT OF THE HEAD OF CUSTOMER AND COMMERCIAL SERVICES - A.1 - ANNUAL REVIEW OF THE YEAR 2016/17 AND WORK PROGRAMME FOR 2017/18**

There was submitted a report by the Head of Customer and Commercial Services (Mark Westall), which provided the Committee with a review of the work it had carried out in the current municipal year and sought Members' approval to a draft Work Programme for the coming 2017/2018 municipal year for recommendation to the annual meeting of the Council to be held on 25 April 2017.

Mr Westall explained that Appendix A to the report was a summary of what had been discussed and agreed by the Committee in the municipal year thus far. He stated that Appendix B was a suggested work programme for the Committee and that he was happy for the Committee to add any items it felt were required.

Following discussion by the Committee it was **RESOLVED** that:

- (a) the report on the review of the year 2016/17, as detailed in Appendix A to item A.1 of the Report of the Head of Customer and Commercial Services be noted; and
- (b) the draft 2017/18 Work Programme, as set out in Appendix B to the aforementioned report, be agreed and submitted to the Annual Meeting of the Council for approval, subject to:
  - the addition of the following item for the meeting scheduled for 9 October 2017 – Litter from fast-food outlets around the District and on the A120; and
  - Review of possible closure, or moth-balling of Public Conveniences, to be arranged before report goes to Cabinet – date to be confirmed.

The meeting was declared closed at 8.48 pm

**Chairman**



**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,  
HELD ON THURSDAY 20 APRIL 2017 AT 6.00 PM  
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD,  
CLACTON-ON-SEA, CO15 1SE**

|                       |   |
|-----------------------|---|
| <b>Present:</b>       | Councillors Stock (Chairman), Turner (Vice-Chairman), Amos, Bray (except minutes 28-30 and 31 (part)), Broderick, Bush, Cawthron, G V Guglielmi, Land, Platt, Scott, M J D Skeels and Stephenson (except minutes 28-30 and 31 (part))   |
| <b>Also Present:</b>  | Councillors McWilliams and White  |
| <b>In Attendance:</b> | Lisa Hastings (Head of Governance and Legal Services), Cath Bicknell (Head of Planning), Simon Meecham (Planning and Regulation Manager), Nigel Brown (Communications and Public Relations Manager), Will Fuller (Planning Officer) and Katie Sullivan (Committee Services Officer) |

**28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Chapman and Councillor Newton (with Councillor Bush substituting).

**29. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 19 January 2017, be approved as a correct record and signed by the Chairman.

**30. DECLARATIONS OF INTEREST**

There were none.

**31. PUBLIC SPEAKING**

The Chairman invited the following person to address the Committee:

Item A.1 – Local Plan Policies

Parish Councillor John Cutting (Chairman of Little Clacton Parish Council), made a statement in which he referred to Policy SPL2 - Settlement Development Boundaries and queried why the wording 'general presumption in favour of new development' was contained therein and why an exemption to this Policy was provided through Policy LP6 – Rural Exception Sites.

At the request of the Chairman, the Head of Planning responded and confirmed that Policy LP6 was not before Members tonight and would come to the Committee in May.

**32. REPORT OF THE HEAD OF PLANNING SERVICES - A.1 - LOCAL PLAN POLICIES**

The Committee had before it a detailed report of the Head of Planning Services (A.1), which provided it with an opportunity to comment on the revised policies for the Publication Local Plan which had taken account of the consultation representations on the Preferred Options Local Plan. The report covered the following chapters: Vision &

Objectives; Sustainable Places; Healthy Places; Protected Places and Connected Places.

Members were informed that the Local Plan Committee meeting at its next meeting on 23 May 2017 would consider the remaining chapters of the Local Plan and then Council would consider the whole Local Plan on 6 June 2017.

A brief summary of the changes to the aforementioned policies was reported. Appendix A to the report of the Head of Planning Services set out the full text of those policies with new text shown in bold and deleted text shown as 'struck through'. Appendix B to the report detailed the reasons for those changes.

The Committee also had before it an update sheet prepared by Officers which informed Members of minor amendments that were required to the text of various policies.

Having considered all of the information provided, it was moved by Councillor Turner and seconded by Councillor M J D Skeels and:

**RECOMMENDED TO COUNCIL that:-**

- (a) the following chapters of the Tendring District Council Publication Local Plan, attached as Appendix A: Vision & Objectives; Sustainable Places; Healthy Places; Protected Places and Connected Places be endorsed;
- (b) the content of the chapters of the Tendring District Council Publication Local Plan (Appendix A) be approved for public consultation for a period of six weeks; and
- (c) authority be delegated to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the text of the Local Plan consultation documents up to the point of publication for consultation purposes.

**33. REPORT OF THE HEAD OF PLANNING SERVICES - A.2 - LOCAL PLAN EVIDENCE UPDATE**

The Committee had before it a detailed report of the Head of Planning Services (A.2), which provided an update on the progress of the evidence that was necessary to underpin the content of the new Local Plan.

The report provided an update on Ongoing Evidence Requirements including:

- (i) Strategic Flood Risk Assessment and flood risk sequential tests;
- (ii) Holiday Park Review;
- (iii) Transport Modelling – Phase 3;
- (iv) North Essex Garden Communities Transport and Movement Study;
- (v) Employment and Demography for the garden communities including non 'B' class uses;
- (vi) Infrastructure Delivery Plan (Braintree, Colchester, Chelmsford and Tendring);
- (vii) Habitats Regulation Assessment and appropriate screening;
- (viii) Local Plan Viability;

- (ix) Sustainability Appraisal and Strategic Environmental Assessment for the Submission Local Plan;
- (x) Concept Frameworks for the Garden Communities;
- (xi) Open Space, Sport and Recreation;
- (xii) Gypsy Traveller Accommodation Assessment; and
- (xiii) Integrated Water Strategy.

Having discussed the information provided, it was moved by Councillor Turner and seconded by Councillor Platt and:

**RESOLVED** that the Local Plan Committee:-

- (a) notes the latest progress on the evidence base to justify the content of the Local Plan; and
- (b) authorises the Head of Planning to continue commissioning and finalising the outstanding studies as set out in Table 1 of the report and any other evidence studies required, providing updates to this Committee on an ongoing basis.

The meeting was declared closed at 6.34 p.m.

**Chairman**

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## COUNCILLOR JACK PARSONS' MOTION TO COUNCIL IN RELATION TO A PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK

*"This Council, in accordance with Local Government and Public Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review following the conclusion of the LGBCE Ward Boundaries review, with the view to creating a Clacton Town Council to come into effect in 2023. During this review the Council will consult with members of the public and other stakeholders as to the creation of a Clacton Town Council which will be intended to serve the areas of Clacton-on-Sea that are not currently being represented by a Town or a Parish Council. This will be inclusive of the following current wards:*

*Golf Green*

*Rush Green*

*Bockings Elm*

*Peter Bruff*

*Alton Park*

*St James*

*Pier*

*St Mary's*

*St John's*

*Burrsville*

*St Paul's*

*St Bartholomews*

*Haven*

*In addition, this Council will authorise Officers to, with regard to the aforementioned guidance and acts, draft potential boundaries within the specification above, potentially through a working party, for Full Council approval prior to public consultation."*

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COUNCILLOR ZOE FAIRLEY'S MOTION TO COUNCIL IN RELATION TO  
PROPOSED ROAD SAFETY MEASURES AT BRICKMANS BRIDGE ON THE  
B1352

*“This Council calls upon Essex County Council to introduce robust safety measures at Brickmans Bridge on the B1352 between Mistley and Bradfield. Measures such as very visible warnings to drivers that they are approaching a dangerous bend, proper crash barriers along the entire length of the bend, the removal of piped barrier, and rumble strips to slow traffic down. In addition, an investigation to be carried out with a view to having the speed reduced from 60 to 30 mph at this location.*

*I think it is important that this Council asks Essex County Council to introduce these safety measures at the earliest possible opportunity, and also nominates our own representative to work with Essex Highways to achieve the best possible safety improvements measures”.*

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**Cabinet Members' Items – Report of the Portfolio Holder for Resources and Corporate Services**

**179. ASSET MANAGEMENT PLAN, PROPERTY STRATEGY, PROPERTY PROGRAMME, PROCEDURE RULES AND CONSEQUENT CONSTITUTION AMENDMENTS (Report A.6)**

There was submitted a report by the Portfolio Holder for Resources and Corporate Services (Report A.6), which enabled Cabinet to consider the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution amendments.

Cabinet was informed that the adoption of an Asset Management Plan was no longer mandatory but it was considered to be good practice. The Asset Management Plan was not a budget and policy framework document. The Asset Management Plan, Property Strategy and updated procedure rules had been outstanding Auditors' requirements for some years. Officers had therefore produced a suite of policy and procedure documents comprising a high level Asset Management Plan and subsidiary documents.

It was proposed that the Asset Management Plan would be adopted at full Council together with the necessary changes to the Council's Constitution.. Other parts of the package would be adopted, subject to the foregoing, as the documents progressed through the approvals process.

It was reported that the key proposed changes to the Constitution were to:

- Provide authority for the adoption of the Property Strategy, Property Programme and procedure rules.
- Remove detailed provisions on property procedures and provide authority for a separate suite of procedure rules.
- Update decision making and valuation thresholds.

Cabinet was reminded that the Corporate Management Committee had considered the draft documents at its meeting held on 13 March 2017 and had made comments as set out below. Where applicable the draft documents had been adjusted to reflect the Committee's comments.

The Corporate Management Committee had commented to Cabinet that:

- a) *the Council's attitude should be that "if we don't need it and its costing us money then we dispose of it";*
- b) *robust action/business plans should be put in place to deliver the aspirational aspects of the Property Programme;*
- c) *the Property Programme should cover at least a three year period in order to take into account the next District Council Elections; and*
- d) *the need for an Integrated Transport Plan should be included, where appropriate, in the documents*

The Resources and Corporate Services Portfolio Holder had responded to those comments as set out below. Where applicable the draft documents had been amended to reflect those responses.

The Portfolio Holder's responses were:

*"I thank the Committee for its time and comments.*

- a) The Committee is quite right in its view of the need to dispose of surplus property. This approach is in line with the draft documents prepared by officers and will help the Council to achieve a leaner property portfolio that actively contributes to our objectives and is sustainable in the light of our future financial circumstances.*
- b) The documents proposed are not the best place to expand on the detailed plans for specific projects. Instead I propose that Cabinet should request that officers prepare plans separately for the delivery of projects.*
- c) The Property Programme needs to both reflect long term aspirations and focus on immediate priorities as well as retaining flexibility to deal with changing circumstances. Cabinet will note the change of the duration of the programme attached to the report also on this agenda in line with the suggestion of the Committee.*
- d) Members will note the addition of a Transport Plan into the infrastructure section of the Property Strategy. It is likely that the Council will look towards sector partners for delivery."*

Having considered the comments of the Corporate Management Committee and the responses thereto of the Resources and Corporate Services Portfolio Holder:

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock and:

**RESOLVED** that Cabinet -

- a) recommends and refers the Asset Management Plan and proposed Constitution amendments to full Council for adoption;
- b) subject to Council's decision on the foregoing, adopts the Property Strategy;
- c) notes the draft Property Programme and procedure rules proposed for separate adoption by the Portfolio Holder and by Officers subject to the adoption of the Asset Management Plan and Constitution changes, as detailed above; and
- d) requests that Officers bring forward delivery plans for the aspirational projects in the Property Programme as resources permit.

**RECOMMENDED TO COUNCIL** that the Asset Management Plan and the proposed amendments to the Council's Constitution be approved.

|                               |           |                             |           |
|-------------------------------|-----------|-----------------------------|-----------|
| <b>Key Decision Required:</b> | <b>No</b> | <b>In the Forward Plan:</b> | <b>No</b> |
|-------------------------------|-----------|-----------------------------|-----------|

## CABINET

### REPORT OF THE RESOURCES AND CORPORATE SERVICES PORTFOLIO HOLDER

21 APRIL 2017

#### **A.6 ASSET MANAGEMENT PLAN, PROPERTY STRATEGY, PROPERTY PROGRAMME, PROCEDURE RULES AND CONSEQUENT CONSTITUTION AMENDMENTS**

(Report prepared by Andy White)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

**To consider the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules and consequent Constitution amendments.**

##### **EXECUTIVE SUMMARY**

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document.

The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors' requirements for some years.

Officers have produced a suite of policy and procedure documents comprising a high level Asset Management Plan and subsidiary documents.

It is proposed that the Asset Management Plan will be adopted at the full Council together with the necessary Constitutional changes. Other parts of the package will be adopted, subject to the foregoing, as the documents progress through the approvals process.

The key proposed changes to the Constitution are to:

- Provide authority for the adoption of the Property Strategy, Property Programme and procedure rules.
- Remove detailed provisions on property procedures and provide authority for a separate suite of procedure rules.
- Update decision making and valuation thresholds.

The Corporate Management Committee considered the draft documents on 13 March 2017 and made comments as set out in the Current Position section of this report. Where applicable the draft documents appended have been adjusted to reflect the Committee's comments.

##### **RECOMMENDATION(S)**

**That Cabinet;**

- a) **Considers the draft Asset Management Plan, Property Strategy, Property Programme, Procedure Rules, consequent Constitution amendments and comments from the Corporate Management Committee and;**
- b) **Recommends and refers the Asset Management plan and proposed constitution amendments to the Full Council for adoption;**
- c) **Subject to Council's decision on the foregoing, adopts the Property Strategy;**
- d) **Notes the draft Property Programme and procedure rules proposed for**

**separate adoption by the Portfolio Holder and by officers subject to the adoption of the Asset Management Plan and Constitution changes as detailed above.**

- e) Requests that officers bring forward delivery plans for the aspirational projects in the Property Programme as resources permit.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The Council has key priorities:

- Balance our budget
- Good Governance
- Transform the way we work
- Make the most of our assets

### **FINANCE, OTHER RESOURCES AND RISK**

#### **Finance and other resources**

The Council faces an increasingly tough financial outlook. Property ownership represents both potential costs and potential revenue and capital receipts. Robust property management will be essential to the financial stability of the authority.

#### **Risk**

In addition to the financial imperative to manage property effectively the ownership of land and especially buildings entails significant responsibilities in terms of liability, risk and claims. It is essential that robust arrangements are in place to ensure that the authority's exposure to claims and liabilities is minimised.

The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors' requirements for some years.

### **LEGAL AND GOVERNANCE**

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. The Principal Powers to deal with Council property are derived from:

- The Local Government Act 1972:
  - Section 120: Power to acquire land; and under related case law the Council is obliged to ensure that the management of its assets are for the benefit of the district.
  - Section 121: Power to compulsorily purchase land, subject to later legislative amendments
  - Section 122: Appropriation of land for other purposes
  - Section 123: Power to dispose of land, including:
    - (1) disposal of land held by it in any way it wishes so long as:
    - (2) the land is disposed for a consideration not less than the best that can reasonably be obtained.

Note: The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental

economic and social wellbeing of the area. The order includes specific rules and guidance on the consideration and approval of any such decision.

(2A) requirement for a local authority may not dispose of land held by it as public open space without advertising its intention to do so in the local press.

- Housing Act 1985, Part II:
  - Section 17: Provides the principal power for the acquisition of land for housing purposes, including land as a site for the erection of houses, this includes the power to acquire land for the purposes of disposing of the land to a person who intends to provide housing accommodation on it.
  - Section 32 to 44: Together with the General Housing Consent 2013 give the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 subject to various limitations and requirements.

In order to set a corporate level plan in place while retaining agility in the delivery plans and internal rules it is proposed that the Asset Management Plan will be adopted at the full Council together with the necessary Constitutional changes. Other parts of the package will be adopted, subject to the foregoing, as the documents progress through the approvals process:

| Document                  | Management Team (Statutory Officers)    | Corporate Management Committee | Cabinet                                 | Full Council    | Portfolio Holder       |
|---------------------------|---|--------------------------------|---|-----------------|------------------------|
| Constitutional amendments | Consider and advise                     | Consider and recommend         | Consider and recommend                  | <b>Adopt</b>    | Consider and recommend |
| Asset Management Plan     | Consider and advise                     | Consider and recommend         | Consider and recommend                  | <b>Adopt</b>    | Consider and recommend |
| Property Strategy         | Consider and advise                     | Consider and recommend         | <b>Adopt</b> subject to later approvals | For information | Consider and recommend |
| Property Programme        | Consider and advise                     | Consider and recommend         | For information                         | For information | <b>Adopt</b>           |
| Procedure Pules           | <b>Adopt</b> subject to later approvals | For information                | For information                         | For information | For information        |
| Timeline                  | 07 February 2017                        | 13 March 2017                  | 21 April 2017                           | 16 May 2017     | 17 May 2017            |

#### **OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Future decisions on property specific matters may have effects on:

- Crime and Disorder
- Equality and Diversity

- Health Inequalities
- Consultation
- Public Engagement

It is proposed that the detailed effects are considered in the context of individual specific projects and proposals

**Ward**

Various

**PART 3 – SUPPORTING INFORMATION**

**BACKGROUND**

The adoption of an Asset Management Plan is no longer mandatory but it is good practice. The Asset Management is not a budget and policy framework document. The Asset Management Plan, Property Strategy and updated procedure rules have been outstanding Auditors’ requirements for some years.

**CURRENT POSITION**

Officers have produced a suite of policy and procedure documents with a high level Asset Management Plan and subsidiary documents.

The Corporate Management Committee considered the draft documents on 13 March 2017. After discussion of the report and its appendices it was agreed that the committee comments to Cabinet that:

- a) the Council’s attitude should be that “if we don’t need it and its costing us money then we dispose of it”;
- b) robust action/business plans should be put in place to deliver the aspirational aspects of the Property Programme;
- c) the Property Programme should cover at least a three year period in order to take into account the next District Council Elections; and
- d) the need for an Integrated Transport Plan should be included, where appropriate, in the documents

The Portfolio Holder’s response to these comments is set out below. Where applicable the draft documents have been amended to reflect these comments.

**PORTFOLIO HOLDER’S RESPONSE TO THE COMMENTS**

I thank the Committee for its time and comments.

- a) The Committee is quite right in its view of the need to dispose of surplus property. This approach is in line with the draft documents prepared by officers and will help the Council to achieve a leaner property portfolio that actively contributes to our objectives and is sustainable in the light of our future financial circumstances.
- b) The documents proposed are not the best place to expand on the detailed plans for specific projects. Instead I propose that Cabinet should request that officers prepare plans separately for the delivery of projects.
- c) The Property Programme needs to both reflect long term aspirations and focus on immediate priorities as well as retaining flexibility to deal with changing circumstances. Cabinet will note the change of the duration of the programme attached to the report also on this agenda in line with the suggestion of the Committee.

d) Members will note the addition of a Transport Plan into the infrastructure section of the Property Strategy. It is likely that the Council will look towards sector partners for delivery.

#### **BACKGROUND PAPERS**

None

#### **APPENDICES**

- Appendix A – Draft Asset Management Plan
- Appendix B – Draft Property Strategy
- Appendix C – Draft Property Programme
- Appendix D – Procedure rules adopted, subject to adoption of the foregoing.
- Appendix E – Schedule of consequent amendments to the Constitution

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# Tendring District Council Asset Management Plan 2016/17- 2021/22



“To manage Council property effectively to deliver Council priorities”

| <b>Community Leadership</b>  |   |   |
|--|---|---|
| <b>Council and Community</b>   | <b>Employment and Enjoyment</b>   | <b>Health and Housing</b>   |
| <ul style="list-style-type: none"> <li>• Deliver high quality affordable services</li> <li>• Balance our budget</li> <li>• Good governance</li> <li>• Transform the way we work</li> <li>• Make the most of our assets</li> <li>• Engagement with the community</li> <li>• Support the vulnerable</li> <li>• Support rural communities</li> <li>• Effective partnership working</li> <li>• Chanel Shift</li> </ul> | <ul style="list-style-type: none"> <li>• Support business growth</li> <li>• Enable better job prospects</li> <li>• Facilitate improved qualification and skills attainment</li> <li>• First rate leisure facilities</li> <li>• Attractive events programme</li> </ul> | <ul style="list-style-type: none"> <li>• Promote healthier lifestyles and wellbeing</li> <li>• Support improved community health</li> <li>• Deliver a quality living environment</li> <li>• Local regeneration</li> <li>• Council house building</li> </ul> |

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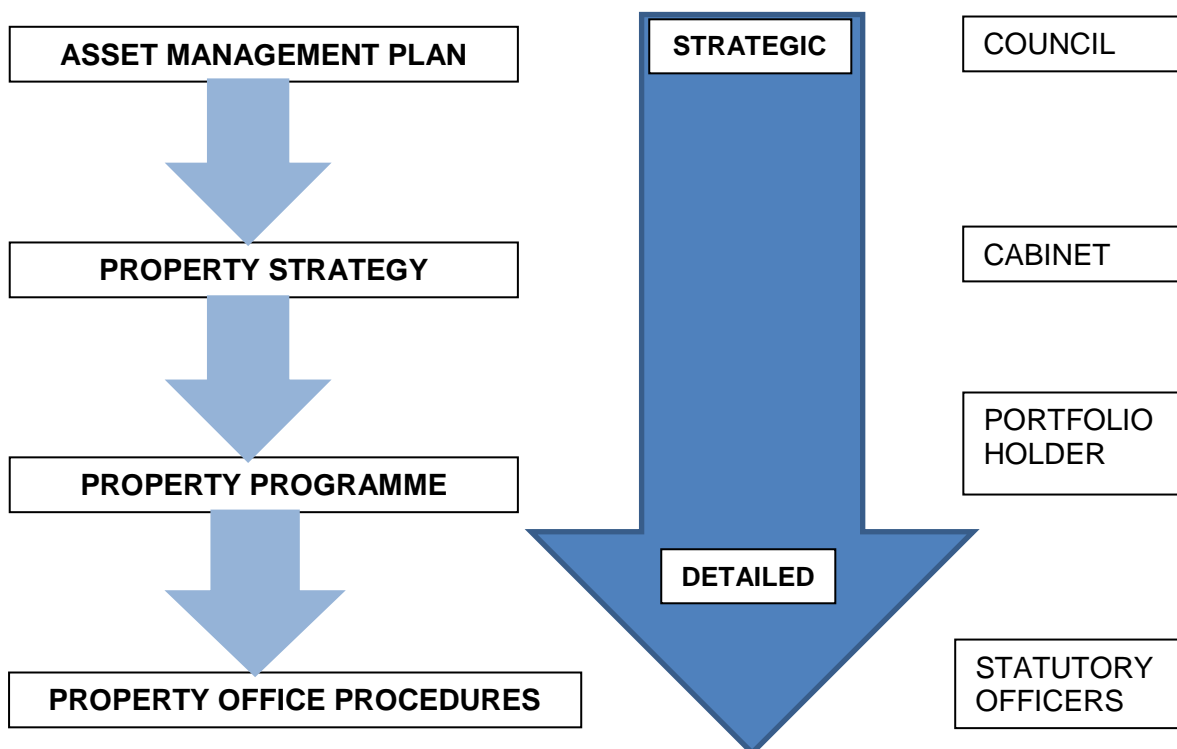
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## THE PURPOSE OF AN ASSET MANAGEMENT PLAN

The Capital Strategy and Asset Management Plan have a key role to set out the arrangements and processes in place to manage capital resources and assets. The Capital Strategy has been separately prepared and is available on the Council’s web site.

The purpose of the Asset Management Plan is to set the framework for the management of the Council’s assets to deliver the Council’s Corporate Priorities.

The plan is not intended to deal with specific detail, sites or the on-going management of the Council’s housing stock but to set the backcloth against which these matters will be addressed. The Property Strategy, programme and procedures, approved at appropriate levels are intended to be dynamic documents that delegate details within the overall framework.



## VISION OF ASSET MANAGEMENT PLAN

The Authority wide control and management of the Council's assets in order to facilitate and promote the Council's key property priorities:

- a) Generation of revenue and capital receipts
- b) The strategic management of the asset portfolio, including asset challenge
- c) Accessibility of services
- d) Fit for purpose facilities
- e) Efficient shared spaces
- f) Contribution to regeneration and housing

## LINKS TO OTHER KEY RESOURCE STRATEGIES

The ability of the Council to deliver its corporate objectives will be influenced or have direct links to:

**People Strategy 2016-2020** – seeking to ensure the right staff resources are available to enable the Council to achieve its objectives.

**Procurement Strategy** –procuring contractors, suppliers, at the most cost effective price.

**IT Strategy 2012-2016** – and Strategic Investment Roadmap, sets out how to use technology to support and improve service delivery and is running of the organisation.

**Financial Strategy** – determines the capital and revenue resources available. It provides a framework for the consideration and prioritisation of projects.

## OUR ASSETS

The Council owns over 4,200 assets. There are many property types including:

- over 3,200 Council dwellings,
- around 470 Garages,
- over 40 public conveniences,
- around 50 commercial premises,
- approximately 50 off-street car parks
- over 300 pieces of open space and
- about 90 recreational or other leisure related assets.



Property assets play a central role in the delivery of many services contributing to the quality of the environment and to the wellbeing of the District. The Council's assets can be used to support its community leadership role and where appropriate can be a source of capital or revenue funding to support other objectives.

The Council's Housing Revenue Account Properties entail specific needs and legislative requirements that are managed entirely within the Council's Housing Teams in the Life Opportunities Department. The Housing teams are responsible for all aspects of the management of the Council's housing stock.

## ASSET CHALLENGE

The Council will routinely challenge its property holding. It must not be satisfied to default to holding property even when substandard or unneeded. We will always look for better and more efficient solutions. A methodology for Asset Challenge is set out overleaf.

# ASSET CHALLENGE

Vision statement for property management (This document)

## Assessment

Restrictions and alternatives

Identified need for additional property

Property register

Need for property to be retained

Suitability and Sufficiency

External requirement for property retention

Condition and backlog maintenance

Property that can be disposed of for income or saving

## Options Appraisal

(including assessment of financial, regeneration, community and service effects)

Acquire additional property

Invest in existing property

Retain property as existing

Share use of property

Community transfer

Manage for income

Dispose for capital

Consultation, Decision Making Categorisation and Prioritisation

Resourced, agreed and supported delivery plan

## **ROLES AND RESPONSIBILITIES: The Stewardship of Assets**

**Council** – Approves the Corporate Plan, Core Strategies, Capital Programme, Asset Management Plan and revenue budget. Approves large schemes or proposals.

**Cabinet** – Terms of acquisition and disposal of property in large cases and where any disposal at less than Best Consideration Reasonably Obtainable is proposed.

Recommends to Council the Capital Strategy and Asset Management Plan after wide member engagement.

### **Portfolio Holders:**

All - overseeing the general management of property within their Portfolio.

Portfolio Holder with responsibility for asset management - responsible for strategic management of property, the commencement of disposal or acquisition processes and determining the terms of any long term property interests other than where reserved to Cabinet or Council.

Portfolio Holder with responsibility for housing - approves schemes within the Housing Investment Programme.

**Corporate Management Committee** –has the Primary overview role for Asset Management:

- Budgets and strategies
- Proposals for the Capital Strategy and Asset Management Plan
- Specific work areas, such as office rationalisation.
- Any asset related executive decisions called in by Councillors.

**Management Team** –. Ensures that proposed policies and decisions are compatible with each other and meet the Council's corporate objectives. It initially considers the Capital Strategy and Asset Management Plan as well as all asset management related decisions prior to formal reporting to Members. It recommends the projects for inclusion in the Capital Programme.

**Corporate Director Corporate Services** – and, where delegated, the Head of Property Services – is responsible for:

- Preparing the Asset Management Plan, Property Strategy, Property Programme and Property Office Procedures
- Authorising and granting short leases and tenancies
- Negotiating property transactions
- Rent reviews and lease renewals

**Corporate Director Life Opportunities** – Responsible for all aspects of property management within the Housing Revenue Account.

**All Corporate Directors/Head of Planning/Heads of Service** – Responsible for:

Granting trading rights or any licences to use property less than 12 months in duration.

General management of property and all day to day matters.

**Service Units** – In reality the day to day working of the Council is delegated from Directors to the service managers and units; a general overview of the roles is as follows:

| <b>Asset Management Team</b>         | <b>Service Units</b>                       |
|--------------------------------------|--|
| The strategic and corporate overview | General management of operational property |
| Acquisition and disposal of property | Repairs and maintenance                    |
| Management of all leasehold property | Health and Safety matters                  |
| Advice and support to service units  | Facilities management                      |
| Maintaining the Asset Register       | Delivery of capital schemes                |

## **STRATEGIC ASSET MANAGEMENT STRUCTURE & RESPONSIBILITY**

Strategic asset management of the Council's General Fund property is the role of the Council's Asset Management Team which is based in the Council's Corporate Services Department. The Property Team works closely with Management Team Members and the Resources and Corporate Services Portfolio Holder.

There are a number of wider Teams within the Council dealing with specific issues and projects these include representation from Legal and other service areas as required.

## **DATA CAPTURE, MANAGEMENT AND PUBLICATION**

The Council has transferred its core property data to a property database as a module of the Council's Corporate Local Land and Property Gazetteer package, a computer system recording aspects of data for all land and property in the District. Officers continue to develop the depth of the information. The Council has a number of further data capture systems. Over time it is proposed to integrate these into the central data set as the potential to do so presents itself.

The database is a reliable list of the Council's property but there is a need to develop a greater depth of information relating to their physical condition.

The Council has developed an Asset Stocktake in order to facilitate a desktop review of assets and to drive the Property Action Plan.

The Council publishes property data in a range of ways:

- Asset Stocktake – on its own web site
- Assets available for disposal – on its own web site
- Member alerts and publication of decisions
- EPAM – a shared internet portal with other authorities and services in the County
- EPIMS – the government's internet portal for property data
- Inspire – An internet portal for environmental information

## **OUR APPROACH TO ACQUISITION & DISPOSAL**

The Council aims to acquire property as efficiently as possible and to dispose of it where applicable in accordance with the Council's statutory duty to achieve the "best consideration reasonably obtainable". The Council has policies for considering the acceptance of lower consideration, in balance with financial constraints, in the case of community assets where these support delivery of community services and facilities.

The Council recognises the difficult financial environment that faces it and the important balance between acquiring and investing in property and the need for disposals and revenue generation. The Council must have a programme that includes efficiency and disposal as well as retention and investment. It must get the most out of its assets and must dispose of them if the cost of keeping them is greater than the benefit to the community.

## **PROPERTY STRATEGY**

It is proposed to adopt a Property Strategy to translate data and key priorities into a more detailed direction for the management of assets. The strategy will identify areas of acquisition and investment need as well as opportunities for income generation. It will facilitate a property programme aimed at linking with the Capital Strategy and Budget to deliver objectives within available resources.

## A6 Appendix E

### POWER FOR CONSTITUTIONAL CHANGES

The Councils Articles, Part 2 of the constitution provides powers for the Full Council:

Article 4.02 (4) Adopting and changing the Constitution unless specifically delegated to the Monitoring Officer;

Article 4.02 (5) The adoption or approval of a plan or strategy, other than a plan or strategy for the control of the authority's borrowing or capital expenditure or forming part of the Policy Framework, where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them;

It is recommended that the Council:

1. Approves the changing of the constitution as set out in Parts 1 and 2 of this Appendix
2. Adopts the Asset Management Plan

#### Part 1

Amend the following constitution clauses to read [changes shown underlined]:

Constitution Part 3 item 4.2.1: Corporate Asset Management,

- Adoption of the Property Programme
- Overview and formulation of the Asset Management Plan, Property Strategy and Property Office Procedures
- Property Service providing property advice and support to service areas
- Initiation and authorisation of property transactions in accordance with the Property Dealing Procedure

Constitution Part 3 item 3.2 Additional Specific Delegations to Individual Portfolio Holders Enforcement and Community Safety (current title Portfolio Holder for Resources and Corporate Services)

1. Overseeing implementation of the Property Strategy, Property Programme and Property Office Procedures in accordance with the Property Dealing Procedure.

Constitution Part 5 item 14.1.1 All securities in the name of the Council and the title deeds of all property in the ownership of the Council shall be held in the custody of the Property Service

Constitution Part 5 item 15.1 All land and property transactions must be undertaken in accordance with the Council's Property Dealing Procedure.

Constitution Part 5 item 15.2 Any amendments to the Property Dealing Procedure will be made by Full Council as constitutional amendments.

Constitution Part 5 Substitute entirely the Property Dealing Procedure for the replacement text set out in Part 2 of this Appendix.

## Part 2

### PROPERTY DEALING PROCEDURE

#### 1. Negotiation of Property Deals

1.1 Property Deal means the acquisition or disposal by the Council of any interest in land, including freehold, leasehold, by way of tenancy, any rent review, lease variation, lease renewal or any other dealing or proposed dealing with an interest in land or licence to use land.

1.2 Members must not engage in negotiations of any kind relating to any Property Deal or proposed Property Deal.

1.3 Every request to the Council from any party for a deal within this procedure shall be referred to the Head of Property Services, or, by the Chief Executive, to any Corporate Director.

1.4 Every Property Deal shall be conducted in accordance with the Property Dealing Procedure, excluding the sale of dwellings under right-to-buy legislation and sale and purchase of Shared Equity and DIYSO Properties.

1.5 Any Property Deal will be dealt with by appropriate officers in accordance with Property Office Procedures to be agreed from time to time by the Assets Manager with the Council's Section 151 and Monitoring Officers. The Property Office Procedures set out the practice to be followed by any Officer acting under delegated powers.

#### 2. Property Office Procedure

2.1 "Property Office Procedure" means all applicable steps of the Property Office Procedures at the time being.

2.2 The Head of Property Services will ensure that adequate office procedures are agreed with the S151 and Monitoring Officers and maintained. The Property Office Procedures must include appropriate controls on the conduct of Property Deals. The Property Office Procedures should contain other procedures and guidance on the management of property by other parts of the Council.

#### 3. Valuations

3.1 in relation to Property Deals and to any appropriation of land the Head of Property Services will carry out or obtain appropriate valuations proportionate to the open market value or rental:

| Type of Deal  | Valuation(s) Required   |
|---|---|
| Licences and Tenancies at Will  | Officer valuation to be prepared and retained.  |
| Leases, interests and freeholds up to £100,000  | One full external professional valuation to be obtained.  |
| Leases, interests and freeholds over £100,000   | Two full external professional valuations to be obtained.   |
| As above but in any ransom or other circumstances where the seeking of two valuations would be impractical in the opinion of the Head of Property Services. | One full external professional valuation to be obtained. Head of Property Services to include reasoning in the report for decision. |



APPENDIX A: Levels of Decision Making

| Right or interest to be granted/acquired/disposed of                                   | Officer who is a Corporate Director                               | Officer who is Corporate Director: Corporate Services | Relevant Portfolio Holder for Assets  | Cabinet |
|--|---|---|---|---------|
| Reporting  | Formal Record of Officer Decision to be completed and published*. |   | Formal Report and Record of Decision required to be completed and published*. |         |
| 1. A licence or access agreement for 12 months or less                                 |   |   |   |         |
| 2. A licence or access agreement for more than 12 months or any tenancy at will        |   |   |   |         |
| 3. Tenancies for less than seven years excluding security of tenure                    |   |   |   |         |
| 4. Renewal, assignment or surrender of tenancies as 3 above                            |   |   |   |         |
| 5. Tenancies for seven years or more or not excluding security of tenure               |   |   |   |         |
| 6. Renewal, assignment or surrender of tenancies as 5 above                            |   |   |   |         |
| 7. Grant, acquisition or release of Rights of way, Easements or other permanent rights |   |   |   |         |
| 8. Freehold property interest less than £100,000                                       |   |   |   |         |
| 9. Freehold property interest more than £100,000                                       |   |   |   |         |
| 10. Any disposal of open space where objections have been received                     |   |   |   |         |
| 11. Any disposal at less than the Best Consideration Reasonably Obtainable.            |   |   |   |         |

\* Subject to access to information rules

Greyed box indicates level of decision making

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## COUNCIL

9 MAY 2017

### REPORT OF MANAGEMENT AND MEMBERS' SUPPORT MANAGER

#### A.1 Electoral Review of Tendring

(Report prepared by Karen Neath)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To ask Council to agree the response to the Local Government Boundary Commission for England's (LGBCE) draft recommendations on new electoral arrangements for Tendring.

##### **EXECUTIVE SUMMARY**

- On 9 February 2016 the Local Government Boundary Commission for England (LGBCE) formally wrote to the Council to advise that it had a place on the local government boundary review programme.
- In line with the first stage of this review, at the meeting on 6<sup>th</sup> September 2016, Council agreed a submission of a recommended council size of 48.
- On 25<sup>th</sup> October 2016 the LGBCE wrote to the Council to confirm the commencement of the consultation on ward boundaries. The LGBCE stated that it was *".....minded to recommend that 48 district councillors should be elected to Tendring District Council in future....."*
- The deadline for responses was 9<sup>th</sup> January 2017. The Council submitted an initial submission which was then agreed as the final submission at the Council meeting on 24<sup>th</sup> January 2017.
- On 14<sup>th</sup> March the LGBCE commenced a period of consultation on its draft recommendations on its proposals which include that 48 councillors should be elected to Tendring District Council in the future and on proposed new electoral district ward boundaries. The recommendations are attached at Appendix A.
- Council is asked to agree the submission attached at Appendix B as the Council's response to the LGBCE draft recommendations.
- Final recommendations will be published by the LGBCE on 11<sup>th</sup> July 2017.

##### **RECOMMENDATION**

**That Council agrees the response to the LGBCE draft recommendations as attached at Appendix B.**

#### PART 2 – IMPLICATIONS OF THE DECISION

##### **DELIVERING PRIORITIES**

It is important that the warding of the district allows for an appropriate level of electoral representation for residents across the District to ensure effective governance, decision making, and scrutiny.

**FINANCE, OTHER RESOURCES AND RISK****Finance and other resources**

The total budget for member support costs for 2016/17 is £502,150.

**Risk**

The LGBCE look at electoral equality as part of their review. This should ensure that councillors have an appropriate size of electorate to represent. Emphasis is also placed on the importance of communities and the review will seek to ensure that communities are not dissected or compromised.

**LEGAL**

The LGBCE was established by and operates under the Local Democracy, Economic Development and Construction Act 2009.

**OTHER IMPLICATIONS**

There are none.

**PART 3 – SUPPORTING INFORMATION****BACKGROUND PAPERS FOR THE DECISION**

There are no background papers.

**APPENDICES**

Appendix A – LGBCE Draft Recommendations for Tendring

Appendix B – Tendring District Council Response to the LGBCE Draft Recommendations

# Draft recommendations on the new electoral arrangements for Tendring District Council

Electoral review

March 2017

## **Translations and other formats**

To get this report in another language or in a large-print or Braille version contact the Local Government Boundary Commission for England:

Tel: 0330 500 1525

Email: [reviews@lgbce.org.uk](mailto:reviews@lgbce.org.uk)

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# Summary

## Who we are and what we do

1 The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament. We are not part of government or any political party. We are accountable to Parliament through a committee of MPs chaired by the Speaker of the House of Commons.

2 Our main role is to carry out electoral reviews of local authorities throughout England.

## Electoral review

3 An electoral review examines and proposes new electoral arrangements for a local authority. A local authority's electoral arrangements decide:

- How many councillors are needed
- How many wards or electoral divisions should there be, where are their boundaries and what should they be called
- How many councillors should represent each ward or division

## Why Tending?

4 We are conducting a review of Tending as the value of each vote in district council elections varies depending on where you live in Tending. Some councillors currently represent many more or fewer voters than others. This is 'electoral inequality'. Our aim is to create 'electoral equality', where votes are as equal as possible, ideally within 10% of being exactly equal. The Council also resolved to request an electoral review in order to examine the appropriate number of councillors for the district.

## Our proposals for Tending

- Tending District Council should be represented by 48 councillors, twelve fewer than there are now.
- Tending District Council should have 27 wards, eight fewer than there are now.
- The boundaries of 26 wards should change; one, Brightlingsea, will stay the same.

## Have your say

5 We are consulting on our draft recommendations for an eight-week period, from 14 March 2017 to 8 May 2017. We encourage everyone to use this opportunity to contribute to the design of the new wards – the more public views we hear, the more informed our decisions will be when analysing all the views we receive.

6 We ask everyone wishing to contribute ideas for the new wards to first read this report and look at the accompanying map before responding to us.

**You have until 8 May 2017 to have your say on the draft recommendations. See page 21 for how to send us your response.**

## What is the Local Government Boundary Commission for England?

7 The Local Government Boundary Commission for England is an independent body set up by Parliament.<sup>1</sup>

8 The members of the Commission are:

- Professor Colin Mellors (Chair)
  - Alison Lowton
  - Peter Maddison QPM
  - Sir Tony Redmond
  - Peter Knight CBE, DL
- 
- Chief Executive: Jolyon Jackson CBE

---

<sup>1</sup> Under the Local Democracy, Economic Development and Construction Act 2009.

# 1 Introduction

9 This electoral review is being carried out to ensure that:

- The wards in Tendring are in the best possible places to help the Council carry out its responsibilities effectively.
- The number of voters represented by each councillor is approximately the same across the district.

## What is an electoral review?

10 Our three main considerations are to:

- Improve electoral equality by equalising the number of electors each councillor represents
- Reflect community identity
- Provide for effective and convenient local government

11 Our task is to strike the best balance between them when making our recommendations. Our powers, as well as the guidance we have provided for electoral reviews and further information on the review process, can be found on our website at [www.lgbce.org.uk](http://www.lgbce.org.uk)

## Consultation

12 We wrote to the Council to ask its views on the appropriate number of councillors for Tendring. We then held a period of consultation on warding patterns for the district. The submissions received during consultation have informed our draft recommendations.

13 This review is being conducted as follows:

| Stage starts    | Description   |
|-----------------|---|
| 18 October 2016 | Number of councillors decided   |
| 25 October 2016 | Start of consultation seeking views on new wards                                      |
| 9 January 2017  | End of consultation; we begin analysing submissions and forming draft recommendations |
| 14 March 2017   | Publication of draft recommendations, start of second consultation                    |
| 8 May 2017      | End of consultation; we begin analysing submissions and forming final recommendations |
| 11 July 2017    | Publication of final recommendations  |

## How will the recommendations affect you?

14 The recommendations will determine how many councillors will serve on the Council. They will also decide which ward you vote in and which other communities are in that ward. Your ward name may also change.

## 2 Analysis and draft recommendations

15 Legislation<sup>2</sup> states that our recommendations should not be based only on how many electors<sup>3</sup> there are now, but also on how many there are likely to be in the five years after the publication of our final recommendations. We must also try to recommend strong, clearly identifiable boundaries for our wards.

16 In reality, we are unlikely to be able to create wards with exactly the same number of electors in each; we have to be flexible. However, we try to keep the number of electors represented by each councillor as close to the average for the council as possible.

17 We work out the average number of electors per councillor for each individual local authority by dividing the electorate by the number of councillors, as shown on the table below.

|   | 2016    | 2022    |
|---|---------|---------|
| Electorate of Tendring                    | 112,258 | 116,000 |
| Number of councillors                     | 48      | 48      |
| Average number of electors per councillor | 2,339   | 2,417   |

18 When the number of electors per councillor in a ward is within 10% of the average for the authority, we refer to the ward as having 'good electoral equality'. All of our proposed wards for Tendring will have electoral equality by 2022.

19 Our recommendations cannot affect the external boundaries of the district or result in changes to postcodes. They do not take into account parliamentary constituency boundaries. The recommendations will not have an effect on local taxes, house prices, or car and house insurance premiums and we are not able to take into account any representations which are based on these issues.

### Submissions received

20 See Appendix C for details of the submissions received. All submissions may be viewed at our offices by appointment, or on our website at [www.lgbce.org.uk](http://www.lgbce.org.uk)

### Electorate figures

21 The Council submitted electorate forecasts for 2022, a period five years on from the scheduled publication of our final recommendations in 2017. These

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<sup>2</sup> Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

<sup>3</sup> Electors refers to the number of people registered to vote, not the whole adult population.

forecasts were broken down to polling district level and predicted an increase in the electorate of around 3% by 2022.

22 We considered the information provided by the Council and are satisfied that the projected figures are the best available at the present time. We have used these figures to produce our draft recommendations.

## Number of councillors

23 Tendring District Council currently has 60 councillors. Before the start of the review, we received two submissions on the appropriate number of councillors. The District Council proposed a reduction of twelve members. Councillor Turner (Frinton ward) suggested that 60 councillors be retained. We carefully looked at evidence provided by the Council and Councillor Turner. We concluded that the Council had thoroughly considered the implications of a reduced council size, particularly in relation to its governance functions. We considered that 48 members would ensure the Council can carry out its roles and responsibilities effectively.

24 We therefore invited proposals for new patterns of wards that would be represented by 48 councillors – for example, 48 one-councillor wards, 16 threecouncillor wards, or a mix of one-, two- and three-councillor wards.

25 We received two submissions about the number of councillors in response to our consultation on wards. These were from Douglas Carswell MP (Clacton) and a member of the public who both supported our proposals. We have therefore based our draft recommendations on a 48-member council.

## Ward boundaries consultation

26 We received 16 submissions in response to our consultation on ward boundaries. These included a district-wide proposal from Tendring District Council and a warding scheme for Clacton from a member of the public.

27 The Council's district-wide scheme provided for a mixed pattern of three twomember and 42 one-member wards for Tendring. The member of the public proposed that Clacton's nineteen councillors should represent one single-member and nine two-member wards.

28 We also received submissions relating to specific parts of the district from parish councils and local residents.

29 Our draft recommendations are based on a combination of the Council's district-wide scheme and the local resident's scheme in Clacton. In some areas of the district we have also taken into account local evidence that we received which provided evidence of community links and locally recognised boundaries. In some areas, we considered that the proposals did not provide for the best balance between our statutory criteria and so we identified alternative boundaries. We also

visited the area in order to look at the various proposals on the ground. This tour of Tendring helped us to decide between the different boundaries proposed.

30 In its submission, the Council's Electoral Review Working Group expressed a preference for single-member wards. While we have proposed eleven singlemember wards, there were many areas of the district where we were not persuaded that we could accommodate them. In particular, we were of the view that some of the proposed single-member wards would not use clearly identifiable boundaries and, in some areas, would divide cohesive communities. During this consultation, we would welcome alternative patterns of single-, as well as two- and three-member wards, and will give them serious consideration should we receive sufficient evidence.

31 Our draft recommendations are for five three-councillor wards, eleven twocouncillor wards and eleven one-councillor wards. We consider that our draft recommendations will provide for good electoral equality while reflecting community identities and interests where we have received such evidence during consultation.

32 A summary of our proposed new wards is set out in the table on page 19 and on the large map accompanying this report.

33 We welcome all comments on these draft recommendations, particularly on the location of the ward boundaries, and the names of our proposed wards.

## Draft recommendations

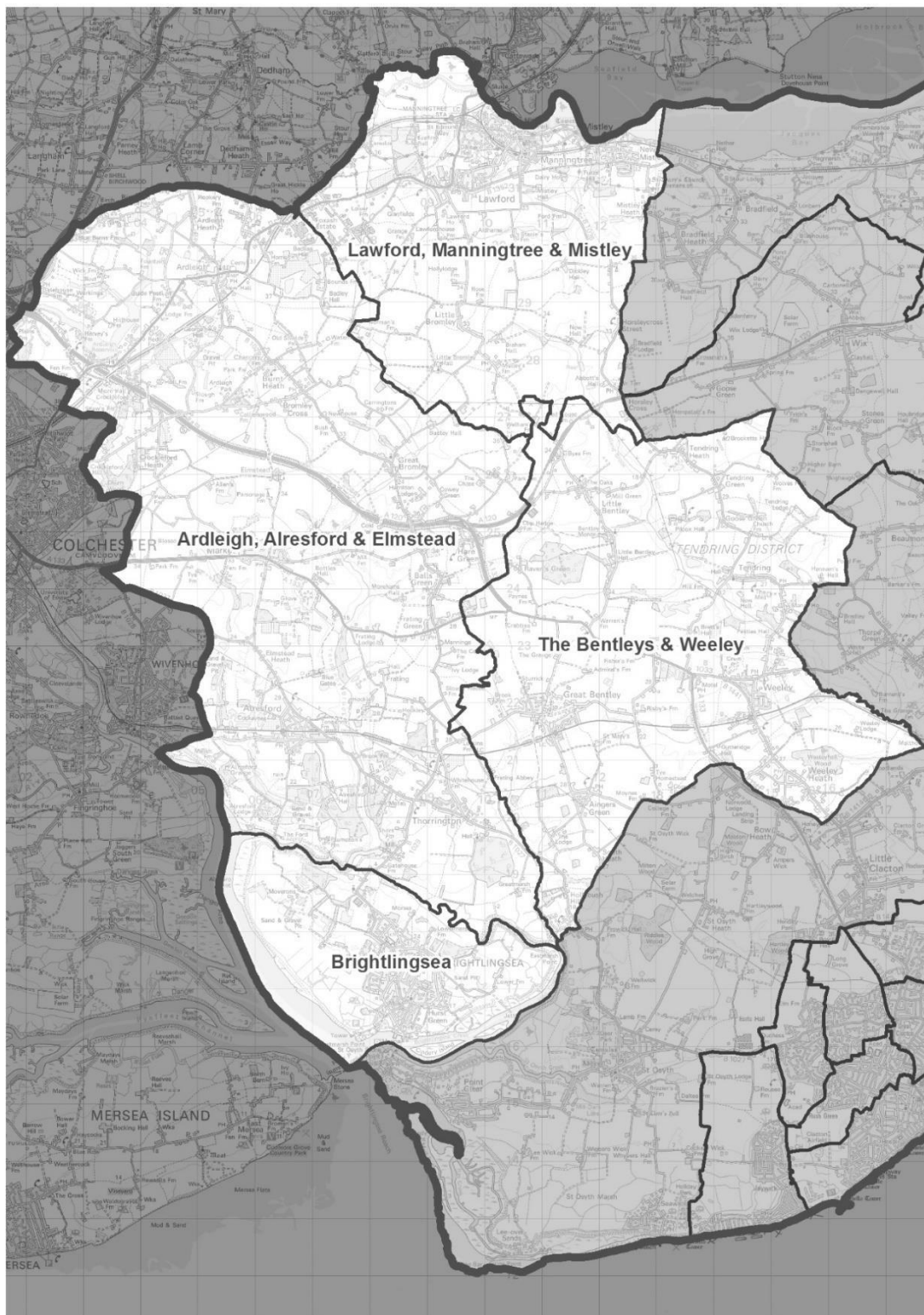
34 The tables and maps on pages 8–18 detail our draft recommendations for each area of Tendring. They detail how the proposed warding arrangements reflect the three statutory<sup>4</sup> criteria of:

- Equality of representation
- Reflecting community interests and identities
- Providing for effective and convenient local government

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<sup>4</sup> Local Democracy, Economic Development and Construction Act 2009.

## Brightlingsea and west Tendring



| Ward name                      | Number of Cllrs | Variance 2022 |
|--------------------------------|-----------------|---------------|
| Ardleigh, Alresford & Elmstead | 3               | 6%            |
| Brightlingsea                  | 3               | -8%           |
| Lawford, Manningtree & Mistley | 3               | -1%           |
| The Bentleys & Weeley          | 2               | -8%           |



### *Brightlingsea*

35 We received four submissions in relation to Brightlingsea. The Council proposed three single-member wards largely made up of the current polling districts. A town councillor and a member of the public argued in favour of a three-member ward, explaining that the town operated as a whole and dividing it was unnecessary. Brightlingsea Town Council expressed a preference for a three-member ward and considered three single-member wards to be a fall-back option.

36 On balance, we consider the evidence in favour of a three-member ward is stronger and so are proposing this as part of our draft recommendations. We also note that, were we to divide Brightlingsea into three single-member wards, we would be required to create town council wards coterminous with the district wards, and that Brightlingsea Town Council is opposed to this.

### *Lawford, Manningtree & Mistley*

37 We received four submissions in relation to this area. The Council proposed a single-member Mistley ward and a two-member Lawford & Manningtree ward. Lawford Parish Council and Manningtree Town Council proposed a three-member ward consisting of the Bradfield, Lawford, Manningtree and Mistley areas. Mistley Parish Council proposed a three-member ward consisting of Lawford, Manningtree and Mistley. The town and parish councils explained that they are closely linked and that Lawford, Manningtree and Mistley have been grouped as a smaller urban settlement in Tendring District Council's Local Plan.

38 We have adopted the proposal of Mistley Parish Council as part of our draft recommendations as this creates the best overall warding scheme in this part of Tendring but we have also added Little Bromley parish as this improves electoral equality in the area.

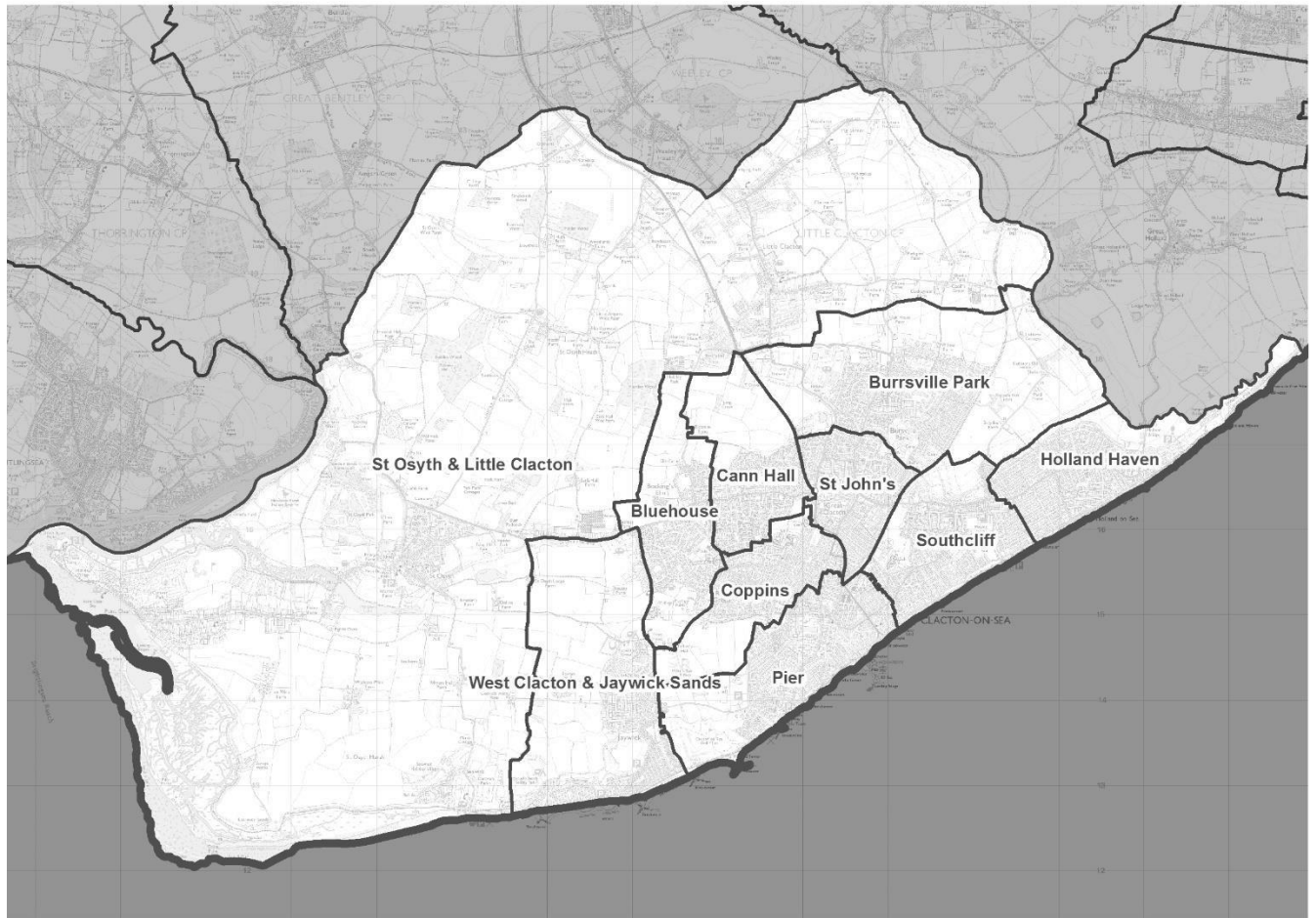
### *Ardleigh, Alresford & Elmstead and The Bentleys & Weeley*

39 We received three submissions in relation to this area. The Council proposed five single-member wards, one of which, Alresford & Thorrington, would have an electoral variance of 16%. Thorrington Parish Council expressed a preference for the current arrangements to continue, which would have led to a variance of -18% in its ward by 2022. Elmstead Parish Council stated that it shared services and amenities with Alresford, Ardleigh, Frating and Great Bromley parishes (as well as Wivenhoe in the Colchester borough).

40 We considered that the submission of Elmstead Parish Council was persuasive but we have added Thorrington to the proposed ward in order to ensure better electoral equality.

41 Removing Frating from the Council's proposed The Bentleys & Frating ward would lead to a ward with considerable electoral inequality so we have combined Great and Little Bentley with Tendring and Weeley parishes to create a two-member ward. We consider that this best reflects our statutory criteria in this part of the district.

## Clacton and St Osyth



| Ward name                    | Number of Cllrs | Variance 2022 |
|------------------------------|-----------------|---------------|
| Bluehouse                    | 2               | -6%           |
| Burrsville Park              | 2               | -6%           |
| Cann Hall                    | 2               | 1%            |
| Coppins                      | 2               | 6%            |
| Holland Haven                | 2               | 1%            |
| Pier                         | 3               | 8%            |
| Southcliff                   | 2               | -1%           |
| St John's                    | 2               | 1%            |
| St Osyth & Little Clacton    | 3               | -8%           |
| West Clacton & Jaywick Sands | 2               | -8%           |

### *St Osyth & Little Clacton*

- 42 We received two submissions relating to St Osyth. The Council proposed the parish continue to form a two-member ward with an electoral variance of -17%, arguing that, while St Osyth parish ward would have acceptable electoral equality as a single-member district ward, Point Clear parish ward would not. Combining St Osyth with any other neighbouring parish would lead to electoral

inequality of more than +/-10%. The Council also argued that following a recent planning inquiry, around 90 new homes would be built in the St Osyth area, but it was unclear to us whether these homes had been included in Council's electoral forecast. St Osyth Parish Council stated that it supported the District Council's submission.

43 While we accept that creating a warding pattern with good electoral equality is difficult in this area, we do not consider the very high level of electoral inequality proposed to be acceptable. We have given careful consideration to alternative warding patterns for this area. We examined the possibility of linking the Point Clear area in a ward with some or all of Brightlingsea and that the remainder of St Osyth parish form a single-member ward. However, there are no clear communication and transport links between Point Clear and Brightlingsea, with both areas separated by Brightlingsea Creek. We were not persuaded that this would provide for effective and convenient local government. We also considered combining a part of the unparished Clacton area with St Osyth but concluded there was no obvious warding arrangement that would adequately reflect community identities.

44 In light of the above, we are proposing to join St Osyth with Little Clacton parish (as well as a small part of Clacton north of St John's Road) in a three-member ward. While we accept that there are limited communication and transport links between parts of our proposed ward, we consider this option is preferable to joining the area with parts of Brightlingsea. Furthermore, we are of the view that it is better to unite distinct and separate communities in the same ward than to allow very high electoral inequality. Therefore, we propose a three-member St Osyth & Little Clacton ward as part of our draft recommendations. We would particularly welcome views and comments on our proposals for this area during the consultation on our draft recommendations.

#### *West Clacton & Jaywick Sands*

45 We received submissions for Clacton from the Council and a local resident, both of which proposed a warding pattern for nineteen councillors covering the town. The resident proposed one single-member ward and nine two-member wards; the Council proposed seventeen single-member wards and one two-member ward. We received a submission from a second resident proposing minor changes to the Pier, St Pauls, St Johns and St Bartholomews wards.

46 In west Clacton, the resident proposed a two-member ward combining Jaywick with the Hastings Avenue area, south of West Road. The Council proposed combining Jaywick with the new development at Rouses Farm.

47 Having visited the area, we consider that the Council's proposal provides a much better reflection of community identity in this part of Clacton so propose to adopt a variant of it as part of our draft recommendations. To improve electoral equality, we have amended the proposed ward to lie wholly south of St John's Road and west of Jaywick Lane.

### *Bluehouse and Cann Hall*

48 The Council's Bockings Elm and Rush Green wards covered broadly the same area as the resident's two-member Bluehouse ward. We prefer the resident's proposal in this area, noting in particular his submission that it will reunite the Bluehouse estate in a single ward. However, to improve electoral equality we have moved the ward's eastern boundary to follow the footpath that runs north of Woodrows Lane.

49 In relation to our proposed Cann Hall ward, we did not consider that the Council's proposed boundaries around St John's Road or to the east of Cottage Grove were satisfactory and so have adopted the resident's scheme in this area. However, we prefer the name Cann Hall as both the Hall itself and Cann Hall Primary School are close to the centre of our proposed ward.

### *Coppins and Pier*

50 The Council proposed five single-member wards in this area that were comparable to the two, two-member and one single-member wards proposed by the resident. Having visited the area, we consider that the boundaries proposed by the resident in relation to his Coppins ward are logical and so propose to adopt it as part of our draft recommendations, subject to some minor changes to improve electoral equality and to add White Hall Academy into this ward.

51 Having adopted the Council's proposals in relation to West Clacton & Jaywick Sands, we considered adding the Hastings Avenue area into the resident's proposed St James ward. However, this would lead to poor electoral equality and we are unwilling to make substantial changes to our proposed Coppins ward as it has good boundaries that appear to reflect community identity. The Council and the resident proposed an identical single-member Pier/Carnarvon ward in the centre of Clacton and we have combined this with the resident's proposed St James ward and the Hastings Avenue area in a three-member Pier ward. We would be particularly interested in receiving comments on this ward during the consultation on our draft recommendations.

### *Burrsville Park and St John's*

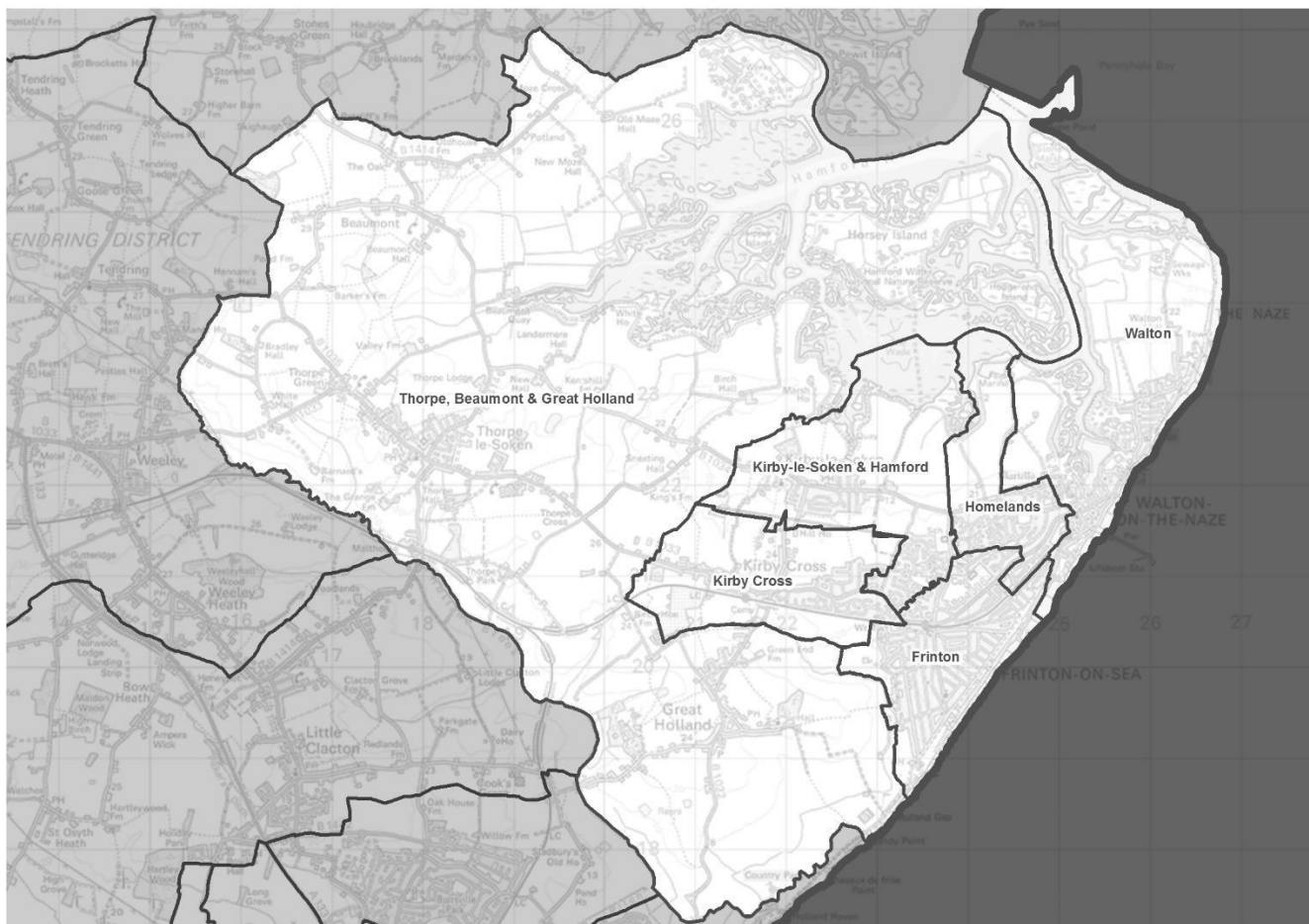
52 The Council proposed four single-member wards which almost covered the same area as the two wards proposed by the local resident. Having visited the area, we consider that the boundaries proposed by the resident are more logical, particularly to the south of Burrsville Park and west of London Road, and so propose to adopt them as part of our draft recommendations.

### *Holland Haven and Southcliff*

53 In the south-eastern part of the town we received very similar proposals with the Council's four single-member wards covering the same area as the two, twomember wards proposed by the resident. The second resident proposed moving the boundary between St Pauls and St Bartholomews to Holland Road and

extending the western boundary of St Pauls to Carnarvon Road. We have adopted the first resident's scheme as it leads to a more consistent warding pattern across the town with clear boundaries and good electoral equality.

# Frinton



| Ward name                                   | Number of Cllrs | Variance 2022 |
|---|-----------------|---------------|
| <b>Frinton</b>                              | 2               | 4%            |
| <b>Homelands</b>                            | 1               | 6%            |
| <b>Kirby Cross</b>                          | 1               | 6%            |
| <b>Kirby-le-Soken &amp; Hamford</b>         | 1               | 6%            |
| <b>Thorpe, Beaumont &amp; Great Holland</b> | 1               | 9%            |
| <b>Walton</b>                               | 1               | 8%            |

*Frinton, Homelands, Kirby-le-Soken & Hamford and Walton*

54 The only submission we received for the Frinton area was from the Council. It proposed seven single-member wards covering the parishes of Frinton & Walton, Thorpe-le-Soken and Beaumont-cum-Moze.

55 As the Council acknowledged in its submission, it is impossible to create wards with good electoral equality in Frinton without crossing the railway line: the locally recognised boundary of the town.

56 We visited the area and considered various alternatives to the Council’s scheme that would provide better electoral equality and clearer ward boundaries. We

have concluded that the best way to do this is to join distinct communities in the same ward rather than split existing ones for the sake of electoral equality. We therefore propose to combine the Council's Frinton East and Frinton West wards into a two-member ward that will straddle the railway line. We have also made changes in the north-eastern part of the ward to provide for better electoral equality in our proposed Homelands ward and to create a stronger boundary in the area around the Triangle Shopping Centre.

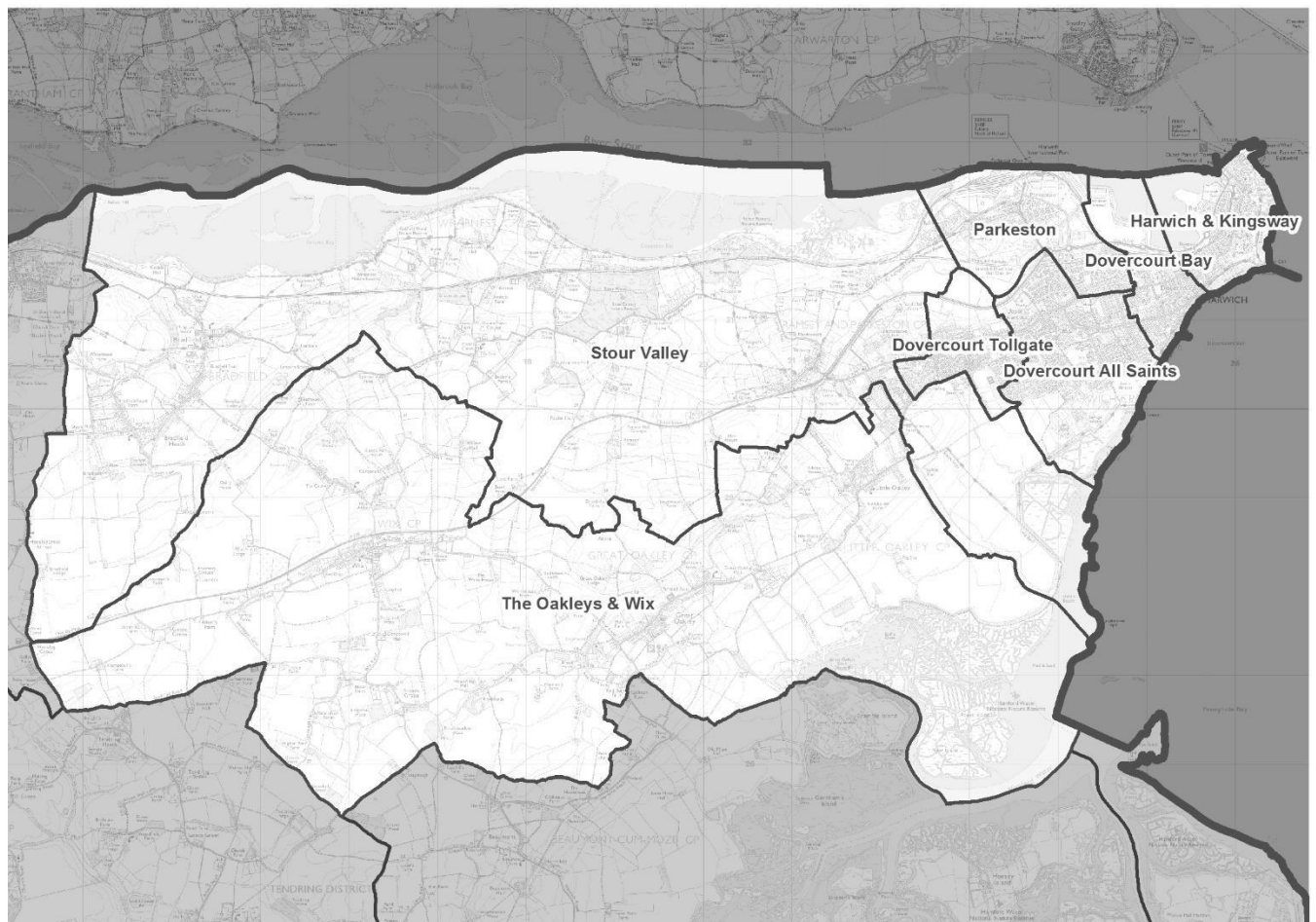
57 As a result of our draft recommendations for Frinton and Homelands wards, we have made minor changes to the Kirby-le-Soken & Hamford and Walton wards proposed by the Council to improve electoral equality and to provide for clearer boundaries. Subject to those changes, we propose to adopt these two wards as part of our draft recommendations.

58 Given the difficult electoral make-up of this area, we would welcome alternative proposals during the consultation on our draft recommendations that provide for good electoral equality.

*Kirby Cross and Thorpe, Beaumont & Great Holland*

59 We consider the wards proposed by the Council to be acceptable in relation to our statutory criteria so have adopted them as part of our draft recommendations without amendment.

## Harwich and east Tendring



| Ward name             | Number of Cllrs | Variance 2022 |
|-----------------------|-----------------|---------------|
| Dovercourt All Saints | 2               | 6%            |
| Dovercourt Bay        | 1               | -9%           |
| Dovercourt Tollgate   | 1               | 5%            |
| Harwich & Kingsway    | 1               | 5%            |
| Parkeston             | 1               | -7%           |
| Stour Valley          | 1               | 6%            |
| The Oakleys & Wix     | 1               | -3%           |

### *Dovercourt All Saints and Parkeston*

- 60 In Harwich, the Council proposed six single-member wards, one of which included the Parkeston ward of Ramsey & Parkeston Parish Council. We also received a submission from Harwich Town Council stating that the District Council's proposals for the town were 'reasonable'.
- 61 The Town Council requested that the boundaries of its own wards are made coterminous with the district wards and that it is given an additional town councillor to bring its ratio of councillors to electors closer to that of other parish and town councils in Tendring.



- 62 We are required to make parish and town council wards coterminous with district wards and county divisions and are proposing new warding arrangements for the Town Council to reflect this. However, our policy is not to change the number of parish or town councillors as part of an electoral review. Tendring District Council has the power to make such changes following a community governance review which will have a bespoke period of consultation.
- 63 In the centre of Harwich, the Council proposed three single-member wards: Dovercourt All Saints, Dovercourt Hall Lane and Spring Meadows & Parkeston. After receiving the submission, it became apparent as we collated the electorate numbers that there would be significant electoral inequality, particularly in the Dovercourt All Saints and Spring Meadows & Parkeston wards. In addition, having visited the area, we did not consider that the proposed Dovercourt All Saints ward satisfied our other two statutory criteria, particularly in relation to in-ward connectivity and the proposed boundary in the Clarkes Road area.
- 64 We considered several alternative solutions but consider that the one that fits best with our statutory criteria is to create a two-member ward by combining the Dovercourt All Saints and Dovercourt Hall Lane wards and to extend its northeastern boundary to Parkeston Road. This also creates a compact area east of Parkeston Road that will be joined with Parkeston ward of Ramsey & Parkeston Parish Council to create our new Parkeston ward.
- 65 As we have moved Spring Meadow Primary School into our Dovercourt All Saints ward, we are proposing to rename the Spring Meadows & Parkeston ward 'Parkeston' after both Parkeston itself and Parkeston Road. We would welcome alternative names for this ward, as well as the associated ward of Harwich Town Council as part of the consultation on our draft recommendations.

#### *Dovercourt Bay, Dovercourt Tollgate and Harwich & Kingsway*

- 66 We consider that the three single-member wards proposed by the Council in these areas balance our three statutory criteria satisfactorily and so propose to adopt them as part of our draft recommendations.

#### *Stour Valley*

- 67 Other than the Council's district-wide scheme, the only submissions we had in this area related to Bradfield parish. Given our proposals for Lawford, Manningtree & Mistley ward, as set out above, we propose to adopt the Council's Stour Valley ward as part of our draft recommendations.

#### *The Oakleys & Wix*

- 68 In addition to the Council's submission, we received a submission from Little Oakley Parish Council proposing three alternative warding patterns for the northern part of the district. The Parish Council's preferred scheme was identical to that of the

District Council so we are proposing to adopt The Oakleys & Wix ward as part of our draft recommendations.

## Conclusions

69 The table below shows the impact of our draft recommendations on electoral equality, based on 2016 and 2022 electorate figures.

### Summary of electoral arrangements

|  | Draft recommendations |       |
|--|-----------------------|-------|
|  | 2016                  | 2022  |
| Number of councillors  | 48                    | 48    |
| Number of electoral wards                                      | 27                    | 27    |
| Average number of electors per councillor                      | 2,339                 | 2,417 |
| Number of wards with a variance more than 10% from the average | 2                     | 0     |
| Number of wards with a variance more than 20% from the average | 0                     | 0     |

#### **Draft recommendation**

Tendring District Council should be made up of 48 councillors serving 27 wards representing eleven single-councillor wards, eleven two-councillor wards and five three-councillor wards. The details and names are shown in Appendix A and illustrated on the large maps accompanying this report.

#### **Mapping**

**Sheet 1, Map 1** shows the proposed wards for Tendring.

**You can also view our draft recommendations for Tendring District Council on our interactive maps at <http://consultation.lgbce.org.uk>**

## Parish electoral arrangements

70 As part of an electoral review, we are required to have regard to the statutory criteria set out in Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). The Schedule provides that if a parish is to be divided between different wards it must also be divided into parish wards, so that each parish ward lies wholly within a single ward. We cannot recommend changes to the external boundaries of parishes as part of an electoral review.

71 Under the 2009 Act we only have the power to make changes to parish electoral arrangements where these are as a direct consequence of our recommendations for principal authority warding arrangements. However, Tendring District Council has powers under the Local Government and Public Involvement in Health Act 2007 to conduct community governance reviews to effect changes to parish electoral arrangements.

72 As a result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Frinton & Walton Town Council and Harwich Town Council.

73 As result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Frinton & Walton parish.

|   |                                     |
|---|-------------------------------------|
| <b>Draft recommendation</b><br>Frinton & Walton Town Council should comprise 16 councillors, as at present, representing six wards: |                                     |
| <b>Parish ward</b>  | <b>Number of parish councillors</b> |
| Frinton   | 5                                   |
| Great Holland   | 1                                   |
| Homelands   | 3                                   |
| Kirby Cross   | 2                                   |
| Kirby-le-Soken & Hamford  | 2                                   |
| Walton  | 3                                   |

74 As result of our proposed ward boundaries and having regard to the statutory criteria set out in schedule 2 to the 2009 Act, we are providing revised parish electoral arrangements for Harwich parish.

|   |                                     |
|---|-------------------------------------|
| <b>Draft recommendation</b><br>Harwich Town Council should comprise 16 councillors, as at present, representing five wards: |                                     |
| <b>Parish ward</b>  | <b>Number of parish councillors</b> |
| Dovercourt All Saints   | 6                                   |
| Dovercourt Bay  | 2                                   |

|                     |   |
|---------------------|---|
| Dovercourt North    | 2 |
| Dovercourt Tollgate | 3 |
| Harwich & Kingsway  | 3 |

### 3 Have your say

- 75 The Commission has an open mind about its draft recommendations. Every representation we receive will be considered, regardless of who it is from or whether it relates to the whole borough or just a part of it.
- 76 If you agree with our recommendations, please let us know. If you don't think our recommendations are right for Tendring District Council, we want to hear alternative proposals for a different pattern of wards.
- 77 Our website has a special consultation area where you can explore the maps and draw your own proposed boundaries. You can find it at [consultation.lgbce.org.uk](http://consultation.lgbce.org.uk)
- 78 Submissions can also be made by emailing [reviews@lgbce.org.uk](mailto:reviews@lgbce.org.uk) or by writing to:
- Review Officer (Tendring)**  
**The Local Government Boundary Commission for England**  
**14th Floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**
- 79 The Commission aims to propose a pattern of wards for Tendring District Council which delivers:
- Electoral equality: each local councillor represents a similar number of voters.
  - Community identity: reflects the identity and interests of local communities
  - Effective and convenient local government: helping your council discharge its responsibilities effectively.
- 80 A good pattern of wards should:
- Provide good electoral equality, with each councillor representing, as closely as possible, the same number of voters.
  - Reflect community interests and identities and include evidence of community links.
  - Be based on strong, easily identifiable boundaries.
  - Help the council deliver effective and convenient local government.
- 81 Electoral equality:
- Does your proposal mean that councillors would represent roughly the same number of voters as elsewhere in the council area?

82 Community identity:

- Community groups: is there a parish council, residents' association or other group that represents the area?
- Interests: what issues bind the community together or separate it from other parts of your area?
- Identifiable boundaries: are there natural or constructed features which make strong boundaries for your proposals?

83 Effective local government:

- Are any of the proposed wards too large or small to be represented effectively?
- Are the proposed names of the wards appropriate?
- Are there good links across your proposed wards? Is there any form of public transport?

84 Please note that the consultation stages of an electoral review are public consultations. In the interests of openness and transparency, we make available for public inspection full copies of all representations the Commission takes into account as part of a review. Accordingly, copies of all representations will be placed on deposit at our offices in Millbank (London) and on our website at [www.lgbce.org.uk](http://www.lgbce.org.uk) A list of respondents will be available from us on request after the end of the consultation period.

85 If you are a member of the public and not writing on behalf of a council or organisation we will remove any personal identifiers, such as postal or email addresses, signatures or phone numbers from your submission before it is made public. We will remove signatures from all letters, no matter who they are from.

86 In the light of representations received, we will review our draft recommendations and consider whether they should be altered. As indicated earlier, it is therefore important that all interested parties let us have their views and evidence, **whether or not** they agree with the draft recommendations. We will then publish our final recommendations.

87 After the publication of our final recommendations, the changes we have proposed must be approved by Parliament. An Order – the legal document which brings into force our recommendations – will be laid in draft in Parliament. The draft Order will provide for new electoral arrangements to be implemented at the all-out elections for Tendring District Council in 2019.

## Equalities

88 This report has been screened for impact on equalities, with due regard being given to the general equalities duties as set out in section 149 of the Equality Act 2010. As no potential negative impacts were identified, a full equality impact analysis is not required.

## Appendix A

### Draft recommendations for Tendring District Council

|    | Ward name                      | Number of councillors | Electorate (2016) | Number of electors per councillor | Variance from average % | Electorate (2022) | Number of electors per councillor | Variance from average % |
|----|--------------------------------|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 1  | Ardleigh, Alresford & Elmstead | 3                     | 7,221             | 2,407                             | 3%                      | 7,712             | 2,571                             | 6%                      |
| 2  | Bluehouse                      | 2                     | 4,113             | 2,057                             | -12%                    | 4,556             | 2,278                             | -6%                     |
|    | Brightlingsea                  | 3                     | 6,604             | 2,201                             | -6%                     | 6,667             | 2,222                             | -8%                     |
|    | Burrsville Park                | 2                     | 4,391             | 2,196                             | -6%                     | 4,539             | 2,270                             | -6%                     |
| 5  | Cann Hall                      | 2                     | 4,704             | 2,352                             | 1%                      | 4,865             | 2,433                             | 1%                      |
| 6  | Coppins                        | 2                     | 5,091             | 2,546                             | 9%                      | 5,113             | 2,557                             | 6%                      |
| 7  | Dovercourt All Saints          | 2                     | 4,983             | 2,492                             | 7%                      | 5,101             | 2,551                             | 6%                      |
| 8  | Dovercourt Bay                 | 1                     | 2,217             | 2,217                             | -5%                     | 2,209             | 2,209                             | -9%                     |
|    | Dovercourt 9 Tollgate          | 1                     | 2,356             | 2,356                             | 1%                      | 2,534             | 2,534                             | 5%                      |
| 10 | Frinton                        | 2                     | 5,093             | 2,547                             | 9%                      | 5,044             | 2,522                             | 4%                      |
| 11 | Harwich & Kingsway             | 1                     | 2,558             | 2,558                             | 9%                      | 2,532             | 2,532                             | 5%                      |



|                  |   |       |       |    |       |       |    |
|------------------|---|-------|-------|----|-------|-------|----|
| 12 Holland Haven | 2 | 4,882 | 2,441 | 4% | 4,881 | 2,441 | 1% |
|------------------|---|-------|-------|----|-------|-------|----|

| Ward name                         | Number of councillors | Electorate (2016) | Number of electors per councillor | Variance from average % | Electorate (2022) | Number of electors per councillor | Variance from average % |
|-----------------------------------|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 13 Homelands                      | 1                     | 2,535             | 2,536                             | 8%                      | 2,563             | 2,563                             | 6%                      |
| 14 Kirby Cross                    | 1                     | 2,526             | 2,526                             | 8%                      | 2,557             | 2,557                             | 6%                      |
| 15 Kirby-le-Soken & Hamford       | 1                     | 2,515             | 2,515                             | 8%                      | 2,556             | 2,556                             | 6%                      |
| 16 Manningtree & Lawford, Mistley | 3                     | 6,611             | 2,204                             | -6%                     | 7,165             | 2,388                             | -1%                     |
| 17 Parkeston                      | 1                     | 2,099             | 2,099                             | -10%                    | 2,237             | 2,237                             | -7%                     |
| 18 Pier                           | 3                     | 7,539             | 2,513                             | 7%                      | 7,832             | 2,611                             | 8%                      |
| 19 Southcliff                     | 2                     | 4,764             | 2,382                             | 2%                      | 4,776             | 2,388                             | -1%                     |
| 20 St John's                      | 2                     | 4,988             | 2,494                             | 7%                      | 4,903             | 2,452                             | 1%                      |
| 21 St Osyth & Little Clacton      | 3                     | 6,373             | 2,124                             | -9%                     | 6,640             | 2,213                             | -8%                     |
| 22 Stour Valley                   | 1                     | 2,369             | 2,369                             | 1%                      | 2,562             | 2,562                             | 6%                      |
| 23 The Bentleys & Weeley          | 2                     | 4,137             | 2,069                             | -12%                    | 4,440             | 2,220                             | -8%                     |
| 24 The Oakleys & Wix              | 1                     | 2,353             | 2,353                             | 1%                      | 2,336             | 2,336                             | -3%                     |

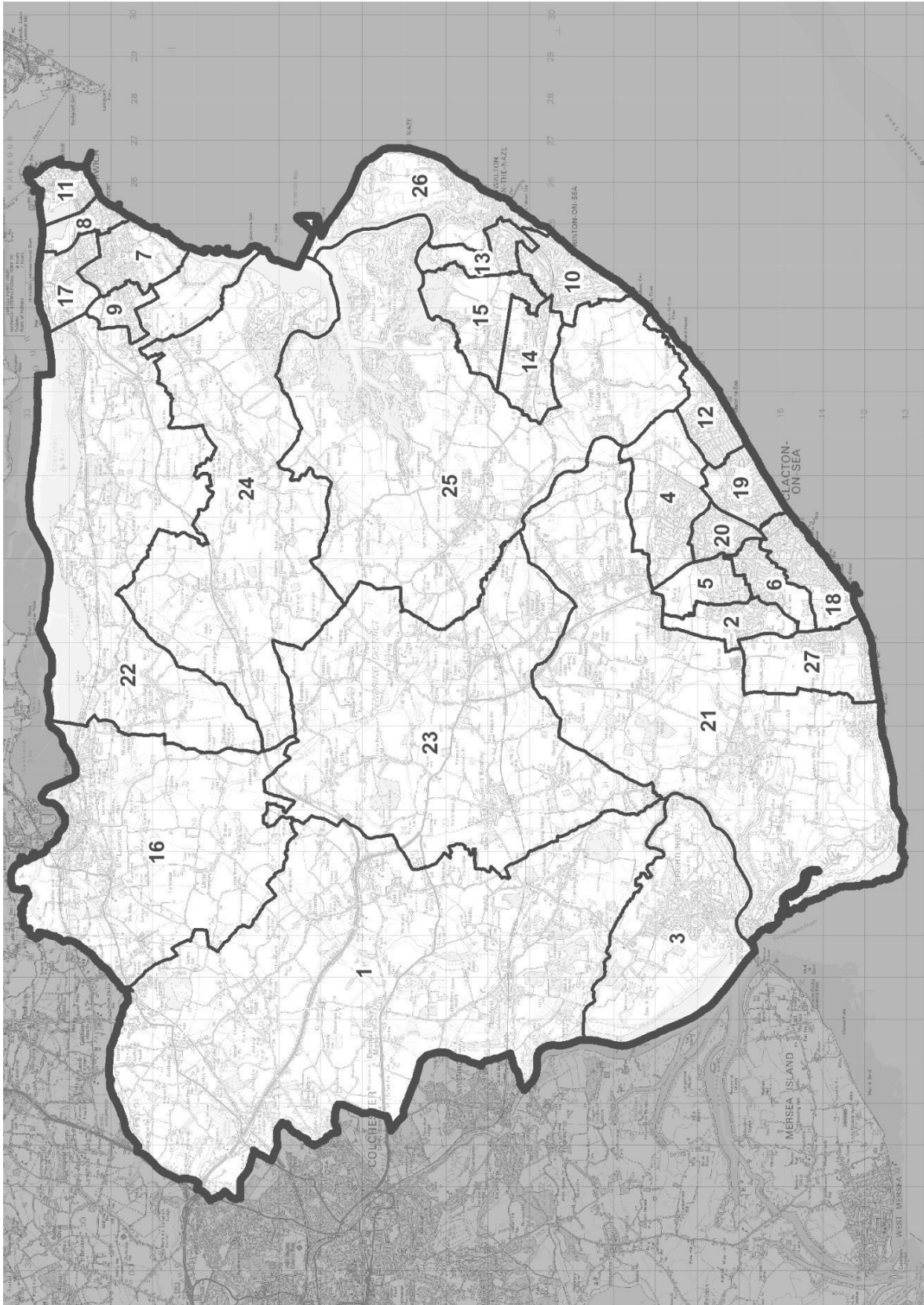
|   |                                  |                              |  |  |                              |  |  |
|---|----------------------------------|------------------------------|--|--|------------------------------|--|--|
| Thorpe,<br>25 Beaumont &<br>Great Holland | 1                                | 2,562                        | 2,562  | 10%                                    | 2,639                        | 2,639  | 9%                                     |
| 26 Walton                                 | 1                                | 2,439                        | 2,439  | 4%                                     | 2,612                        | 2,612  | 8%                                     |
| West Clacton &<br>27 Jaywick Sands        | 2                                | 4,235                        | 2,118  | -9%                                    | 4,430                        | 2,215  | -8%                                    |
| <b>Ward name</b>                          | <b>Number of<br/>councillors</b> | <b>Electorate<br/>(2016)</b> | <b>Number of<br/>electors per<br/>councillor</b> | <b>Variance<br/>from average<br/>%</b> | <b>Electorate<br/>(2022)</b> | <b>Number of<br/>electors per<br/>councillor</b> | <b>Variance<br/>from average<br/>%</b> |
| <b>Totals</b>                             | <b>48</b>                        | <b>112,258</b>               | <b>-</b>   | <b>-</b>                               | <b>116,000</b>               | <b>-</b>   | <b>-</b>                               |
| <b>Averages</b>                           | <b>-</b>                         | <b>-</b>                     | <b>2,339</b>                                     | <b>-</b>                               | <b>-</b>                     | <b>2,417</b>                                     | <b>-</b>                               |

Source: Electorate figures are based on information provided by Tendring District Council.

Note: The 'variance from average' column shows by how far, in percentage terms, the number of electors per councillor in each electoral ward varies from the average for the district. The minus symbol (-) denotes a lower than average number of electors. Figures have been rounded to the nearest whole number.

## Appendix B

### Outline map



Key

- 1. Ardleigh, Alresford & Elmstead
- 2. Bluehouse

3. Brightlingsea
4. Burrsville Park
5. Cann Hall
6. Coppins
7. Dovercourt All Saints
8. Dovercourt Bay
9. Dovercourt Tollgate
10. Frinton
11. Harwich & Kingsway
12. Holland Haven
13. Homelands
14. Kirby Cross
15. Kirby-le-Soken & Hamford
16. Lawford, Manningtree & Mistle
17. Parkeston
18. Pier
19. Southcliff
20. St John's
21. St Osyth & Little Clacton
22. Stour Valley
23. The Bentleys & Weeley
24. The Oakleys & Wix
25. Thorpe, Beaumont & Great Holland
26. Walton
27. West Clacton & Jaywick Sands

A more detailed version of this map can be seen on the large map accompanying this report, or on our website:

<http://www.lgbce.org.uk/currentreviews/eastern/essex/tendring>

## Appendix C

### Submissions received

All submissions received can also be viewed on our website at <http://www.lgbce.org.uk/current-reviews/eastern/essex/tendring>

#### Local Authority

- Tendring District Council

#### Councillor

- Councillor D Dixon (Brightlingsea Town Council)

#### Member of Parliament

- Douglas Carswell MP (Clacton)

### Parish and Town Councils

- Brightlingsea Town Council
- Elmstead Parish Council
- Harwich Town Council
- Lawford Parish Council
- Little Oakley Parish Council
- Manningtree Town Council
- Mistley Parish Council
- St Osyth Parish Council
- Thorrington Parish Council

### Local Residents

- Four local residents

## Appendix D

### Glossary and abbreviations

|                                   |  |
|-----------------------------------|--|
| Council size                      | The number of councillors elected to serve on a council  |
| Electoral Change Order (or Order) | A legal document which implements changes to the electoral arrangements of a local authority   |
| Division                          | A specific area of a county, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever division they are registered for the candidate or candidates they wish to represent them on the county council |
| Electoral fairness                | When one elector's vote is worth the same as another's   |

|                                   |  |
|-----------------------------------|--|
| Electoral inequality              | Where there is a difference between the number of electors represented by a councillor and the average for the local authority   |
| Electorate                        | People in the authority who are registered to vote in elections. For the purposes of this report, we refer specifically to the electorate for local government elections |
| Number of electors per councillor | The total number of electors in a local authority divided by the number of councillors   |
| Over-represented                  | Where there are fewer electors per councillor in a ward or division than the average   |

|   |   |
|---|---|
| Parish  | A specific and defined area of land within a single local authority enclosed within a parish boundary. There are over 10,000 parishes in England, which provide the first tier of representation to their local residents |
| Parish council                                  | A body elected by electors in the parish which serves and represents the area defined by the parish boundaries. See also 'Town council'   |
| Parish (or Town) council electoral arrangements | The total number of councillors on any one parish or town council; the number, names and boundaries of parish wards; and the number of councillors for each ward  |

|                                  |  |
|----------------------------------|--|
| Parish ward                      | A particular area of a parish, defined for electoral, administrative and representational purposes. Eligible electors vote in whichever parish ward they live for candidate or candidates they wish to represent them on the parish council                                    |
| Town council                     | A parish council which has been given ceremonial 'town' status. More information on achieving such status can be found at <a href="http://www.nalc.gov.uk">www.nalc.gov.uk</a>   |
| Under-represented                | Where there are more electors per councillor in a ward or division than the average  |
| Variance (or electoral variance) | How far the number of electors per councillor in a ward or division varies in percentage terms from the average  |
| Ward                             | A specific area of a district or borough, defined for electoral, administrative and representational purposes. Eligible electors can vote in whichever ward they are registered for the candidate or candidates they wish to represent them on the district or borough council |



**TENDRING DISTRICT COUNCIL'S RESPONSE TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND'S DRAFT RECOMMENDATIONS**

This submission sets out Tendring District Council's response to the Local Government Boundary Commission for England's draft recommendations on a new scheme of district council wards for Tendring.

The Council has no further comment to make on the following proposed wards:-

- Harwich and Kingsway – 1 Member
- Dovercourt Bay – 1 Member
- Dovercourt Tollgate – 1 Member
- Dovercourt All Saints – 2 Members
- Frinton – 2 Members
- Kirby-Le-Soken and Hamford – 1 Member
- Kirby Cross – 1 Member
- Homelands – 1 Member
- Walton – 1 Member
- Brightlingsea – 3 Members
- Thorpe, Beaumont and Great Holland – 1 Member
- Stour Valley – 1 Member
- The Oakleys and Wix – 1 Member

With regard to the other proposed wards the Council's comments are as follows:-

**Parkeston**

As almost half of this proposed ward is in Dovercourt the Council believes that simply calling the ward 'Parkeston' will be misleading and will create confusion. As over 200 of the properties located in the Dovercourt part of the ward are on what is known as the 'Vines Estate' the Council suggests the name of Dovercourt Vines and Parkeston for this ward. The boundary and number of members would be as proposed in the LGBCE draft recommendations.

**Central and West Tendring**

The Council does not support the following proposed wards for the reasons given:-

- *St Osyth and Little Clacton* - there are no community links between St Osyth and Point Clear and Little Clacton. These settlements are not in close proximity and there is no direct road joining them which makes communication between them difficult.
- *Ardleigh, Alresford and Elmstead* - The Council considers that the ward of Great Bromley, Thorrington, Frating, Alresford, Ardleigh and Elmstead is too big and does not fit well together as a community. Ardleigh in village terms is far from Alresford and Thorrington. Elected district councillors often attend all parish meetings in their ward and it would be onerous for any councillor to attend meetings of six parishes. The Council believes that smaller wards would better reflect the local communities.
- *The Bentleys and Weeley* - Weeley does not fit with Great Bentley and these villages have no community ties to each other apart from reasonable proximity. Both are large independent centres with their own facilities.

- *Lawford, Manningtree and Mistley* - the Council is mostly supportive of this ward except that we do not agree with including Little Bromley in this ward. Little Bromley is a rural parish and the Council believes that its community identity would be lost by joining it with the larger settlements of Lawford, Manningtree and Mistley.

The Council's alternative proposals are as follows:-

**St Osyth (2 Members -10% variance)**

The LGBCE draft recommendations include that part of St Johns Road should be included in the St Osyth ward. In the Council's original submission, reference was made to additional housing that had been agreed in St Osyth following a planning enquiry. The number of new homes is 90 which were not included in the Council's forecast. These would therefore increase the forecast population of St Osyth by 146 electors. This, together with the increased electorate from the inclusion of St Johns Road would mean that St Osyth and Point Clear can stand alone as a separate two member ward in terms of electoral equality. There is also a much stronger community argument for St Osyth and Point Clear remaining as a single ward without the inclusion of Little Clacton.

**Little Clacton (1 Member 0% variance)**

Little Clacton meets electoral equality as a single ward on its own and the Council believes that this should be a separate ward of one member.

**Alresford, Thorrington, Great Bromley and Elmstead**

The Council's original submission included a proposed single member ward of Alresford and Thorrington. The Council recognises that this proposed ward exceeded the tolerance on electoral equality however the Council strongly believes that for this one ward only the community argument is the stronger criteria to be considered. Not only in that the close proximity and relationship of Alresford and Thorrington make this best warding arrangement for these two parishes but that it also then allows other wards proposed by the Council to be implemented. We strongly believe that the warding arrangement proposed by the Council is the optimum for this west area of Tendring.

In particular this would allow a ward of Elmstead and Great Bromley to be implemented. These two parishes fit well together, are near each other and have been connected for years with people in Great Bromley using the shop, post office and garage in Elmstead.

Therefore our strongly preferred option is:-

Alresford and Thorrington – 1 Member variance 16%  
Elmstead and Great Bromley – 1 Member variance 3%

However, if the LGBCE is not minded to place the community criteria above the electoral equality criteria in this one ward then the Council submits a proposal of a 2 member ward of Alresford and Elmstead (variance 9%). We do not support the ward of six parishes proposed by the LGBCE.

**The Bentleys and Frating (1 Member 3% variance)**

This is the ward as originally proposed by the Council. It allows Great and Little Bentley to remain together but the Council believes better reflects the community as there is not the mismatch of including Great Bentley and Weeley, two sizeable independent settlements, in the same ward.

**Weeley and Tendring (1 Member -2% variance)**

The ward of The Bentleys and Frating allows Weeley to essentially remain as a ward on its own. Weeley is a sizeable independent settlement. This proposed ward includes Tendring.

**Ardleigh and Little Bromley (1 Member -9% variance)**

As set out above the Council does not support the inclusion of Little Bromley with Lawford, Manningtree and Mistley. We are proposing the ward of Ardleigh and Little Bromley. This is the existing ward which we believe works well.

### **Lawford, Manningtree and Mistley (3 Members -4% variance)**

Apart from the removal of Little Bromley, the Council has no further comments on this proposed ward. The three towns do have close community links with each other and we believe this would work as a three member ward.

### **Clacton**

In relation to Clacton, the Council has the following comments on the draft recommendations:-

- Subject to one or two amendments set out below, the Council wishes to resubmit its original scheme of single member wards for further consideration. The Council believes that this is the best scheme for Clacton which delivers the Council's desire for single member wards. It is the Council's strong belief that single member wards provide much greater clarity for the public in that it provides consistency across wards and avoids any confusion for voters around their second or third vote at elections.
- The LGBCE has proposed a three member ward of Pier. The Council does not support the inclusion of the area to the east of Clacton Pier as this is very distinct in character and demographics from the rest of this proposed ward. This area is distinct from the west of this proposed ward which is residential and has its own doctor's surgery, church, convenience store and pub. The Council suggests that there should be a two member ward of St James and a single member ward of Pier. The St James Ward would be equivalent to the Council's originally proposed Martello and The Royals and West Cliff Wards with a separate Pier Ward also as originally proposed. Pier Ward is one of the most deprived wards in the Country, with low life expectancy and high crime. It therefore has particular needs and we believe, should stand as a separate ward as its particular needs require individual and separate Member representation.
- The Council does not support the proposed Southcliff Ward. The Council proposes that the single Member Eastcliff Ward should remain. A large part of the Eastcliff Ward is part of or linked to Holland-on-Sea. The school and playing field in Eastcliff are used by some Holland residents and residents living in the east part of Eastcliff naturally gravitate to Holland-on-Sea as their shopping centre and children in the West of Holland attend Holland Park school. Keeping Eastcliff as a separate single member ward would mean that St Pauls would also need to be maintained as a single member ward.
- The Council would prefer to see its proposed single Member wards of St Bartholomews and Haven implemented instead of the suggested ward of Holland Haven but recognises that a two Member ward would work as long as this included only the community of Holland-on-Sea. However, if the LGBCE is minded to recommend a two member ward here then we suggest the whole two member ward should be called St Bartholomews. The area of the Haven is around the country park at the far east of Holland and it would not be appropriate to apply this name to the whole of the Holland-on-Sea area. Also part of Holland –on-Sea would still extend into the next western ward (what we are calling Eastcliff) so neither would it be appropriate to include the name of Holland just in the eastern ward(s).
- The Council supports the proposed West Clacton and Jaywick Sands Ward including the boundary change to lie south of St Johns Road and West of Jaywick Lane.
- The Council does not support the proposed Burrsville Park Ward. We consider this is too big and destroys the separate village community of Burrsville which has its own post office, pub and village hall. It is separated from Castle Hill by Thorpe Road. Burrsville has a residential / industrial character distinct from Castle Hill which is mixed residential commercial with Brook Retail Park and a large supermarket in Centenary Way. We resubmit our original single member wards of Burrsville and Castle Hill. If the LGBCE is minded to pursue a two member ward here then we believe it should just be called Burrsville rather than Burrsville Park as that is how the area is widely known.

- The Council does not support the proposed ward of St Johns. The area of St Johns centres around Great Clacton which is a separate identifiable community. Local road signs identify it as a separate place. It has its own school, shopping centre, pubs, doctors, opticians and church. For this reason the Council resubmits its original single member wards of St Johns and Old Road. These two wards are separated by St Johns Road.
- The Council has no specific comments to make on the proposed Coppins, Bluehouse and Cann Hall wards. The Council feels strongly that there is a robust community argument for the single member wards suggested above and it would be our preference to see single member wards across Clacton apart from West Clacton and Jaywick Sands and St James. However, the Council recognises that this central area of Clacton is harder to distinguish in terms of communities and therefore, given the submissions above, submits its single member scheme for these wards (Coppins, Bluehouse and Cann Hall) on the basis of achieving electoral equality. If the LG BCE are minded to accept the Council's single member wards then with regard to Bockings Elm the boundary would be slightly changed from our original submission to accommodate the move of the north of St Johns Road into St Osyth and, to achieve electoral equality to include the move of the eastern boundary to follow the footpath that runs north of Woodrows Lane.

In summary the Council proposals, having considered the LGBCE draft recommendations, as are follows:-

| <b>Ward</b>                        | <b>Members</b> | <b>Variance from Electoral Equality</b> |
|------------------------------------|----------------|---|
| Alton Park                         | 1              | 1%                                      |
| Lake                               | 1              | 5%                                      |
| Bockings Elm                       | 1              | -2%                                     |
| Rush Green                         | 1              | -6%                                     |
| Cann Hall                          | 1              | -10%                                    |
| Peter Bruff                        | 1              | 2%                                      |
| Burrsville                         | 1              | 10%                                     |
| Castle Hill                        | 1              | -5%                                     |
| West Clacton and Jaywick Sands     | 2              | -4%                                     |
| Haven                              | 1              | 3%                                      |
| St Bartholomews                    | 1              | 0%                                      |
| Pier                               | 1              | -6%                                     |
| St James                           | 2              | 6%                                      |
| St Johns                           | 1              | 1%                                      |
| Old Road                           | 1              | 7%                                      |
| Eastcliff                          | 1              | -1%                                     |
| St Pauls                           | 1              | -2%                                     |
| Harwich and Kingsway               | 1              | 5%                                      |
| Dovercourt Bay                     | 1              | -9%                                     |
| Dovercourt Tollgate                | 1              | 5%                                      |
| Dovercourt All Saints              | 2              | 6%                                      |
| Dovercourt Vines and Parkeston     | 1              | -7%                                     |
| Frinton                            | 2              | 4%                                      |
| Kirby-le-Soken and Hamford         | 1              | 6%                                      |
| Kirby Cross                        | 1              | 6%                                      |
| Homelands                          | 1              | 6%                                      |
| Walton                             | 1              | 8%                                      |
| Brightlingsea                      | 3              | -8%                                     |
| Thorpe, Beaumont and Great Holland | 1              | 9%                                      |
| Stour Valley                       | 1              | 6%                                      |
| The Oakleys and Wix                | 1              | -3%                                     |
| St Osyth                           | 2              | -10%                                    |
| Little Clacton                     | 1              | 0%                                      |
| Alresford and Thorrington          | 1              | 16%                                     |
| Elmstead and Great Bromley         | 1              | 3%                                      |
| The Bentleys and Frating           | 1              | 3%                                      |
| Weeley and Tendring                | 1              | 2%                                      |
| Ardleigh and Little Bromley        | 1              | -9%                                     |
| Lawford, Manningtree and Mistley   | 3              | -4%                                     |

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