

**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,
HELD ON TUESDAY 5 SEPTEMBER 2017 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bennison, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Callender, Calver, Cawthron, Chapman, Chittock, Davis, Everett, Fairley, Ferguson, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, I Henderson, J Henderson, Hones, Honeywood, Khan, King, Land, Massey, McWilliams, Miles, Parsons, Poonian, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Karen Neath (Head of Leadership Support and Community), Debbie Bunce (Legal Administration & Information Officer) and Katie Sullivan (Committee Services Officer)

51. MINUTE'S SILENCE

During prayers a minute's silence was observed in memory of Anthony Pugh, Peter Brand and Ivor Markham-Lee who were all former district councillors and had recently passed away.

52. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bush, Heaney, Newton, Nicholls, Pemberton, Porter, Watling MP and Whitmore.

Councillor Stock OBE informed Council that Councillor Cossens was on his way to the meeting but unfortunately had been delayed and Councillor Coley would not be able to attend.

53. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Thursday 15 June 2017 be approved as a correct record and signed by the Chairman.

54. DECLARATIONS OF INTEREST

Some Members had declared an interest in regards to item A.2 on the agenda by virtue of the fact that they were Town or Parish Councillors.

The Council's Monitoring Officer informed Members that it was not necessary to declare an interest for that reason in this instance.

55. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that there was an open invitation to a Macmillan Cake Morning being held at the end of September and that the event had been organised to help raise awareness and funds for those living with Cancer in the East of England.

The Chairman gave his thanks to the Pride of Tendring Awards 2017 Panel and confirmed that the Pride of Tendring Awards 2018 nomination forms would be available online as of Wednesday 6 September 2017 and that he would be creating a new panel to enable other members to serve on it.

The Chairman also shared the outcomes of recent events:-

- (i) Pier to Pier Dog Walk in aid of Guide dogs for the Blind UK had taken place in May and had raised eight hundred and thirty five pounds;
- (ii) Britannia Ball in aid of the local RNLI Stations had taken place in June and had raised three thousand five hundred pounds;
- (iii) Charity Wing Walk in aid of Prostate Cancer UK had taken place in July and had raised one thousand two hundred pounds;
- (iv) Tornado Steam Train Event in aid of St Helena Hospice had taken place in August and had raised fifteen thousand pounds.

The Chairman gave his thanks to all of those who were involved and had made the events a great success.

The Chairman also informed Members that he would be doing a parachute jump in aid of Essex Air Ambulance on Tuesday 12 September and that so far ten pounds had been raised.

56. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

57. STATEMENTS BY THE LEADER OF THE COUNCIL

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

58. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Leisure and Tourism (Councillor M J D Skeels) expressed his thanks to all who had helped out at the recent Clacton Air Show which had been a fantastic event for Tendring.

59. PETITIONS TO COUNCIL

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported receipt of a petition submitted by Mr Brian Green (the lead petitioner).

It was reported that the petition which had been signed by 76 local residents, objected to the Council's recent decision to alter the configuration of the Millennium Square,

Walton-on-the-Naze at a cost of £90,000 and had wished for the Council to reverse its decision.

Members were informed that in accordance with the Council's approved scheme for dealing with petitions, this matter would be investigated and a report would be prepared and presented to the Cabinet on the basis that it had contained between 30 and 249 signatures.

Members were aware that the next practicable ordinary meeting of the Cabinet was scheduled to take place on Friday 6 October 2017.

Members were informed that at that meeting, and in accordance with the Council's approved scheme, Mr Green, as the lead petitioner, would be invited to address the Cabinet, present the petition and outline the action that the petitioners wanted the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Mr Green would then be informed, in writing, of the Cabinet's decision and the decision would also be published on the Council's website.

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and **AGREED** that the receipt of the Petition and the contents of the report be noted.

60. 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.

There were three questions on this occasion as set out below:

Question One

From Mr Dan Casey to Councillor Neil Stock OBE, Leader of the Council:

"Having been asked by the Leader of the Council to present an 1100 signature petition to him and which I presented to him myself at a Cabinet meeting regarding the closure of the Garden Road, Jaywick Sands public toilets, among others. I was both surprised and annoyed to be told that the petition would not be debated by the councillors because it was not clear who had submitted it, and as stated in the letter I received, the petition did not go through by the correct procedure as it did not say who had presented it and what the petition was for.

Will the Leader of the Council please explain why his administration is undermining its own excellent work in regenerating Jaywick Sands by ignoring the needs of the local community by denying access to public toilets by residents and visitors who wish to make use of the local beaches?

Will he further explain why his administration considered it appropriate to use a technicality within the Council's Procedure Rules to avoid discussing the stated wishes of the local community rather than deal with the situation by ensuring that Jaywick Sands beach is served by easily accessible and much needed public toilets?"

Councillor Stock OBE replied as follows:

“Let me start by clarifying for you that your petition was not refused because of any decision that I, or my administration, took. As you correctly state I offered to receive your petition at a public meeting of Cabinet even though there was no requirement for me to do so nor was there any such item on the agenda of that meeting. In other words, I did not have to accept it at all but I volunteered to do so and I made sure it was passed on to Officers immediately the meeting ended.

As I understand it you simply failed to follow the rules for submitting a petition and I am sure that with your great experience both as a former member of this council, as well as other roles that you have held, you must realise and accept that rules and procedures are vital to the good governance of any organisation.

Notwithstanding those points I do recognise that you have strong views about the closure of the Garden Road toilets. You will be aware that the Council has undertaken a review of its public convenience provision and our strategy is to replace old, difficult to maintain and underused public toilets with modern, efficient units wherever possible.

As part of the review and the strategy the Garden Road toilets were agreed to be closed because they are used for extensive anti-social behaviour, they are old structures, they have low use and there is alternative provision in the area.

To end on a positive note, it is still the case that should any local group or organisation wish to take over the running of any of our toilet blocks, including this one, then we would be very pleased to discuss the idea.”

Question Two

From Ms Bridget Tyson to Councillor Fred Nicholls, Corporate Enforcement Portfolio Holder (in the absence of Ms Bridget Tyson, the question was read out by the Chairman):

“I would like to ask the Planning Portfolio Holder a question concerning the Enforcement Notices issued to properties in Point Clear Bay.

The information delivered to homes, such as my own was totally unexpected as I have complied with a request for information which was duly returned to the Council in April of this year - no further communication was received even though I had given information - which included a point that a Flood Risk Assessment was unnecessary when I applied for Planning Permission in 2010. Can you advise why the Enforcement Notice has been issued to myself without acknowledging and responding to the points raised in my response to you in April 2017 - which has now left me with no alternative but to appeal at a substantial cost to my family and myself.”

In Councillor Nicholls' absence, Councillor Stock OBE replied on his behalf as follows:

“Ms Tyson, thank you for your question which relates to the service of Planning Enforcement Notices on properties in Point Clear Bay.

It would not be appropriate to discuss individual cases at a public meeting of the Council.

Planning Enforcement is a non-executive function of the Council with powers delegated to the Planning Committee. This means that decision making powers for planning enforcement do not rest with the Cabinet, or with individual Portfolio Holders or even with me as Leader of the Council, but nevertheless I am happy to attempt to answer your queries on this issue.

Planning Enforcement Notices take effect only if no appeal is received before the effective date, which is today. The appeal process gives an opportunity for the matters that the Council, the owners and occupiers consider to be relevant to be determined by an independent Planning Inspector. Fees only apply to appeals on specific grounds, such as that planning permission should be granted or that the condition that is alleged to have been breached should be discharged; a fee of £390 is payable in these cases. The fee is set by Government, not by this Council.

Appeals on the basis that there has been no breach of planning control or that the time allowed for compliance is too short, attract no fee. Therefore, whether a fee is payable depends upon the grounds of appeal. These and other details are explained in the guidance listed on the Enforcement Information Sheet that accompanied the enforcement notices.”

Question Three

From Mr Daniel Logan to Councillor Fred Nicholls, Corporate Enforcement Portfolio Holder:

“I would like to ask the Planning Portfolio Holder two questions concerning the Enforcement Notices issued to properties in Point Clear Bay.

The information delivered to homes, such as my own elderly Mother and Father, states that if they wish to appeal they must pay a planning fee of £390.

- (1) This sum is quite beyond my Mum and Dad and obviously I could help them, but is this very large charge, intended to stop them and others in their position from appealing – and thereby chance losing their home?*
- (2) Will Tendring District Council give help and advice to elderly residents who perhaps do not understand what is going on and risk ending up in care by their inaction?”*

In Councillor Nicholls' absence, Councillor Stock OBE replied on his behalf as follows:

“Mr Logan, thank you for your question about the planning enforcement action at Point Clear Bay.

It would not be appropriate to discuss individual cases at a public meeting of the Council.

Planning Enforcement is a non-executive function of the Council with powers delegated to the Planning Committee. This means that decision making powers for planning enforcement do not rest with the Cabinet, or with individual Portfolio Holders or even with me as Leader of the Council, but nevertheless I am happy to attempt to answer your queries on this issue.

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Information about the planning enforcement process is available from the Council as well as advice about housing issues. Independent advice may also be sought and the Council has been working with Citizens Advice to ensure that they are aware and ready to respond to enquiries resulting from planning enforcement action.”

61. 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 were three questions on this occasion as set out below:

Question One

From Councillor Richard Everett to Councillor Zoe Fairley, Investment and Growth Portfolio Holder:

“Is the portfolio holder aware that businesses in Great Clacton are losing customers and trade as a result of the unreasonable actions of private companies operating car parks in the area. The effect on residents, and customers from further afield, is that they are being ticketed for trumped up parking charges. Planning permission is required for ANPR cameras and associated signage on the site and should be in place before any tickets are issued.

Local businesses are suffering with trade decreasing as a result of less people choosing to shop in Great Clacton, blaming the parking charges and approach of the operating companies. What should be even more concerning to this Council is that many people are questioning what is being done by the Council to regulate the companies and their actions.

What does the portfolio holder propose is done by this Council to help protect the businesses locally from the actions of predatory parking companies putting people off from doing business in Great Clacton?”

Councillor Fairley replied as follows:

“Firstly, I would like to thank Councillor Everett for his question.

The council are aware of the issue raised and I would like to assure all Members that the economic sustainability of local businesses together with the rights of our residents and visitors are of the very highest priority when considering not just a correct course of action to address an issue but also additional actions we can take to support this or any other case causing negative impact within our District.

Our approach is underpinned by our values and it is right and proper that the Council demonstrates strong and proactive community leadership within our response and I am pleased Officers have provided advice and appropriate practical assistance to Councillors giving help and support to their constituents in this case.

Cllr Everett acknowledges in his question that this is an operation which is on private land, operated by the land owner in conjunction with a private parking operator. As such, the Council has no direct role in the matter and is unable to regulate directly against the related actions of the operator.

As Cllr Everett is aware, the ANPR camera operating system supporting this parking operation is development for which planning permission is required and this is not in place. The planning department have contacted the owner to advise a retrospective planning application should be made. However, we cannot be sure this will be followed by the owner.

It is noted the cameras are modest in scale and whether through retrospective planning application or enforcement process, based on material planning considerations, it would be likely they would not be considered harmful to the area on grounds of their siting or appearance; within the Pre-enforcement Risk/Harm Assessment they fall below the level for which formal enforcement would be taken.

However, this Council recognises the importance of the car and the motorist to the economic well-being of the District, as highlighted in the Council's parking strategy and I am pleased to confirm that Officers will consider the wider social and economic impact the ANPR camera system is having, as for such a high number of parking charge notices to have been issued over the period between May to July this year, it is clear the car park operation is having an adverse impact on users and likely on businesses.

This does imply there is a fundamental issue with the operation.

So, in terms of other actions we can take to support motorists using the car park, I can advise that Officers have written directly to the car park operator, Smart Parking. This is to request they reconsider their previous decisions to refuse all appeals against the notices issued, on the grounds that their parking operation, and the terms and conditions under which it has operated, appears to be misleading and therefore unfair.

In addition, the Council has requested that the company provide details of the quantity of parking charge notices issued, together with requesting that all remaining notices are rescinded, with all previous payments to be refunded.

While waiting for a response from the company, Council Officers have also approached the British Parking Association. The BPA operating the Approved Operator Scheme and the Code of Conduct under which private parks of this type must be managed. This

is to raise concerns and seek an independent assessment of the operation of this car park.

We will continue work to keep the lines of communication open with the owner and local businesses will also be contacted to assess any down turn in trade they are suffering due to the car park operating procedures.

In finishing, I would like to offer my congratulations to Cllr Everett as I understand that with his support, several parking charges have recently been dropped by the company. I would like to reassure him, that I will continue to work with fellow Cabinet Members responsible for Planning and Corporate enforcement, to seek a positive outcome to this issue.”

Councillor Everett then responded to Councillor Fairley’s reply with a supplementary question:

“Thank you Councillor Fairley for your forthright and detailed positive response to the question.

Just so that you and members are aware, and hopefully the chairman will give me some leeway on this, I’ll give a little background before asking for your response to my supplementary question.

The motorists involved in this unfortunate situation are predominantly vulnerable and elderly. They come mainly from the Great Clacton area but I have clients in places ranging from Frinton and Kirby, to the north, St Osyth to the south and Weeley to the west. Many of them are telling me that they are extremely alarmed and distressed by the actions of these companies operating this practice.

The businesses affected by this rip-off are predominantly located around the Rasvensdale Car Park. They are telling me that the situation is threatening their very viability as businesses because customers are now choosing not to shop in Great Clacton any more as a result of this predatory action by rogue parking companies.

This is a safety issue too - people living locally are being effected, one person I know of blames a car accident she was involved in occurring because of people parking anywhere other than the car park now.

The situation is made apparently worse because these parking companies have flouted the law – not even bothering to get planning permission for the use of ANPR cameras – a situation that we in this council are meant to enforce.

I have dealt with approximately 65 appeals to POPLA the independent appeals service – so far I have not lost an appeal because the parking company involved does not even bother to defend them.

I have approximately 160 cases where elderly and vulnerable people are being harassed by a debt recovery company for alleged debts that they do not owe because the parking notices are unenforceable in law. The parking company and the debt recovery company have both been reported to the British Parking Association for the intimidation these unfortunate people are receiving but nothing is being done by them to resolve this.

Signage has been erected without permission on the footway at the entrance to the car park, Essex County Council claimed it is not erected on their land. Land registry documentation for the car park land owners title indicates it's not on their land either. I'm still waiting for Essex County Council to confirm who owns the footway.

And finally even though the Police have been asked to help against the harassment that is taking place to local vulnerable and elderly people they, presumably because of inadequate funding, are unable to enforce the Protection from Harassment Act. These people report to me that they feel threatened, that the actions of the debt recovery are menacing, that they cannot sleep at night as a result and that they feel alarmed. Victims of this persecution do not feel reassured by this police inaction.

I am however pleased to be able to report that Ian Davidson our Chief Executive Officer, has offered to arrange a meeting at a senior level with the police to discuss this and other matters relating to the case.

This council should not be alone in this fight so my supplementary question to you Councillor Fairley is this – What can we additionally do to ensure that other agencies, the very agencies that are meant to protect us, actually put in their effort to help these poor unfortunate residents, motorists and businesses against predatory parking company actions and their debt collection practices?”

Councillor Fairley responded to Councillor Everett's supplementary question as follows:

“Yes Councillor Everett, thank you for your further detail and it completely re-enforces my initial response in that it does appear to be a fundamental issue with the way in which this car park is operated. I recognise and feel your concerns for residents, motorists and businesses affected by this issue and my aim here is to help. If a meeting would be suitable between yourself and me I would be happy to do that. Clearly, you are giving residents much support.

I already stated we are contacting local businesses and also we are already in contact with the BPA and when there is a more detailed response from them, I will ensure Officers keep you informed, together with their advice for any appropriate actions we can take ourselves or push forward on, collaboratively with others, to reach a positive conclusion.”

Question Two

From Councillor Jo Henderson to Councillor Neil Stock OBE, Leader of the Council:

“As the Leader may recall, I recently asked a Portfolio Holder a question at a meeting of Council in order to obtain the required information for the residents who are angry and disgusted by the lack of progress made by TDC on dog fouling. I do not believe that the response received answered the specific question however, I am not permitted to submit the question again for 6 months in accordance with our Council Procedure Rules.

This being the case, will the Leader of the Council please instruct his Cabinet to answer the questions put to them as published in the agenda as, if they do not, it will prevent any elected member from using this legitimate vehicle for obtaining information and

totally undermine the Leader's stated intention to operate an open and transparent administration?"

Councillor Stock OBE replied as follows:

"Thank you Councillor Henderson for your question.

Cabinet members always answer questions from Members and I do not think anybody could ever accuse Councillor Talbot of not being forthcoming and fulsome in any response he makes on any topic actually.

I recall that he gave you a summary of the work of our two dog wardens, and he also explained that it was not possible to employ a warden solely for Harwich/Dovercourt and I appreciate that you may well have not liked the answer but you did get one.

I further understand that you have subsequently discussed this issue directly with Councillor Talbot and he has offered to hold a meeting with you to further explore the issues and Officers are now setting that up, so I hope that is constructive and gives you detailed responses you're looking for."

Councillor J Henderson then responded to Councillor Stock OBE's reply with a supplementary question:

"I thank you for the response, but you clearly haven't read the question that I asked the first time because it wasn't for a dog warden for Harwich and Dovercourt, it was for a specific dog warden for the Tendring District. It was clearly a short question in the agenda, it wasn't answered, I know how hard that they work in the jobs they do, but my supplementary question is:

I am now in talks with Councillor Talbot and will continue to voice residents' concerns on this issue to try and get your administration to change their ways of working, Can I please have assurance from you the Leader that this Council will start to prosecute the law breakers. I believe this will have a detrimental effect on those who flout the law."

Councillor Stock OBE responded to Councillor J Henderson's supplementary question as follows:

"Yes, absolutely, every time. Give us evidence, give us the information and we will prosecute every time.

What's really difficult is, especially dog fouling, and I completely agree with you Councillor Henderson, it's a completely disgusting crime and it is a crime, its very difficult to find witnesses who are willing to come forward. Its very difficult to bring them forward for successful prosecution but every time we get the evidence we will do it.

We discussed at Cabinet, in some detail this very issue, where the Corporate Enforcement Strategy came forward and was agreed and it was dog fouling that actually was the big issue that everyone talked about, in a great amount of detail, Chairman, and I said that I wanted to move the situation and that Corporate Enforcement Strategy being adopted by Cabinet this morning, was a start of a new way of doing things. It's not the end of the matter, we don't just write a strategy and stick in on the shelf, that's going to be the start of a different way of doing things where in an environment now as a

Council with limited resources we have less money, that means less boots on the ground but when it comes to enforcement, I want to see enforcement being done collectively, collaboratively across every department of the Council, working together and with our partners such as the Environmental Agency, such as County Council, such as the Highways England, the Police, the Fire Service, whoever.

When it comes to the issue of dog wardens, we are looking at, we discussed this this morning, whether it's possible to do it, to get all Officers or certainly for more Officers, the powers to take enforcement action when they see violations of dog fouling taking place.

It's not acceptable, it's got to stop and within the limited resources we have got, we have got to do everything we can and I would urge anyone, certainly Councillors but also members of the public, if they see someone and you have got a mobile phone on you, take a photograph, send it to your local Councillor, send it to the Council and we will do everything we can to bring about a prosecution, Thank you Chairman."

Question Three

From Councillor Michael Talbot to Councillor Fred Nicholls, Corporate Enforcement Portfolio Holder:

"To the Portfolio Holder for Planning.

A recital of the problem:

Your Department has recently issued 'Enforcement notices' for breaching conditions in contravention of a 1958/9 planning permission, to my electors occupying 36 Chalet properties in the ward.

This notice requires them to vacate their home three months after receipt of the notice, which for many is by 5th December or face likely court proceedings for not complying with the notice.

The Council will presumably offer those forced to leave their home, temporary accommodation until they can return to their home in March next year.

Their various home insurances maybe invalidated by leaving their homes empty. The local police presumably will be asked by this Council to offer greater surveillance over these empty homes.

I believe it is possible that these residents may be protected under European human rights legislation.

If they are not found homes locally their children's schooling will be interrupted and their family registration with a doctor may be lost.

The notices add as a reason for the action, that they are resident in "Flood Zone 3". This is not the Environment Agency description of where their properties are situated as the Agency 'hatch' the actual plans of this area as being 'Flood Zone 3' an "Area benefiting from flood defences", which means they have suitable protection and emergency arrangements to protect when flooding is predicted.

All this disruption now to satisfy a 58 year old planning condition, long before some residents were born!

As a Councillor for St Osyth I should like to ask the following questions:

Can the Portfolio Holder for Planning advise me:

(a) Whether the above matters have been taken into consideration by your Department when issuing these Notices and what they propose to do on behalf of any Dispossessed Residents?

(b) Does he agree with me that when serving these notices on the 1st August for residents of brick built Chalet Bungalows, the Council agreed on the 4th August, 3 days later, to grant all year round use of a caravan, neighbouring these chalets in the adjacent Orchards Holiday Park, which it was claimed had been used in excess of ten years, by the issue of a lawful use certificate.

There is an expression about 'Rubbing peoples noses in it!' - dare I say Is this what Tending is doing?"

In Councillor Nicholls' absence, Councillor Stock OBE replied on his behalf as follows:

"Cllr Talbot, thank you for raising the Council's action to resolve breaches of planning controls over the occupancy of caravans and chalets in our District.

As you know Planning Enforcement is a non-executive function of the Council with powers delegated to the Planning Committee, and as you will also know this means that decision making powers for planning enforcement do not rest with the Cabinet, or with individual Portfolio Holders or even with me as Leader of the Council, but nevertheless I am happy to attempt to answer your queries on this issue.

Members of the Council will recall that the Cabinet and the Planning Committee have considered a number of reports about this topic over the past four years (13th December 2013, 13th June 2014, 9th December 2014 and 2nd February 2016).

The reports to Cabinet and the Planning Committee have included an outline of the occupancy restrictions that apply on sites across the District, the flood risk issues impacting on this accommodation and the policy context for the occupancy restrictions. In addition, reports have considered the Human Rights and potential housing implications of taking action.

During this period officers have:

- Identified the occupancy restrictions on holiday accommodation in the District;*
- Worked with the Environment Agency to identify acceptable accommodation on a site by site basis taking into account flood risk;*
- Worked with chalet and caravan site to improve their emergency planning procedures, including evacuation plans;*
- Undertaken further analysis of relevant planning decision, case law and national policies to support policy development here;*
- Carried out further monitoring of sites and compliance with occupancy restrictions.*

On 02 February 2016 the Planning Committee resolved to support the principle of seeking voluntary compliance with planning controls relating to holiday caravan and chalet occupancy, and where this is not successful to serve Planning Enforcement Notices, giving priority to breaches at Point Clear Bay, Clear Springs and Bel Air.

Since that decision, work to achieve compliance has progressed, including the service of Planning Enforcement Notices at Clear Springs and most recently at Point Clear Bay. Appeals have been lodged and considered in relation to some properties at Clear Springs, decision are awaited. Appeals have also been received in relation to some properties at point Clear Bay.

As you point out, a planning permission dating from 1959 is relevant to Point Clear Bay properties. However, its age make the danger of flood risk no less real and in any case, more recent appeals have reviewed the permissions and in many cases re-imposed similar limitations on occupation.

Cllr Talbot, you asked me two specific questions:

- (a) Whether the above matters [whether the Council will offer residents temporary accommodation, protection under human rights legislation, the views of the Environment Agency and the age of the original planning permission] had been considered when issuing Planning Enforcement Notices and what will be done on behalf of any dispossessed residents?*

As I have already described, yes, these issues have been considered by both officers and the Planning Committee in coming to the decision to take action. The Council will consider what assistance is appropriate for residents who find themselves without a home as a result of complying with the occupancy limitations. This will depend on the personal circumstances on individuals. The Council's Housing Options team is aware of this possibility and ready to provide advice and support.

Turning to your second specific question:

- (b) Do I agree that 3 days after serving the Planning Enforcement Notices on 1st August, the Council agreed to all year round use of a caravan, neighbouring these chalets in the adjacent Orchards Holiday Park?*

I understand that the permission you refer to was not the grant of planning permission, nor does it relate to all year round use of a caravan. The Council issued a certificate of lawful use for the siting of static caravans on an area currently used for the siting of touring caravans. It is a legal determination, based on consideration of evidence that such a development is lawful and does not require the grant of planning permission. This decision in no way contradicts the Council's action to achieve compliance with existing planning controls.

Having said all that Cllr Talbot there can be no denying that this is a very complex and problematical case with in the one hand the very real risk of people drowning in their own homes as happened in 1953 and on the other hand people being potentially made homeless due to planning regulations.

I don't pretend that I have a magic wand solution but I do take this issue very seriously and I would like to propose setting up a meeting, as soon as practicable, with affected residents, the ward members and senior officers from the Council. I would be very happy to chair the meeting to see if we can come up with solutions, or at the very least provide meaningful answers to peoples' questions."

Councillor Talbot then responded to Councillor Stock OBE's reply with a supplementary question:

"I think any supplementary I might of asked Chairman has been totally overtaken by the last sentence of what the Leader has just said in answer to my question, that is, that he is prepared and I really appreciate this, he is prepared to meet the residents and other people concerned along with senior officers of department to put their difficulties to the officers and see if there some resolution of the problem. I don't know wat the meeting outcome will be but an offer of a meeting is quite magnanimous and I greatly appreciate it. Thank you very much."

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

There was no such report on this occasion.

63. 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) Service Development and Delivery of Wednesday 31 May 2017;
- (b) Local Plan of Monday 12 June 2017;
- (c) Audit of Thursday 22 June 2017;
- (d) Corporate Management of Monday 26 June 2017;
- (e) Standards of Wednesday 28 June 2017
- (f) Community Leadership and Partnerships of Monday 10 July 2017;
- (g) Corporate Management of Monday 24 July 2017;
- (h) Community Leadership and Partnership of Monday 31 July 2017; and
- (i) Corporate Management of Monday 14 August 2017.

64. MOTIONS TO COUNCIL

There were no motions, notice of which had been given pursuant to Council Procedure Rule 12, on this occasion.

65. RECOMMENDATIONS FROM THE CABINET

There were no recommendations from the Cabinet on this occasion.

66. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY - A.5 - ELECTORAL REVIEW OF TENDRING - FINAL RECOMMENDATIONS AND NEXT STEPS

Councillor Stock OBE informed Members of the reason why he had asked the Chairman to change the order of business.

Further to Minute 31 (09.05.17) Council had before it a report of the Head of Leadership Support and Community (A.5) which had provided details of the final recommendations from the Local Government Boundary Commission for England (LGBCE) of a review of district wards, an update on Community Governance Reviews for Town and Parish Councils and to seek approval to undertake further work to put in place arrangements for a reduced council size in 2019.

With the consent of the meeting, Councillor Stock OBE moved altered recommendations to those printed, seconded by Councillor G V Guglielmi.

Councillor Winfield then moved an amendment to Councillor Stock's recommendations, which was seconded by Councillor Broderick and Councillor Stock OBE and Councillor G V Guglielmi agreed to accept.

The Chief Executive confirmed to Council that the motion now before them, to be the subject of debate was:

- a) the final recommendations on new electoral arrangements for Tendring District Council be noted;
- b) a Community Governance Review be undertaken in relation to the land in the St Osyth District Council area but not in the St Osyth Parish area;
- c) in principle, a wider Community Governance Review of parished and unparished areas in the Tendring District be supported subject to specific terms of reference, having regard to the initial views which are currently being sought, coming to a future meeting of Council for agreement;
- d) officers are authorised to commence a review of meeting arrangements, Cabinet and committee size, frequency and make-up in preparation for the reduction to 48 Councillors in 2019; and
- e) that, at an appropriate time following the 2019 District Elections, this Council writes to the Local Government Boundary Commission for England and asks for a further Electoral Review of the Tendring District with a specific request that they look again at the decision to recommend a two member ward of St Bartholomews rather than two single member wards of St Bartholomews and Haven as requested by the Council.

Councillors Scott, Calver, Parsons, Broderick and Bucke each addressed the Council on the subject matter of this item.

NOTE: Whilst Councillor Bucke addressed the Council there was an incident in the public seating area. The Chairman announced that there would be a 15 minute break and so he adjourned the meeting.

Following on from the adjournment, when the meeting was reconvened, it was moved by Councillor Stock OBE, seconded by Councillor Bray and **RESOLVED** that:-

due to the circumstances, all of the remaining items on the agenda would be **MOVED ON BLOCK** with the exception of agenda item 16, which would be deferred until the next scheduled meeting of the Council.

It was **RESOLVED** that:-

- f) the final recommendations on new electoral arrangements for Tendring District Council be noted;
- g) a Community Governance Review be undertaken in relation to the land in the St Osyth District Council area but not in the St Osyth Parish area;
- h) in principle, a wider Community Governance Review of parished and unparished areas in the Tendring District be supported subject to specific terms of reference, having regard to the initial views which are currently being sought, coming to a future meeting of Council for agreement;
- i) officers are authorised to commence a review of meeting arrangements, Cabinet and committee size, frequency and make-up in preparation for the reduction to 48 Councillors in 2019; and
- j) that, at an appropriate time following the 2019 District Elections, this Council writes to the Local Government Boundary Commission for England and asks for a further Electoral Review of the Tendring District with a specific request that they look again at the decision to recommend a two member ward of St Bartholomews rather than two single member wards of St Bartholomews and Haven as requested by the Council.

67. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE - A.2 - PROPOSED COMMUNITY GOVERNANCE REVIEW REGARDING A TOWN COUNCIL FOR CLACTON-ON-SEA

Members had received a reference from the Community Leadership and Partnerships Committee (A.2) which had reported that, at the meeting of the Council held on 9 May 2017, the following motion was moved by Councillor Parsons and seconded by Councillor Bucke and, in accordance with Council Procedure Rule 12.4, stood referred to the Community Leadership and Partnerships Committee for consideration and report:

"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."

Council had before it a reference report (A.2) from the Community Leadership and Partnerships Committee.

It was reported that at its meeting held on 10 July 2017 the Community Leadership and Partnerships Committee considered Councillor Parsons' motion. Councillor Parsons had attended that meeting and explained the motion to the Committee. Members were then given the opportunity to ask questions. The Council's Head of Governance and Legal Services (Lisa Hastings) clarified what the Committee were being asked to make a decision on and the procedure that would be followed should they recommend to Council that the motion be supported or not.

Following discussion, the Community Leadership and Partnerships Committee had resolved that it recommended that Council supports the motion as written except that the legislation referred to therein be amended to the *Local Government and Public Involvement in Health Act 2007 (as amended.)*

Having considered the report, it was **RESOLVED** that this item be deferred until the next meeting of the Council.

68. REPORT OF THE CHIEF EXECUTIVE - A.3 - MEMBERSHIP OF COMMITTEES

Members had received a report of the Chief Executive (A.3) which had informed them that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, Councillor Chittock had been appointed to serve in place of Councillor Fairley on the Community Leadership and Partnerships Committee, since the last meeting of the Council.

69. **REPORT OF THE CHIEF EXECUTIVE - A.4 - CHANGE TO MEMBERSHIP OF THE CONSERVATIVE POLITICAL GROUP AND A REVIEW OF MEMBERSHIP OF COMMITTEES**

Members had received a report of the Chief Executive (A.4) which had formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Roy Raby and Kevin Watson on 25 July 2017, had each served formal notice on the Council that they no longer wished to be treated as a member of the UKIP political group.

It was further formally reported that, also on 25 July 2017, Councillor Raby and Councillor Watson, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had each served formal notice on the Council that they wished to be treated as a member of the Conservative political group.

In accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups had been carried out.

The outcome of that review, as agreed by Group Leaders, was tabled at the meeting.

It was **RESOLVED** that the Schedule of Appointments to Committees (which had been agreed by Group Leaders), and tabled at the meeting as an Appendix to item A.4 of the Report of the Chief Executive, be approved with immediate effect.

70. **REPORT OF THE CORPORATE DIRECTOR FOR PLANNING AND REGENERATION - A.6 - LOCAL PLAN COMMITTEE TERMS OF REFERENCE AND DEVELOPMENT PLAN DOCUMENTS**

Members had received a report of the Director of Planning and Regeneration (A.6) which had sought Council's agreement to amend the terms of reference of the Local Plan Committee to provide the Committee with authority to agree both the Issues and Options and Preferred Options Draft Development Plan Documents for public consultation.

It was **RESOLVED** that:-

Council agrees to amend the terms of reference of the Local Plan Committee to approve Preferred Options Draft Development Plan Documents and associated documentation for public consultation.

71. **REPORT OF THE MONITORING OFFICER - A.7 - LOCAL GOVERNMENT OMBUDSMAN**

Members had received a report of the Monitoring Officer (A.7) which had been submitted for information only.

It was reported that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Council, or to Cabinet for executive functions, if any decision or omission had given rise to maladministration.

The report had been submitted as the Ombudsman had recently considered three cases where some fault had been found with the Council. A summary of those cases had been included within the report.

72. URGENT MATTERS FOR DEBATE

There were none on this occasion.

73. COMMITTEE SERVICES MANAGER

Council noted that Ian Ford (Committee Services Manager) should be added to those who were thanked at the previous meeting for their work on the Electoral Review. In addition, Members joined in sending Ian best wishes for a speedy recovery following his recent accident.

The Meeting was declared closed at 8.58 pm

Chairman