

Public Document Pack

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 5 September 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 (Pages 3 - 12)

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Thursday 15 June 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 (Pages 13 - 14)

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

A petition has been submitted by Mr Brian Green in respect of Millennium Square, Walton-on-the –Naze and is reported for information under item A.1 of the Report of the Chief Executive.

10 Questions Pursuant to Council Procedure Rule 10.1 (Pages 15 - 20)

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.

Three questions have been received, on notice, from members of the public and are attached to the agenda.

11 Questions Pursuant to Council Procedure Rule 11.2 (Pages 21 - 26)

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.

Three questions have been received, on notice, from Members and they are attached to the agenda.

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 report on this occasion.

13 Minutes of Committees (Pages 27 - 70)

The Council will receive the minutes of the following Committees:

- (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.

NOTE: 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.

14 Motions to Council

The Council will consider motions, notice of which has been given pursuant to Council Procedure Rule 12.

There are none on this occasion.

15 Recommendations from the Cabinet

The Council is asked to consider any recommendations submitted to it by the Cabinet.

There are none on this occasion.

16 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 (Pages 71 - 72)

To enable Council to decide whether to support Councillor Jack Parsons' motion to Council in respect of a Community Governance Review relating to a proposed parish / town council for Clacton-on-Sea.

17 Report of the Chief Executive - A.3 - Membership of Committees (Pages 73 - 74)

To inform Council of appointments to Committees that have been made since the last meeting of the Council.

18 Report of the Chief Executive - A.4 - Change to Membership of the Conservative Political Group and a Review of Membership of Committees (Pages 75 - 76)

To inform Council of a change in the membership of the Conservative political group on Tendring District Council and also to enable Council to consider the outcome of a review of the membership of Committees conducted 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.

19 Report of the Head of Leadership Support and Community - A.5 - Electoral Review of Tendring - Final Recommendations and Next Steps (Pages 77 - 116)

To report to Council the final recommendations from the Local Government Boundary Commission for England (LGBCE) of a review of district wards, to 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.

20 Report of the Corporate Director for Planning and Regeneration - A.6 - Local Plan Committee Terms of Reference and Development Plan Documents (Pages 117 - 122)

To request Full Council 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.

21 Report of the Monitoring Officer - A.7 - Local Government Ombudsman (Pages 123 - 124)

To report in accordance with the Constitution (Article 12.03(a)) that the Ombudsman has recently considered three cases where some fault has been found with the Council.

This item is **FOR INFORMATION** only.

22 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, 21 November 2017 at 7.30 pm - Princes Theatre, Town Hall, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

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PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

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

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

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Agenda Item 1

TENDRING DISTRICT COUNCIL

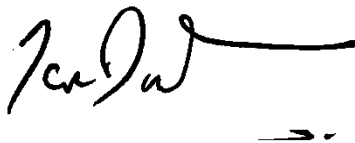
Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

25 August 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 5 September 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 15 JUNE 2017 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

Present: Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Bennison, Bray, J A Brown, M Brown, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Ferguson, Gray, Griffiths, G V Guglielmi, V E Guglielmi, I J Henderson, J Henderson, Hones, Honeywood, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Poonian, Porter (items 48 (part) – 50 only), Raby, M J D Skeels, Steady, Stock OBE, Talbot, Turner, Watson, White, and Whitmore

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Planning Services (Cath Bicknell), Planning and Regulation Manager (Simon Meecham), Committee Services Manager (Ian Ford), Communications and Public Relations Manager (Nigel Brown) and Committee Services Officer (Katie Sullivan)

33. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Baker, Broderick, B E Brown, Bucke, Fairley, Fowler, Heaney, Scott, M J Skeels, Stephenson, Watling MP and Winfield.

34. MINUTES OF MEETINGS OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 9 May 2017 be approved as a correct record and signed by the Chairman.

35. DECLARATIONS OF INTEREST

The Council's Monitoring Officer (Lisa Hastings), read out the following advice to Members:

"I believe it would be useful to provide members with guidance on declarations of interest in consideration of the Publication Draft Local Plan document, which is being considered by this Council tonight.

The decision being sought at these meetings includes recommending, endorsing and approval of a Publication Draft Local Plan and Sustainability Appraisals for public consultation and submission to the Government for Examination in Public.

The majority of Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such District wide decisions, however, for the avoidance of doubt and Members' protection, acting as the Council's Monitoring Officer it is entirely reasonable that the criteria set out in Section 33 (a) to (e) of the Localism Act 2011 applies and for land ownership simply within the red

line settlement boundaries, a dispensation is granted to all Members to debate and vote on the item.

However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas to be allocated, shown in various colours on the plans within the document, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item, although it is unlikely that I would grant a grant a dispensation in the circumstances. Failure to declare a DPI and take part in a decision is a criminal offence.

Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition of Non-Pecuniary Interests, if you were appointed or nominated to an outside body or organisation by the Council or are a member of an outside body which owns or controls land. A number of these organisations could meet the "likely to affect" test. The impact of having a Non-Pecuniary Interest on participation at meetings is set out in the Code of Conduct. The test is whether the Councillor could reasonably be regarded as having an interest so significant that it was likely to prejudice their judgement. As the decision is to approve a Publication Draft Local Plan, my advice to Councillors is that it is reasonable to conclude that this test would be met and therefore, Councillors would not be able to remain and take part in the debate and vote (after declaring the interest) without a dispensation. By making the declaration of a Non-Pecuniary Interest, for land ownership, it will be assumed that the interest does prejudice your judgement and therefore, you should not take part in the decision.

Members may have declared interests at earlier meetings in the local plan process including previous Council meetings and at the Local Plan Committee, it is important to be seen to be consistent in the approach, if Members have ceased to hold an interest they may wish to explain this. A declaration made previously cannot be assumed to be carried forward and Members must make all relevant declarations at the meetings they attend.

For openness and transparency this advice will be included within the minutes."

Councillor I J Henderson declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as he was a member of the Development and Regulation Committee at Essex County Council.

Councillor Stock declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Coley and V E Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as they were Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Honeywood and Amos declared a non-pecuniary interest in respect of item A.1 of the Reference from the Local Plan Committee insofar as they represented the Council on the John Gilders & Maskell Almshouses Trust.

36. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman informed Members that the schedule of functions that he and the Vice-Chairman had attended could now be found online.

37. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

38. STATEMENTS BY THE LEADER OF THE COUNCIL

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

39. STATEMENTS BY MEMBERS OF THE CABINET

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

40. PETITIONS TO COUNCIL

There were none on this occasion.

41. 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.

42. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

One question had been submitted as set out below:

Question

From Councillor Jo Henderson to Councillor Michael Talbot, Portfolio Holder for the Environment:

“Please can I ask the Portfolio holder, with the ever increasing issue of dog fouling in Harwich and Dovercourt, will he consider having a full time Dog Warden solely for this issue in our District?”

At present the excellent wardens we have are not able to tackle this problem because they have to cover such a wide area of Council responsibilities.”

Councillor Talbot replied as follows:-

“Thank you for your question Councillor Henderson. This is a concern shared by all our residents.

We currently have two full time dog wardens who are responsible primarily for the collection and return of stray dogs with the Tendring District. Unallocated time following their primary role is spent on duties which are directly related to the dog wardens such as microchipping of dogs, dog barking noise complaint etc.. However, the majority of the remainder of their time is spent patrolling dog walking areas and other areas of high footfall such as seafronts, town centres and open spaces, the purpose of which is to act as a visible deterrent towards irresponsible dog owners along with providing a visible presence to dog walkers who may actually have enquiries or wish to pass on information to the wardens.

During the summer the working day of the two dog wardens is extended by a split shift system; with one dog warden starting at 07.45 and finishing at 16.15 whilst the other dog warden starts later at 10.30 and finishes at 19.00. The purpose of the extended day during the summer period is to be able to patrol areas at times of the morning and evening (i.e. before and after the normal working day for most people) when dog walkers are present in much larger numbers.

Whilst duties such as abandoned vehicles, cars for sale and fly tipping are the primary responsibility of the two Community Wardens, in practice whilst an officer is in a particular area of the district they will, pending their time availability, undertake other duties which may not be part of their core role. In undertaking these additional duties the council ensures that service requests from members of the public are dealt with in a timely and efficient manner whilst also ensuring that staff remain robust with their multiple and varied skill sets.

Lastly I would like to confirm to you that the two dog wardens patrol both Harwich and Dovercourt seafront areas on a regular basis and will continue with these patrols into the future.”

Councillor J Henderson then asked the following supplementary question –

“Thank you Councillor Talbot but you did not actually answer the question I asked you. The question was – will you consider having a full-time dog warden solely for the District. My supplementary question is this – what I would like you to do is undertake a review of the resources being made available to tackle this ever increasing problem across the whole of the District and do you further agree with me that if we want to present this District as a top destination for tourism we need to get the basics right? This issue is one of those basics our residents and visitors deserve to have dealt with.”

Councillor Talbot responded along the following lines –

“Thank you Councillor Henderson. What you are really after in your question is it possible to have a Warden especially allocated to Harwich and Dovercourt. The honest answer really is not so. The finances would not allow it. We are cutting back everywhere we can. We’ve only had a couple of dog wardens for many years now. I think that they were cut in the years of the previous administration. But certainly dog fouling is a major cause of worry and disturbance to people in the area. And it gets much worse in the summer. It is a problem everywhere. I can not make any promises to you but what I can say is you like me are a member of a Parish/Town Council. There is a little bit we can do in our area. For example, St Osyth Parish Council have put up notices all around the parish reminding people that dog fouling is an anti-social behaviour and can lead to a £50 fine. Hopefully it will make people feel ashamed if they do not pick up their dog’s waste. None of that of course Councillor Henderson is a promise of an additional dog warden.”

43. REPORT OF THE LEADER OF THE COUNCIL – URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

44. MINUTES OF COMMITTEES

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

(a) Corporate Management of Monday 15 May 2017; and

(b) Community Leadership and Partnerships Committee of Monday 22 May 2017.

45. MOTIONS TO COUNCIL

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

46. RECOMMENDATIONS FROM THE CABINET

There were no recommendations from the Cabinet on this occasion.

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

There were none on this occasion.

48. REFERENCE FROM LOCAL PLAN COMMITTEE – A.1 – TENDRING DISTRICT COUNCIL PUBLICATION DRAFT LOCAL PLAN

Councillor I J Henderson had earlier declared a non-pecuniary interest in respect of this item insofar as he was a member of the Development and Regulation Committee at Essex County Council.

Councillor Stock had earlier declared a non-pecuniary interest in respect of this item insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi had earlier declared a non-pecuniary interest in respect of this item insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Coley and V E Guglielmi had earlier declared non-pecuniary interests in respect of this item insofar as they were Directors of Lawford Housing Enterprise Trust though no land had been allocated in the Local Plan that the Trust owned.

Councillors Honeywood and Amos had declared non-pecuniary interests in respect of this item insofar as they represented the Council on the John Gilders & Maskell Almshouses Trust.

Council had before it a comprehensive report which sought its approval to endorse the content of the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals for consultation and submission to Government. The Publication Draft Local Plan was attached as Appendix A, and the Sustainability Appraisals as Appendix B to the report.

Members were aware that Tendring District Council was preparing a new Local Plan in order to guide future development in the Tendring District up to 2033 and beyond. Members recognised that having an up-to-date plan was critical for creating job opportunities, attracting investment for improved infrastructure, protecting the environment and ensuring that the new homes required met the needs of a growing population; were built in the right locations and achieved good standards of quality and design. Without an up-to-date plan it would be more difficult for the Council to secure investment and protect the District from unplanned developments.

Council was reminded that the Local Plan comprised two sections. Section 1 had been jointly prepared with Braintree District Council and Colchester Borough Council and dealt with strategic issues including the proposals for garden communities. Section 2 of the Plan related just to the District of Tendring. Some chapters in Section 2 had been considered by the Local Plan Committee on 20 April 2017. Section 1 of the Local Plan, and the remaining chapters for Section 2 had been considered by the Local Plan Committee on 12 June 2017. The Cabinet had also been consulted on the Local Plan at its meeting held on 13 June 2017.

At its meeting held on 12 June 2017 (Minute 7 referred), the Local Plan Committee had -

“RESOLVED that the Committee -

1.
 - (a) *endorses the content of Section 1 of the Council’s Publication Draft Local Plan;*
 - (b) *endorses the remaining chapters of Section 2 of the Council’s Publication Draft Local Plan, as set out in Appendix A and as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting and including a full set of the Local Maps;*
 - (c) *endorses the amendments to those Chapters of Section 2 of the Council’s Publication Draft Local Plan already endorsed by Members at their meeting held on 20 April 2017 and as set out in the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting;*
2. *endorses the Sustainability Appraisals prepared by Place Services, as attached (and summarised) in Appendix C;*
3. *refers Section 1 and the remaining chapters of the Tendring District Council Publication Draft Local Plan, together with its decision on 20 April 2017, as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting, to Cabinet as a complete document for consultation;*
4. *delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor administrative corrections and changes to the Publication Draft Local Plan; and*

RECOMMENDS TO COUNCIL that:

5. *the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals be approved;*
6. *a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;*
7. *following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and*
8. *Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound."*

At its meeting held on 13 June 2017 (Minute 28 referred), the Cabinet had –

"RESOLVED that Cabinet endorses the content of the Tendring District Council Publication Draft Local Plan (as amended by the content of the Update Sheet provided to Members of the Local Plan Committee and to Cabinet) and its Sustainability Appraisals, as attached at Appendices A and B to the Report of the Leader of the Council."

Council had before it an update sheet which informed it of alterations and/or additions in respect of the following:

Amendments to Section 1 of the Local Plan

Minor amendments to the text of "Tendring/Colchester Borders Garden Community – SP8" in Section 1 of the Local Plan to reflect the decision of Colchester Borough Council's Local Plan Committee on 12 June 2017 namely to include appropriate references to safeguarding the green edge to Colchester with a new country park provided along the Salary Brook corridor and incorporating Churn Wood.

Amendments to Section 2 of the Local Plan

- (i) Local Maps;
- (ii) Living Places;
- (iii) Sustainable Places;
- (iv) Protected Places; and
- (v) Healthy Places.

The Leader of the Council & Chairman of the Local Plan Committee (Councillor Stock) paid tribute to the Officers and members of the Local Plan Committee past and present for their sustained hard work on the Local Plan and on the Garden Communities project.

Councillors Everett, G V Guglielmi, Parsons, Bray and I J Henderson participated in the discussion of this item.

Having considered all of the information provided, it was moved by Councillor Stock and seconded by Councillor I J Henderson and:

RESOLVED that Council approves:

1. the content of the Tendring District Council Publication Draft Local Plan and

Sustainability Appraisals (subject to the content of the Update Note provided to Members and tabled at the meeting);

2. that a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;
3. that following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and
4. that Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound.

49. REPORT OF THE CHIEF EXECUTIVE – A.2 – FORMATION OF A NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL, CHANGE OF MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF MEMBERSHIP OF COMMITTEES

Council had before it a report of the Chief Executive which informed Council of the formation of a new political group on Tendring District Council; changes of membership of other political groups and also enabled Council to consider the outcome of a review of the membership of Committees conducted 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.

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeffrey Bray and Richard Everett on 10 May 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.

The Chief Executive further formally reported that, also on 10 May 2017, Councillor Bray and Councillor Everett, 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 Independent Alliance Group. The Leader of the Independent Alliance Group was Councillor Bray and Councillor Everett was the deputy Group Leader.

The Chief Executive further formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Anne Davis on 12 May 2017, had served formal notice on the Council that she no longer wished to be treated as a member of the UKIP political group.

The Chief Executive further formally reported that, also on 12 May 2017, Councillor Davis, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that she wished to be treated as a member of the Independent Alliance group.

The Chief Executive further formally reported that, on 15 May 2017, Councillor Laurie Gray, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the Independent Alliance group.

The Chief Executive further formally reported that, on 15 May 2017, Councillor John Brown, pursuant to Regulation 9(b) of the Local Government (Committees and Political

Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the UKIP group.

The Chief Executive further formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Jack Parsons on 23 May 2017, had served formal notice on the Council that he no longer wished to be treated as a member of the Labour political group.

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 has been carried out. The outcome of that review, as agreed by Group Leaders, was attached as an appendix to the report..

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

RESOLVED that -

- (a) the Schedule of Appointments to Committees (which has been agreed by Group Leaders), as attached as an Appendix to item A.2 of the Report of the Chief Executive, be approved with immediate effect, subject to Councillor J A Brown being appointed to the Standards Committee in place of Councillor Whitmore; and
- (b) Councillor J A Brown be appointed to replace Councillor Bray as the named substitute on the Human Resources Sub-Committee Panel.

50. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The meeting was declared closed at 8.22 p.m.

Chairman

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COUNCIL

5 SEPTEMBER 2017

REPORT OF CHIEF EXECUTIVE

A.1 PETITION: MILLENNIUM SQUARE, WALTON-ON-THE-NAZE
(Report prepared by Ian Ford)

In accordance with the Council's approved scheme for dealing with petitions, I formally report the receipt of a petition submitted by Mr Brian Green, as lead petitioner. The petition is signed by 76 local residents, objects 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 wishes the Council to reverse its decision.

In accordance with the Council's approved scheme for dealing with petitions, this matter will now be investigated and a report will be prepared and presented to the Cabinet on the basis that it contains between 30 and 249 signatures.

Members will be aware that the next practicable ordinary meeting of the Cabinet is on 6 October 2017.

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

RECOMMENDED - That the receipt of the Petition and the contents of the report be noted.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

5 SEPTEMBER 2017

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.1 PETITION: MILLENNIUM SQUARE, WALTON-ON-THE-NAZE

Petition submitted by Mr Brain Green to the Council August 2017.

QUESTION TO COUNCILLOR NEIL STOCK OBE
LEADER OF THE COUNCIL

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Question raised by: Mr Dan Casey, Jaywick Sands, Clacton-on-Sea

“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?

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QUESTION TO COUNCILLOR FRED NICHOLLS
PORTFOLIO HOLDER FOR CORPORATE ENFORCEMENT

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Question raised by: Ms Bridget Tyson, Point Clear Bay, St. Oysth

"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."

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QUESTION TO COUNCILLOR FRED NICHOLLS
PORTFOLIO HOLDER FOR CORPORATE ENFORCEMENT

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Question raised by: Mr Daniel Logan, Maylandsea, Chelmsford

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?*

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QUESTION TO COUNCILLOR ZOE FAIRLEY
PORTFOLIO HOLDER FOR INVESTMENT AND GROWTH

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Question raised by: Councillor Richard Everett

“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?”

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QUESTION TO COUNCILLOR NEIL STOCK OBE

LEADER OF THE COUNCIL

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Question raised by: Councillor Jo Henderson

“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?”

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QUESTION TO COUNCILLOR FRED NICHOLLS
PORTFOLIO HOLDER FOR CORPORATE ENFORCEMENT

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Question raised by: Councillor Michael Talbot

“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 noticed 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?

**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY
COMMITTEE, HELD ON WEDNESDAY 31 MAY 2017 AT 7.30 PM,
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Griffiths (Chairman), V E Guglielmi (Vice-Chairman), Amos, Bush, Chapman, Fowler, Miles (except items 1-3) and Pemberton
Also Present:	Councillors Alexander, G V Guglielmi (Resources and Corporate Services Portfolio Holder), Honeywood (Housing Portfolio Holder), Raby (except items 5-6), Stephenson (except items 5-6) and Watson (except items 5-6)
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Andy White (Head of Property Services) (except items 5-6), Claire Ellington (Control Centre Service Development Manager) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Sharon Corcoran (Jaywick Resource Centre Committee member) (except items 5-6)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

2. MINUTES OF THE LAST MEETING

At the last meeting of the Committee, the Chairman had requested that the Council's Head of Housing (Tim R Clarke) respond to Councillor I Henderson in regards to 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 and Honeycroft Sheltered Housing Schemes referred).

The following response had been emailed to Councillor I Henderson and copied to the Committee:

“I understand that at the recent meeting of the Service Development and Delivery Committee the Chairman requested that I respond to you with clarification regarding the £100,000 HRA deficit from cuts in Housing Related Support Funding (HRS) and clarify if the cuts completely related to Careline alarms.

The funding cuts relate to both the provision of Careline alarms for sheltered housing residents and the provision of support to them. The funding received in 2016/17 was split roughly 30% for Careline and 70% for the support officer posts funded through the Housing Revenue Account (HRA). The funding had already been reduced by around £34,000 from 15/16.

The removal of the funding for the 2017/18 financial year is part of a wider programme of HRS funding reductions undertaken by ECC that I understand have totalled £5 million across Essex and have included reductions for floating support services and supported housing for young persons.

The reductions in funding to TDC will be borne by the HRA for 2017/18 but the review of Spendells and Honeycroft requested by the committee will now include options for dealing with the deficit in future years.

I hope this clarifies the situation but please let me know if you would like any further information.”

The minutes of the last meeting of the Committee, held on 3 April 2017, were then approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none.

4. JAYWICK COMMUNITY RESOURCE CENTRE

The Resources and Corporate Services Portfolio Holder (Councillor G V Guglielmi) who was in attendance, introduced this item to the Committee and gave an overview of the current situation regarding Community Halls owned by Tendring District Council (TDC).

The Council’s Head of Property Services (Andy White) was also in attendance and gave a verbal briefing to the Committee. He confirmed:

- The ownership of the land and Community Hall;
- That draft terms for the Lease of the Community Hall (which were subject to negotiation) had been sent to the Tenant and not a Lease or Contract;
- How the ‘CAROS’ scheme worked; and
- That an assessment by experts had been carried out to establish the appropriate rental charge for Council owned Community Halls.

Sharon Corcoran, Councillor Watson and Councillor Raby were in attendance to represent the Jaywick Resource Centre Committee. The Chairman gave them the opportunity to address the Committee with their concerns.

Members raised questions on various issues throughout this item which were responded to by the Head of Property Services and the Resources and Corporate Services Portfolio Holder.

It was confirmed that:

- The Resources and Corporate Services Portfolio Holder and the Council’s Assets Team would offer to meet with the Jaywick Resource Centre Committee members on site before lease negotiations began;
- The Resources and Corporate Services Portfolio Holder assured the Jaywick Resource Centre Committee members that Cabinet would take into consideration the special nature of the site during any negotiations;

- Any public body that used the facility should be offering a financial consideration towards the upkeep of the Jaywick Resource Centre; and
- The Jaywick Resource Centre Committee members should supply the requested financial documents to TDC Officers in advance of any negotiations.

Following discussion it was **RECOMMENDED** to **CABINET** that:

- (a) Any future contract between TDC and the Tenant of the Jaywick Resource Centre includes the terms of the tenant's liabilities; and
- (b) Any outstanding repairs at the Jaywick Resources Centre are reported to the appropriate Officers at TDC and that the repairs are investigated and actioned as work schedules allow.

5. UPDATE ON WALTON LIFESTYLES

The Chairman confirmed that the Council's Head of Sport and Leisure (Mike Carran) 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) was in attendance and read the statement out to the Committee which confirmed the following:

"Following a request from the Chairman, the Corporate Director for Operational Services provided the following position statement to the April meeting of the Service Development and Delivery Committee:

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 at this time.*

The Committee were then given an up to date position:

1. *The management team have continued to work closely with the independent water management company, to ensure all recommended control measures throughout the Sports Facilities are working effectively.*
2. *The regular legionella testing regime at Walton Lifestyles has returned 'satisfactory' results at every stage since re-opening the facility. The latest samples were taken on 17th May 2017. The continued satisfactory results provide assurance that the remedial works and ongoing operational procedures are working effectively.*
3. *The programme of checks and balances in place across TDC leisure centres, both internally and from the external water management company, continue to provide assurance that controls continue to manage the risk of legionella across all sites.*
4. *The HSE investigation remains an ongoing process, so point 6 above is still pertinent at this time."*

The statement was **NOTED**.

6. CARELINE SERVICES PROVIDED AT BARNES HOUSE

The Housing Portfolio Holder (Councillor Honeywood) introduced this item to the Committee.

The Council's Control Centre Service Development Manager (Claire Ellington) was in attendance and gave the Committee a presentation on the Council's Control Centre Services. The presentation covered the following:-

- Update on services;
- Growth over the last 7 years;
- Future risks and opportunities;
- Careline turning 30 years old;
- External Contracts;
- Statistics;
- Wristband Service;
- Key Safes;
- CCTV;
- Careline's involvement in Emergency Planning;
- Staff Training;
- Careline - TSA Platinum Accreditation for the third year running;
- Update on the 'Lifting' service; and
- Recruitment difficulties.

The Control Centre Service Development Manager informed the Committee that the Council had been successful with a Tender submitted to Rochford District Council for 'out of hours' work which had been confirmed by letter that day.

Members were then given the opportunity to ask questions.

Following discussion the Committee thanked the Control Centre Service Development Manager and all of her staff at the Control Centre for their hard work and particularly for the good work in winning external contracts.

It was **RECOMMENDED** that:

- The Portfolio Holder for Leisure and Partnerships and relevant Officers should revisit results from a previous falls prevention project and meet with Officers at the NEE CCG in order that they should understand the value of funding a Local Authority Lifting Service, building on past and current pilot projects and the lifting service offered by Tendring Careline.

The meeting was declared closed at 9.48 pm

Chairman

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**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,
HELD ON MONDAY 12 JUNE 2017 AT 6.00 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD,
CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Stock (Chairman), Turner (Vice-Chairman), Bray, Broderick, G V Guglielmi (except items 1 - 2), I J Henderson, Land, Newton, Platt, M J D Skeels, Stephenson, Watson and Yallop
Also Present:	Councillors Bucke, Bush, Chapman, Everett, Ferguson, Raby, Steady and White
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director - Corporate Services), Cath Bicknell (Head of Planning), Simon Meecham (Planning and Regulation Manager), Gary Guiver (Planning Manager), Ian Ford (Committee Services Manager), Nigel Brown (Communications and Public Relations Manager), Mary Foster (Senior Development Technician) and Will Fuller (Planning Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Nicholls and Porter. There were no substitutions.

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 20 April 2017, be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

The Corporate Director (Corporate Services), on behalf of the Council's Monitoring Officer, read out the following advice to Members:

"I believe it would be useful to provide members with guidance on declarations of interest in consideration of the Publication Draft Local Plan document, which is being considered by this Committee tonight, Cabinet on 13th June and will be presented to full Council on 15th June.

The decision being sought at these meetings includes recommending, endorsing and approval of a Publication Draft Local Plan and Sustainability Appraisals for public consultation and submission to the Government for Examination in Public.

The majority of Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such District wide decisions, however, for the avoidance of doubt and Members' protection, acting as the Council's Monitoring Officer it is entirely reasonable that the criteria set out in Section 33 (a) to (e) of the Localism Act 2011 applies and for land ownership simply

within the red line settlement boundaries, a dispensation is granted to all Members to debate and vote on the item.

However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas to be allocated, shown in various colours on the plans within the document, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item, although it is unlikely that I would grant a grant a dispensation in the circumstances. If you are unclear or require further advice please contact me or Martyn Knappett, Deputy Monitoring Officer. Failure to declare a DPI and take part in a decision is a criminal offence.

Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition of Non-Pecuniary Interests, if you were appointed or nominated to an outside body or organisation by the Council or are a member of an outside body which owns or controls land. A number of these organisations could meet the "likely to affect" test. The impact of having a Non-Pecuniary Interest on participation at meetings is set out in the Code of Conduct. The test is whether the Councillor could reasonably be regarded as having an interest so significant that it was likely to prejudice their judgement. As the decision is to approve a Publication Draft Local Plan, my advice to Councillors is that it is reasonable to conclude that this test would be met and therefore, Councillors would not be able to remain and take part in the debate and vote (after declaring the interest) without a dispensation. By making the declaration of a Non-Pecuniary Interest, for land ownership, it will be assumed that the interest does prejudice your judgement and therefore, you should not take part in the decision.

Members may have declared interests at earlier meetings in the local plan process including previous Council meetings and at the Local Plan Committee, it is important to be seen to be consistent in the approach, if Members have ceased to hold an interest they may wish to explain this. A declaration made previously cannot be assumed to be carried forward and Members must make all relevant declarations at the meetings they attend.

For openness and transparency this advice will be included within the minutes."

Councillor Stock declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Councillor I J Henderson declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a member of the Development and Regulation Committee at Essex County Council.

4. PUBLIC SPEAKING

The Chairman invited the following persons to address the Committee:

Angela Barnes, representing Weeley Residents Association, asked the following question in relation to item A.3 of the Report of the Head of Planning – Publication draft Local Plan:

“Why is Horsley Cross still missing from localities listed for future development on the Plan? If it was considered suitable to put forward for Industrial use, and then for the site of a future prison – why isn’t it considered suitable for larger development - for instance a Garden Village site? Please acknowledge that Weeley is, and always has been, the bottle-neck of the Tendring Peninsula, and for goodness sake start taking a sensible approach to road infrastructure and put any future large development onto the A120.”

The Chairman replied as follows:

“Thank you for your question. Local Plans are created balancing social, economic and environmental considerations. Horsley Cross is remote from services and from people. Horsley Cross has not formed part of this Local Plan because it is an unsustainable location for growth. As I am sure you will be aware, the Local Plan follows the established settlement hierarchy. Horsley Cross is too small to feature within the settlement hierarchy and placing large scale growth there would be unviable and unsound.”

Carol Bannister made short statements relating to items A.1, A.2 and A.3 of the Report of the Head of Planning. In respect of item A.1 Ms Bannister raised her concerns and objections that the last paragraph of the Resources and Risk section stated that there may be a need to reconsider the option of major strategic development around Weeley if the Council was unable to demonstrate that the sites proposed for the Local Plan could reasonably deliver objectively assessed housing requirements in full, with the necessary buffers. In respect of item A.2 Ms Bannister stated her opposition to the allocation for mixed use development of land south of Thorpe Road, Weeley. In respect of item A.3 Ms Bannister objected to Policy SAMU5 and particularly the wording of “at least 280 new homes”.

Sue Jiggins made a statement relating to item A.3 of the Report of the Head of Planning in which she opposed the proposed allocations for housing at Weeley.

5. REPORT OF THE HEAD OF PLANNING SERVICES - A.1 – HOUSING SUPPLY POSITION AND HOUSING TRAJECTORY

The Committee had before it a report of the Head of Planning Services (A.1), which reported - .

- the number of new homes built in the Tendring District during the 2016/17 financial year;
- the current housing land supply position (the ‘five-year’ supply); and
- the year-by-year trajectory for building new homes over the full period of the new Local Plan up to 2033.

Housing Completions

It was reported that In the period 1 April 2016 to 31 March 2017, 658 new homes had been completed in the Tendring District.

Five Year Supply

It was reported that the Council could now demonstrate a five-year supply of deliverable housing sites, plus a 20% buffer, as was required by national planning policy. This placed the Council in a much stronger position to resist planning applications for housing that were contrary to the saved policies in the 2007 Local Plan and the emerging Local Plan.

Housing Trajectory

It was reported that the Council could also demonstrate, if site allocations were approved by Council at its meeting to be held on 15 June 2017 that the Publication Draft Local Plan, before the Committee under a later agenda item, could achieve the requirement of 11,000 homes between 2013 and 2033. This was through a combination of homes already completed since April 2013, development on large sites with planning permission, sites allocated for development in the plan, small 'windfall' sites, the new 'garden community' planned for the Tendring/Colchester border and a buffer of sites to accommodate any non-delivery.

Having considered all of the information provided, it was moved by Councillor Turner and seconded by Councillor Bray and:

RESOLVED that the Committee –

1. notes the net dwelling stock increase of 658 for the Tendring District recorded for the period 1 April 2016 to 31 March 2017 and achievement of a five-year housing supply at 31 March 2017; and
2. endorses the contents of this report as evidence:
 - a) to demonstrate the housing supply trajectory and aid the examination in public of the Publication Draft Local Plan; and
 - b) to demonstrate an up-to-date 5.1 year housing supply, at the end of May 2017, for the purposes of determining planning applications; which will be kept under review and updated as necessary to reflect the latest information and intelligence.

6. **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) Employment and Demography for the Garden Communities including non 'B' class uses (Braintree, Colchester and Tendring);

- (ii) Viability Appraisal;
- (iii) Habitats Regulation Assessment (Section One);
- (iv) Strategic Flood Risk Assessment and flood risk sequential tests;
- (v) Transport Modelling – Phase 3;
- (vi) Infrastructure Delivery Plan (Braintree, Colchester, Chelmsford and Tendring);
- (vii) Habitats Regulation Assessment (Section Two);
- (viii) Local Plan Viability;
- (ix) Sustainability Appraisal and Strategic Environmental Assessment for the Submission Local Plan;
- (x) Open Space, Sport and Recreation;
- (xi) Gypsy Traveller Accommodation Assessment;
- (xii) North Essex Garden Communities Transport and Movement Study; and
- (xiii) Concept Frameworks for the Garden Communities..

The Committee had before it an update sheet which informed it of alterations and/or additions in respect of the Evidence Update Table.

Having discussed the information provided, it was moved by Councillor Turner and seconded by Councillor G V Guglielmi and:

RESOLVED that the latest progress on the evidence base, to justify the content of the Local Plan, be noted.

7. REPORT OF THE HEAD OF PLANNING SERVICES - A.3 – PUBLICATION DRAFT LOCAL PLAN

Councillor Stock had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Councillor I J Henderson had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a member of the Development and Regulation Committee at Essex County Council.

The Committee had before it a comprehensive report of the Head of Planning Services (A.3), which enabled it to review those parts of the Publication Draft of the Local Plan that had not been considered at its meeting held on 20 April 2017 as well as to consider the Plan as a whole. Revisions had been made to take account of the consultation representations and to address and reduce the extent to which there were outstanding objections to the Preferred Options Draft Local Plan.

Members were aware that the Local Plan comprised two sections. Section 1 had been jointly prepared with Braintree District Council and Colchester Borough Council and

dealt with strategic issues including the proposals for garden communities. Section 2 of the Plan related just to the Tendring District. Some chapters in Section 2 had been considered by the Local Plan Committee on 20 April 2017. The report before Members covered Section 1 of the Local Plan, and the remaining chapters for Section 2 of the Local Plan.

It was reported that the remaining Section Two chapters in the report were: Introduction; Living Places; Prosperous Places; Delivering Places; Monitoring and Review; Policies Maps; Local Inset Maps and appendices.

Sustainability Appraisals, which assessed the likely significant environmental implications of the policies and site allocations and considers reasonable alternatives had been carried out for of both sections of the Publication Draft Local Plan.

The Committee had before it an update sheet which informed it of alterations and/or additions in respect of the following:

- (i) Local Maps;
- (ii) Living Places;
- (iii) Sustainable Places;
- (iv) Protected Places; and
- (v) Healthy Places

The Committee was requested to recommend to Council that the complete revised version of the Local Plan, the Publication Draft Local Plan, be approved for public consultation and submission to Government and that the Sustainability Appraisals for Sections 1 and 2 be also approved for public consultation and submission to Government.

Having considered all of the information provided, it was moved by Councillor Stock and seconded by Councillor Turner and unanimously:

RESOLVED that the Committee -

1. (a) endorses the content of Section 1 of the Council's Publication Draft Local Plan;
 - (b) endorses the remaining chapters of Section 2 of the Council's Publication Draft Local Plan, as set out in Appendix A and as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting and including a full set of the Local Maps;
 - (c) endorses the amendments to those Chapters of Section 2 of the Council's Publication Draft Local Plan already endorsed by Members at their meeting held on 20 April 2017 and as set out in the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting;
2. endorses the Sustainability Appraisals prepared by Place Services, as attached (and summarised) in Appendix C;
 3. refers Section 1 and the remaining chapters of the Tendring District Council Publication Draft Local Plan, together with its decision on 20 April 2017, as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting, to Cabinet as a complete document for consultation;

4. delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor administrative corrections and changes to the Publication Draft Local Plan; and

RECOMMENDS TO COUNCIL that:

5. the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals be approved;
6. a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;
7. following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and
8. Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound.

The meeting was declared closed at 7.13 p.m..

Chairman

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MINUTES OF THE MEETING OF THE AUDIT COMMITTEE HELD**ON THURSDAY 22 JUNE 2017****AT 7.30 P.M. IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Coley (Chairman), Alexander, Hones (except item 1) and Scott

In Attendance: Head of Finance, Revenues & Benefits Services & Section 151 Officer (Richard Barrett), Audit and Governance Manager (Steve Blake), Committee Services Manager (Ian Ford), Fraud and Risk Manager (Clare Lewis) and Committee Services Officer (Katie Sullivan)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Poonian (Vice-Chairman), with no substitute.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 16 March 2017 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. REPORT ON INTERNAL AUDIT – MARCH TO MAY 2017 AND ANNUAL REPORT OF THE AUDIT AND GOVERNANCE MANAGER 2016/17**REPORT ON INTERNAL AUDIT FOR MARCH TO MAY 2017**

The Council's Audit and Governance Manager (Steve Blake) provided a periodic report on the Internal Audit function for the period of March to May 2017.

The Audit and Governance informed the Committee that 98% of the 2016/17 Internal Audit Plan had been completed by the time of production of this report, with all key systems audits complete or at draft report stage. Eleven audits had been completed in the quarter of which eight had been given either Substantial or Adequate Assurance. Three audits had been rated Improvement Required and no audits had been rated Significant Improvement Required.

It was reported that an annual self-assessment against the Public Sector Internal Audit Standards had identified a small number of outstanding compliance issues to be addressed during 2017/18 alongside the changes arising from the introduction of revised Standards from April 2017.

The Audit and Governance Manager also informed the Committee of the current position in relation to:

- (i) Public Sector Internal Audit Standards;
- (ii) Standard 2060 Reporting to Senior Management and the Board;

- (iii) Internal Audit Plan 2016/17 Progress;
- (iv) Internal Audit Plan 2017/18 Progress;
- (v) Independence of the Internal Audit Activity;
- (vi) Outcomes of Internal Audit Work;
- (vii) Sundry Debtors;
- (viii) Risk Management;
- (ix) Uniform Application Review;
- (x) Management response to Risk;
- (xi) Management response to Internal Audit Reports; and
- (xii) Quality Assurance.

ANNUAL REPORT OF THE AUDIT AND GOVERNANCE MANAGER 2015/16

(1) Opinion on the Overall Adequacy and Effectiveness of the Council's Internal Control Environment

The Audit and Governance Manager informed Members that the Internal Audit function had completed 37 scheduled audits during the year, and a further 10 2016/17 audits had been completed by May 2017. For the audits that had been completed, assurance had been classified as:-

Assurance	Number of Audits
Substantial	15
Adequate	24
Improvement Required	8
Significant Improvement Required	0

The Audit and Governance Manager informed the Committee that the result of each audit completed had been included in periodic reports produced during the year, and the Committee's attention had been drawn to any significant issues where the level of Assurance had been classified as Improvement Required. Whilst there had been audits during the year given this level of Assurance, the number at this level was low, however those audits had included some weaknesses relating to key systems in use across the Council therefore giving a wider risk exposure. No audits had come close to being classified Significant Improvement Required.

Taking account of the above and, where appropriate, reviews by other assurance providers, whilst the governance arrangements were generally found to be sound and fit for purpose, the wider risk exposure linked to some of the significant issues reported had resulted in it only being possible to give a qualified assurance.

(2) Qualification to the Opinion

It was reported that the opinion that had been given above had been based upon the level of Internal Audit activity that it had been proved possible to deliver with the resources available during the year. It had not been possible to fully complete the planned work during the year as detailed elsewhere in this report, although all key audits had been undertaken or were in progress at the year end. In forming an opinion the audit outcomes identified, but not reported until the 2017/18 plan year had been taken into account. The level of coverage achieved was considered sufficient to be able to provide the assurance required.

(3) Summary of the Internal Audit Work Undertaken to Formulate the Opinion, and Reliance Placed on the Work by Other Assurance Bodies

In accordance with best practice and the requirements of the Public Sector Internal Audit Standards, the 2016/17 plan had included arrangements for the follow up of issues found at previous audits. This had taken the form of: -

- Separate follow up audits and embedded follow up work within assurance audits. In those cases any ongoing outstanding issues were formally reported to management, with any significant issues drawn to the attention of the Committee.
- Action Tracking – monthly reminders had been issued, and responses verified by evidence where it was appropriate to do so.

A schedule of the audits undertaken during 2016/17 was included at Appendix B of the Report of the Audit and Governance Manager.

Upon completion of each audit a draft report was issued to the appropriate Corporate Director / Head of Department, containing details of any findings required addressing that which had been identified. Subsequent discussions had been held with appropriate Senior Managers and final reports were then issued, which included detail of agreed actions to resolve the issues identified. There were no instances, for the reports issued during 2016/17, or subsequently to date, where a satisfactory action had not been identified and agreed.

(4) Issues relevant to the preparation of the Annual Governance Statement

The overall opinion given in this report was relevant to the Annual Governance Statement, as was the need to highlight the issues raised in audits on Sundry Debtors, Procurement, Section 106 Agreements, Housing Allocations, Risk Management, Payroll and Human Resources Computer Application Review, and Uniform Computer Application Review all of which had been given an assurance rating of Improvement Required.

(5) Performance of the Internal Audit Function

The performance measures used during 2016/17 were as follows: -

Performance Measure	Actual 2016/17	Actual 2015/16	Actual 2014/15	Actual 2013/14	Actual 2012/13
Percentage of Audit Plan Completed	86% *	79%	71%	94%	91%
Percentage of Satisfactory Responses to Satisfaction Surveys Issued with Final Audit Reports	100%	96%	96%	100%	96%

*At the time of producing this report 98% of the 2016/17 plan had been completed.

(6) Independence of the Internal Audit Activity

The Internal Audit function had maintained an independent role during the year, compliant with the requirements of the Public Sector Internal Audit Standards. Effective arrangements as detailed below were in place to maintain independence taking into account the Audit and Governance Manager's other corporate responsibilities. Effective mechanisms were in place to ensure that any other conflicts of interest within the team

were identified and addressed on an audit by audit basis, with no instances where there was considered to be any impairment to independence or objectivity.

(7) Compliance with the Public Sector Internal Audit Standards

The Public Sector Internal Audit Standards had been in place from 1 April 2013 and updated in 2016 and 2017. Progress updates had been periodically reported to the Committee, on the work being undertaken to demonstrate conformance with the requirements of the Standards. Since their introduction alternate solutions had been agreed by the Audit Committee regarding the following standards:-

1110 Organisational Independence

The standards required specific input from the Chief Executive and the Chairman of the Audit Committee regarding the Audit and Governance Manager's performance appraisal. Alternate arrangements that enabled both to comment on the performance of the Audit and Governance Manager at any time, rather than through the formal appraisal process, had been agreed.

1130 Impairment to Independence or Objectivity

The Audit and Governance Manager had during 2016/17 operational responsibilities regarding Corporate Governance and Risk Management in addition to his Internal Audit duties. The standards identified that audits of activities where such a conflict of interest arose should be overseen by someone outside of Internal Audit. As there were practical issues identifying suitable staff external to the Internal Audit function who did not have a conflict of interest, the alternate arrangement agreed was for the Principal Auditor to undertake the Audit and Governance Manager's role for such audits, with the latter's role in the audit being solely that of auditee. This avoided any conflict of interest and ensured that those audits had been managed by a member of staff with Internal Audit skills and expertise.

New Standard **1112 Chief Audit Executive Roles Beyond Internal Auditing** applicable from April 2017 provided additional clarification and a requirement to periodically review such arrangements – this would be addressed in a future report to the Committee.

As referred to in the periodic report above, a small number of compliance issues relating to the Standards remained outstanding at 31st March 2017, and were listed at Appendix A. Until the external assessment planned for later in 2017 had been undertaken successfully and any issues identified addressed, the Internal Audit function could not be considered fully compliant with the Standards.

Following discussion and questions by Members, it was:

RESOLVED that the contents of the report be noted.

5. ANNUAL GOVERNANCE STATEMENT 2016/17

The Audit and Governance Manager submitted the Annual Governance Statement 2016/17 for the Committee's approval.

It was reported that a new format had been devised for the Annual Governance Statement to inform Members and the public in a proactive way of the effectiveness of the Council's governance arrangements. The Annual Governance Statement had been drafted taking account of the new CIPFA / SOLACE framework.

The Committee was informed that the CIPFA / SOLACE framework identified that an Annual Governance Statement should include:-

- An acknowledgement of responsibility for ensuring that there was a sound system of governance (incorporating the system of internal control) and reference to the Council's Code of Governance;
- Reference to, and assessment of, the effectiveness of key elements of the governance framework and the role of those responsible for the development and maintenance of the governance environment, such as the Authority, the Executive, the Audit Committee, Internal Audit, and others as appropriate;
- An opinion on the level of assurance that the governance arrangements could provide and that the arrangements continued to be regarded as fit for purpose in accordance with the governance framework;
- An agreed action plan showing actions taken, or proposed, to deal with significant governance issues;
- Reference to how issues raised in the previous year's annual governance statement had been resolved; and
- A conclusion – a commitment to monitoring implementation as part of the next annual review.

Members were aware that the CIPFA / SOLACE framework required the Annual Governance Statement to be approved at a meeting of the Authority, or a delegated committee - this role had been delegated to the Audit Committee. The framework also required that the Statement be signed by the Leader of the Council and the Chief Executive, on behalf of the Council.

The Committee was informed that the CIPFA /Solace framework no longer provided a model statement that could be adopted, and it was up to each Authority to produce a compliant statement in a form of their choosing. The format adopted reflected the structure identified in the CIPFA / SOLACE framework above.

The Annual Governance Statement for 2016/17 was attached at Appendix A for approval by the Committee. It would then be subject to audit by the Council's external auditors, following which it must be signed by the Leader of the Council and the Chief Executive, and appended to the Council's Statement of Accounts. If any changes were required following audit, then a revised Annual Governance Statement would require the Committee's approval.

Members were advised that the Leader of the Council and the Chief Executive were required to be advised of the implications of the results of the annual review of the governance framework and that actions were in place to address any weaknesses. In this respect, the Governance Framework in place for 2016/17 was considered to be robust with improvements made during the year, and significant issues that did arise identified. A number of ongoing or forthcoming items had been identified for progression in 2017/18. To monitor progress, those improvement items would be reported to Members as appropriate.

After consideration of the report, it was **RESOLVED** that the Annual Governance Statement 2016/17 be approved.

6. CORPORATE RISK UPDATE

The Head of Finance, Revenues & Benefits Services & Section 151 Officer (Richard Barrett) presented to the Committee a report on the Risk Management Framework and the updated Corporate Risk Register.

It was reported that, within the period under review, no new risks had been added to the register, no risks had been removed, or amended and there were no items that were currently under review. Risks had been amended in respect of –

- (1) 2c Community Leadership Projects;
- (2) 1a Failure to Effectively Manage Assets;
- (3) 1b Catastrophic IT Network Failure;
- (4) 1c Ineffective Communication / Management of Information;
- (5) 6a Loss of sensitive and/or personal data through Malicious Actions, Theft and/or Hacking;
- (6) 6c Disconnection from PCN Network; and
- (7) 9a Ineffective Emergency Planning.

The Committee was informed that although no changes had been identified as being required at this time, the Risk Management Framework was included at Appendix A to the report for information purposes only.

After consideration of this item it was **RESOLVED** that -

- (a) the contents of the updates provided to the current Risk Register be noted;
- (b) in the light of the Grenfell Tower in Kensington, London fire disaster, the Cabinet be requested to re-assess the Council's emergency plans for the evacuation and re-housing of residents in the event of a fire, flood or other major incident and ensure that the Council's financial reserves are adequate to cope with the aftermath over a number of months; and
- (c) the Cabinet be also requested to reassess the emergency arrangements for its own office buildings.

7. AUDIT COMMITTEE – TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Council's Corporate Director (Corporate Services) (A.4) which presented to Members the progress against outstanding actions identified by the Committee.

It was reported that there were no significant issues to bring to the attention of the Committee, with updates provided against individual items, as set out in Appendix A to item A.4 of the Report of the Corporate Director (Corporate Services), or elsewhere on the agenda where appropriate.

For information the External Auditor's Fee letter relating to 2017/18 was attached to the report. This highlighted a 2017/18 proposed fee that remained the same as for 2016/17. The 2017/18 budget was £74,840, which was expected to be sufficient to meet the indicative audit fees including those associated with the certification of the housing benefit subsidy claim once finalised by the PSAA. If the total fees for the year increased due to the cost of additional work that might be required, then this would be managed within the overall budget position.

It was **RESOLVED** that

- (a) the progress made against the outstanding issues be noted; and
- (b) Officers explore, with the Council's insurers, the opportunity to undertake a risk audit of the Council's properties focusing on fire prevention/response issues.

8. ITEMS SCHEDULED FOR THE NEXT MEETING OF THE COMMITTEE IN SEPTEMBER 2017

It was reported that items currently scheduled for that meeting included:

- 1) Internal Audit Regular Monitoring Report
- 2) Audit Results Report 2016/17
- 3) Counter Fraud Strategy / Update
- 4) Annual Review of the Risk Based Verification Policy
- 5) Table of Outstanding Issues

The meeting was declared closed at 8.37 p.m.

Chairman

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**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT
COMMITTEE HELD ON MONDAY 26 JUNE 2017 AT 7.30 P.M. IN THE COUNCIL
CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Baker (Vice-Chairman, in the Chair), Bush, Chapman, Scott, Skeels Jnr and Whitmore

In Attendance: Head of People, Performance and Projects (Anastasia Simpson), Head of Finance, Revenues and Benefits (Richard Barrett), Committee Services Manager (Ian Ford) and Committee Services officer (Katie Sullivan)

7. CHAIR

In the absence of the Chairman (Councillor Steady), the Chair was occupied by the Vice-Chairman (Councillor Baker).

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cawthron (with no substitute), Chittock (with no substitute), Steady (with Councillor Chapman substituting) and Stephenson (with Councillor Bush substituting).

9. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 15 MAY 2017

The Minutes of the meeting of the Committee, held on 15 May 2017, were approved as a correct record and signed by the Chairman.

10. DECLARATIONS OF INTEREST

There were none.

11. CORPORATE BUDGET MONITORING – FINANCIAL OUTTURN 2016/17

The Committee had before it a report of the Corporate Director (Corporate Services) which provided it with an overview of the Council's financial outturn for the year 2016/17.

It was reported that Cabinet, at its meeting held on 16 June 2017, had considered the Financial Outturn 2016/17 and had decided –

“That Cabinet:

- (a) notes the financial outturn position for 2016/17 as set out in item A.4 of the Report of the Resources and Corporate Services Portfolio Holder and its appendices;*
- (b) approves the General Fund Revenue Commitments of £11.448m to be carried forward from 2016/17 to 2017/18 as set out in Appendix A of the above-mentioned report;*
- (c) approves that the overall General Fund Outturn Variance of £1.434m be carried forward via the Revenue Commitments Reserve for further consideration as part of the Initial Financial Strategy for 2018/19 later in the year;*
- (d) approves the financing of General Fund capital expenditure for 2016/17 as detailed in Appendix D of the aforementioned report;*

- (e) *approves the General Fund capital budgets of £10.907m to be carried forward from 2016/17 to 2017/18 and the associated carry forward of the revenue contribution to capital of £1.925m;*
- (f) *approves the movement in uncommitted and earmarked General Fund reserves for 2016/17 as set out in Appendix E to the aforesaid report;*
- (g) *in respect of the HRA, approves the movement on HRA balances for 2016/17 including any commitments set out within Appendices I and J along with recharges to the HRA from the General fund of £2.203m for the year and the financing of the HRA capital expenditure as set out in Appendix J to the above report;*
- (h) *delegates authority to the Council's Section 151 Officer, in consultation with the Resources and Corporate Services Portfolio Holder, to adjust the outturn position for 2016/17 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2016/17 accounts; and*
- (i) *following additional flexibilities given to Local Authorities by the Government, agrees to planning fees being increased by 20% from 1 July 2017 with the necessary budget adjustments being made to reflect the increase in income and associated ring-fencing arrangements, and that further information is provided to a future Cabinet meeting as to how the additional income is to be used to improve the Planning Service."*

The Cabinet report and appendices referred to above were attached as Appendix A to the Report of the Corporate Director (Corporate Services) for the Committee's consideration.

During the discussion of this item, and in response to Members' questions, the Head of Finance, Revenues and Benefits (Richard Barrett) undertook to circulate to Members after the meeting the following –

- (i) a break down of the grants given to organisations under the Big Society scheme during the last financial year;
- (ii) a copy of the Officer report to Cabinet associated with the appointment of a Public Health specialist;
- (iii) a schedule of statutory and non-statutory budgets undertaken by Local Authorities as prepared by the Department for Communities and Local Government as a useful reference for the future;
- (iv) an update against the various comments that the Committee made to Cabinet when it considered the Financial Strategy and detailed Budgets for 2017/18 earlier in the year; and
- (v) in respect of the collection of housing rent performance, the comparative performance for 2015/16.

It was agreed that Members' questions on the following matters would be put to the relevant Officers when they attended the next meeting of the Committee on 24 July 2017:

- (1) Fast Food Initiative Funded Projects;
- (2) Weekly Waste Collection Grant Funded Initiatives;
- (3) Men's Cycle Tour;
- (4) Health and Safety Review following Legionnaires issue at Frinton & Walton Pool;
- (5) Beach Economy; and
- (6) The proposed provision of new Beach Huts.

It was **AGREED** that the Committee **COMMENTS/RECOMMENDS TO CABINET** that –

- (a) the Committee supports the 20% in planning fees;
- (b) the Committee looks forward to receiving an update in due course on how this additional income will be used to improve the Planning service; and
- (c) the insurance claim monies from the Cloes Lane, Clacton-on-Sea rebuild should be ring-fenced and used (with Section 106 monies) to 'buy back' a former Council dwelling lost under the 'right to buy' legislation.

The meeting was declared closed at 9.04 p.m.

Chairman

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Standards Committee

28 June 2017

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY 28 JUNE 2017 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Bucke, Bush, Nicholls (in the Chair) and White
Also Present:	John Wolton and Clarissa Gosling (Independent Persons)
In Attendance:	Lisa Hastings (Head of Governance and Legal Services and Monitoring Officer), Ian Ford (Committee Services Manager) and Katie Sullivan (Committee Services Officer)

1. CHAIR

The Committee Services Manager (Ian Ford) welcomed everyone to the meeting and explained that, in the absence of the Chairman (Councillor Heaney) and Vice-Chairman (Councillor Honeywood), a Chairman would need to be elected for this meeting.

It was moved by Councillor White, seconded by Councillor Bush and **RESOLVED** that Councillor Nicholls be elected to act as Chairman for this meeting.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Heaney, Honeywood and Davis (with no substitutes), Councillor J Brown (with Councillor Bush substituting) and Councillor Steady (with Councillor White substituting).

3. MINUTES OF THE LAST MEETING

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

4. DECLARATIONS OF INTEREST

There were none.

5. REPORT OF THE MONITORING OFFICER - A.1 - ON-GOING REVIEW OF MEMBERS' CODE OF CONDUCT

There was submitted a report (A.1) by the Council's Monitoring Officer (Lisa Hastings) which had requested the Committee to continue with its review on the Members' Code of Conduct and to consider the proposed changes made following the suggested revisions at its meeting in September 2016.

As part of its annual work programme, the Committee had commenced a review of the Members' Code of Conduct and had paid particular attention to the definitions of interests.

The Monitoring Officer gave the Committee some background information on this item as some Councillors present had not been present at the previous Standards Committee meetings when this item had been discussed.

The Committee was informed that, at its meeting on 29 June 2016, the Monitoring Officer had informed Members that there would be some merit in undertaking a light

touch review of the Code of Conduct and to consider removing the distinction between “Other and Non Pecuniary Interests” by joining them together and reviewing the definitions. The Monitoring Officer had also informed Members that the three different types of interest had caused confusion with Members and the public and could be made simpler. In addition, it had been raised whether the provisions on declarations of interests had gone far enough and questions had been asked whether the Council should be retaining a register of interests. Matters such as membership of various groups or organisations had caused concerns with elected Members and the public that those were not registered, and whilst this was not required on a statutory basis, provisions could be included within the local Code. Members had discussed the advantages of a register of interests, beyond the statutory minimum which was required by the legislation and had welcomed further exploration in this area.

The Monitoring Officer had informed Members that, nationally, a number of Councils had reviewed their codes since adoption, some in response to feedback on definitions or areas which were missing, or due to the lack of sanctions available if the obligations were compromised. New ideas such as a voluntary acceptance of suspension and a recall scheme were emerging and information on those could be presented to the Committee for information through the review of the Code.

The Committee was also informed that, at its meeting in September 2016, potential changes and additions to the Code had been discussed in order to provide clarity in relation to:

- Separating the Rules of Conduct and General Obligations from the introduction and interpretation part of the Code;
- Merge Other Pecuniary Interests with Non-Pecuniary Interests; and
- Effect of Other or Non-Pecuniary Interests on participation.

At that meeting it had been agreed that the Monitoring Officer would produce a revised draft Code of Conduct for further discussion to take place at the next meeting so that the Committee could work towards recommending minor changes to the Members’ Code of Conduct to full Council.

The Monitoring Officer had produced a revised draft Code of Conduct showing tracked changes which had been attached to the report as Appendix 1 and went through this with the Committee stage by stage. A clean copy had also been attached as Appendix 2 for further consideration by the Committee.

Members raised questions which were responded to by the Monitoring Officer.

The Independent Persons (John Wolton and Clarissa Gosling) were given the opportunity to make comments and ask questions.

The Monitoring Officer confirmed that she would action the amendments suggested by the Committee and provide a further amended version of the Members’ Code of Conduct at its next meeting before going to full Council.

Having discussed the revised draft Code of Conduct, it was moved by Councillor Nicholls, seconded by Councillor White and **RESOLVED:-**

That the review of the Members' Code of Conduct be continued and that the draft revised Code of Conduct be endorsed, subject to the changes put forward by the Committee at this meeting.

6. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF SOCIAL MEDIA GUIDELINES FOR MEMBERS

The Monitoring Officer reminded the Committee that, given the clear benefits of Social Media and recognising that it had become part of everyday life for some Councillors, it had been decided that, as part of its annual work programme and following on from a previous investigation, a review of the Council's Social Media Policy would be carried out in order to ensure the guidelines were clear and would enable to assist understanding of the potential pitfalls of using Social Media.

There was submitted a report (A.2) by the Monitoring Officer which had requested the Committee to review the Council's Social Media Guidelines and to give specific advice to be issued for elected Members.

Members were aware that the Council had previously produced Social Media Guidelines, which had last been updated in March 2016 and those Social Media Guidelines were attached to the report as Appendix A.

Draft Guidelines for Members, which had set out some simple rules, were attached to the report as Appendix B and had included a reminder that inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

The Committee were informed of the legal considerations of matters such as Libel, Copyright, Data Protection, Equality, Obscene Material and the principles of the right to freedom of expression and its restrictions.

Members raised questions which were responded to by the Monitoring Officer.

The Chairman asked the Independent Persons (John Wolton and Clarissa Gosling) if they had any comments or questions but both confirmed they did not.

Following discussion, it was moved by Councillor Nicholls, seconded by Councillor White and **RESOLVED** that:

1. subject to the amendments requested by the Standards Committee at the meeting, the draft Guidelines for Members when using Social Media, as set out in Appendix B be approved and adopted; and
2. the approved Guidelines be circulated to all Members and annexed to the Corporate Social Media Guidelines to ensure it provides advice to both Councillors and Officers.

7. 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 a complaint received, without providing any names, and went through

it with the Committee. The Monitoring Officer also highlighted a number of other matters which included:

Training Session for new Councillors

The Monitoring Officer informed the Committee that a training session on the Code of Conduct had been delivered for newly elected District Councillors following recent by-elections.

Potential Complaints

- 1) An inquiry had been received from a potential complainant, and although aggrieved by the actions of a District Councillor, the complaint form had not yet been returned.
- 2) A complaint form had been received regarding a District Councillor, however this had related to the Member acting in their private capacity with no link to the Council and therefore outside of the Monitoring Officer's remit. The complainant had been informed and no further response had been received.
- 3) On-going discussions had taken place with a member of the public regarding a Parish Council and, in particular, the action of the Chairman and a completed complaint form was expected to be received soon.

Failure of a District Councillor to declare an interest

The Monitoring Officer informed the Committee that she had had concerns regarding the potential failure of a District Councillor to declare an interest and that she was taking informal action through the relevant Group Leader, as permitted by the Complaints Procedure.

Advice and Guidance

The Monitoring Officer informed the Committee that detailed advice and guidance had been provided to all Councillors during the recent Local Plan decision making process.

Requests for Dispensations

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

The meeting was declared closed at 11.30 am

Chairman

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP AND
PARTNERSHIPS COMMITTEE, HELD ON MONDAY 10 JULY 2017 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Baker (Vice-Chairman, in the Chair), Amos, Broderick, Chapman, Gray, I Henderson, Newton, Pemberton and Poonian
Also Present:	Councillors Bennison, Bush, Parsons, Stephenson and Whitmore
In Attendance:	Lisa Hastings (Head of Governance and Legal Services), Karen Neath (Head of Leadership Support and Community) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Melanie Hammond (Operations Director – Citizens Advice Tendring), Neil Lawrence (Strategy Director – Citizens Advice Tendring), Chris Bird (Trustee and Treasurer – Citizens Advice Tendring), Sharon Alexander (Chief Officer - Community Voluntary Services Tendring) and Lisa Andrews (Deputy Chief Officer Community Voluntary Services Tendring)

6. CHAIR

In the absence of the Chairman (Councillor Fairley), the Chair was occupied by the Vice-Chairman (Councillor Baker).

7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillor Yallop (with Councillor Chapman substituting), Councillor Land (with no substitute) and Councillor Fairley (with no substitute).

8. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Monday 22 May 2017, were approved as a correct record and signed by the Chairman.

9. DECLARATIONS OF INTEREST

There were none.

Later on in the meeting, as mentioned below in minute 10, Councillor Broderick declared that she had been a member of the Citizens Advice Bureau for around eight years, however, membership arrangements were being reviewed by its Trustees.

10. CITIZENS ADVICE TENDRING

Citizens Advice Tendring's Operations Director (Melanie Hammond), Strategy Director (Neil Lawrence) and Trustee and Treasurer (Chris Bird) were in attendance and gave the Committee a presentation which covered the following:-

1. Introduction;
2. AQS Accredited to provide advice on debt, benefits, family and relationship issues, employment, consumer issues and rights;

3. Where they work;
4. Drop-in advice sessions and booked appointments;
5. Statistics on who they help, how they help, what they help with and which wards within the District clients come from;
6. Volunteers;
7. Mental Health Hub (CCG partnership funded);
8. Research and Campaigns;
9. New membership package;
10. Digital services including webchat, an advice line and email advice;
11. Priorities for 2017-19; and
12. Positive feedback from clients.

Following on from the presentation Members were given the opportunity to ask questions.

Councillor Broderick declared that she had been a member of the Citizens Advice Bureau for around eight years, however, membership arrangements were being reviewed by its Trustees.

The Chairman thanked Melanie Hammond, Neil Lawrence and Chris Bird for their presentation.

11. COMMUNITY VOLUNTARY SERVICES TENDRING

Community Voluntary Services Tendring's Chief Officer (Sharon Alexander) and Deputy Chief Officer (Lisa Andrews) were in attendance and gave the Committee a presentation which covered the following:-

1. Introduction;
2. Their mission - To lead and support voluntary action in Tendring and empower local people;
3. Member groups;
4. Voluntary Sector Forum;
5. Tendring Trustee Network;
6. Training and courses;
7. Support and services;
8. Partnerships;
9. The various different voluntary opportunities which included Administration, Walking Guides; Business Support and Catering;
10. HILL – Healthier Independent Longer Lives (a short video was shown to the Committee about this project);
11. Plans for the future; and
12. Funding.

Community Voluntary Services Tendring's Impact Report 2016-2017 had been circulated to the Committee prior to the meeting.

Following on from the presentation Members were given the opportunity to ask questions.

After discussion, it was moved by Councillor I Henderson, seconded by Councillor Pemberton and **AGREED** that the Committee **RECOMMENDS TO CABINET** that with regard to mental health support in Tendring, the issue of the cycle of referral, delay of appointment and re-referral be raised with the relevant health authorities as this is continually being raised as an important issue that needs some action taken.

The Chairman thanked Sharon Alexander and Lisa Andrews for their presentation.

12. REFERENCE FROM COUNCIL - A.1 - PROPOSED COMMUNITY GOVERNANCE REVIEW REGARDING A TOWN COUNCIL FOR CLACTON-ON-SEA

The Committee had before it a reference from Council (A.1) which gave details of a motion submitted by Councillor Parsons to the meeting of the Council held on 9 May 2017.

The Committee was aware that, at that meeting, the motion had been moved by Councillor Parsons and seconded by Councillor Bucke and, in accordance with Council Procedure Rule 11.4, had stood referred to the Community Leadership and Partnerships Committee for consideration and report.

Councillor Parsons, who was in attendance, was invited to address the Committee and read out the motion:

"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."

Councillor Parsons then explained the motion to the Committee and then 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, it was **RESOLVED** that the Committee recommends that Council supports the motion as written except that the legislation referred to be amended to the *Local Government and Improvement in Public Health Act 2007 (as amended.)*

The meeting was declared closed at 9.55 pm

Chairman

**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT COMMITTEE,
HELD ON MONDAY 24 JULY 2017 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Steady (Chairman), Baker (Vice-Chairman), Bush, Cawthron, Scott, Skeels Jnr and Stephenson
Also Present:	Councillors Chapman and Talbot
In Attendance:	Martyn Knappett (Corporate Director (Corporate Services)), Anastasia Simpson (Head of People, Performance and Projects), Michael Carran (Head of Sport and Leisure) (except minutes 16-17), John Fox (Head of Environmental Services) and Katie Sullivan (Committee Services Officer)

12. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Chairman welcomed Members and Officers to the meeting and invited Councillor Chapman to join the meeting and to participate in the discussion of the Agenda items.

There were apologies for absence received from Councillor Whitmore (with Councillor Bush substituting).

Councillor Chittock was absent.

13. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 26 JUNE 2017

The minutes of the last meeting of the Committee, held on Monday 26 June 2017, were approved as a correct record and signed by the Chairman.

14. DECLARATIONS OF INTEREST

There were none.

15. LEISURE SERVICES - FINANCE AND FUTURE BUSINESS PLANS

The Council's Head of Sport and Leisure (Mike Carran) was in attendance and gave the Committee a presentation on Sport and Leisure Business Planning. The presentation covered the following:-

- 1) Introduction – Core parts of service;
- 2) The current Work Programme;
- 3) Tourism and Events;
- 4) Princes Theatre;
- 5) Sports Facilities;
- 6) Managing finance; and
- 7) Seafront Service.

Following on from the presentation Members were given the opportunity to ask questions.

After discussion, the following comments were agreed:

The Committee would like to commend the Head of Sport and Leisure (Mike Carran) and his team for their work. The Committee particularly like the evolutionary approach to progression, rather than revolution.

The Chairman thanked Mike Carran for his informative presentation.

16. GARDEN COMMUNITIES

The Council's Corporate Director (Corporate Services) (Martyn Knappett) was in attendance and gave the Committee a presentation on the progress of the North Essex Garden Communities project. The presentation covered the following:-

- 1) 4 Councils, 3 Themes and 10 Principles;
- 2) Delivery models;
- 3) Making it happen;
- 4) Issues/Challenges;
- 5) Tendring/Colchester borders – Infrastructure first;
- 6) Cabinet/Council Decisions in November 2016;
- 7) Progress – and what next;
- 8) Finance key points; and
- 9) Workflow - Finance, Land, Governance and Planning.

Following on from the presentation Members were given the opportunity to ask questions.

The Chairman suggested that, due to the fact that North Essex Garden Communities was a large project and that Members had a high volume of questions to ask, Martyn Knappett be contacted with questions outside of the meeting.

It was also suggested that an All Member Briefing be held to focus on North Essex Garden Communities.

The Chairman thanked Martyn Knappett for his informative presentation.

17. WASTE MANAGEMENT AND RECYCLING PERFORMANCE UPDATE

The Council's Head of Environmental Services (John Fox) was in attendance and gave the Committee a presentation on Waste and Recycling Options. The presentation covered the following:-

- 1) Background;
- 2) Recycling figures;
- 3) Future service options; and
- 4) Next steps.

Following on from the presentation Members were given the opportunity to ask questions.

The Chairman suggested that, due to the fact that Members had a high volume of questions to ask and being mindful of time, an additional CMC meeting be arranged in order to discuss this topic further.

The Chairman thanked John Fox for his informative presentation and the Environment Portfolio Holder (Councillor Talbot) for his attendance.

The Chairman made a closing comment in which he stated that the thread throughout all presentations was that of the enthusiasm of the Officers had shown they had their finger on the pulse.

The meeting was declared closed at 10.05 pm

Chairman

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Community Leadership and Partnerships
Committee

31 July 2017

MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE, HELD ON MONDAY, 31ST JULY, 2017 AT 6.30 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY, CO16 9AJ

Present:	Councillors Baker (Vice-Chair, in the Chair), Amos, Broderick, Land, Newton, Pemberton and Yallop
Also Present:	Councillor Lynda McWilliams – Health and Education Portfolio Holder
In Attendance:	Karen Neath (Head of Leadership Support and Community) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Susannah Howard (STP Programme Director) and Sam Hepplewhite (Chief Officer – North East Essex Clinical Commissioning Group)

13. CHAIR

In the light of the fact that Councillor Fairley (erstwhile Chairman of the Committee) had recently been appointed to the Cabinet and was therefore no longer eligible to be a member of the Committee, the Chair was occupied by the Vice-Chairman (Councillor Baker).

14. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillors Gray, I Henderson and Poonian (with no substitutes).

15. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Monday 10 July 2017, were approved as a correct record and signed by the Chairman.

16. DECLARATIONS OF INTEREST

There were none at this time. However, later on in the meeting, as mentioned below in minute 17, Councillors Baker, Broderick and McWilliams had each declared that they were members of a Patient Participation Group (PPG).

17. UPDATE ON THE SUFFOLK AND NORTH EAST ESSEX SUSTAINABILITY AND TRANSFORMATION PLAN

The Chairman introduced the item and reminded the Committee that at its meeting held in March 2017 it had received a presentation on the North East Essex Clinical Commissioning Group Sustainability Transformation Plan from Susannah Howard (STP Programme Director).

The Committee recalled that this was a high level strategy for the transformation of the health service and had focused on a system rather than an organisational approach and that the next stage had been to develop operational plans for each strand so that meaningful consultation could take place with a wider audience on what the STP meant

in practice for front line staff and patients. At that meeting it had been resolved that Susannah Howard be invited back to a future meeting of the Committee 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 meant for Tendring.

Susannah Howard (STP Programme Director) and Sam Hepplewhite (Chief Officer – North East Essex Clinical Commissioning Group) were in attendance and gave the Committee an overview of the progress that had been made over the past few months.

Members were informed that positive feedback had been received from NHS England and that praise had been given for the noticeably high quality of leadership. Good progress had also been made with Key System Working and Suffolk and North East Essex STP had been rated as a category 2 which was an upper tier advanced rating and so overall the STP was working well as a system.

A Delivery Guide document for Suffolk and North East Essex STP had been circulated to the Committee prior to the meeting and Susannah Howard went through it stage by stage. The following areas were detailed within the document:

- 1) Introduction -
 - Our partnership
 - Our plan
 - What progress will look like
 - Measuring progress
 - Public and patient engagement
 - Staff engagement
- 2) Key areas of activity –
 - Integrating care
 - Transforming acute care
 - Enabling system working
- 3) National priorities –
 - Overview
 - Urgent and emergency care
 - Primary care
 - Cancer
 - Mental Health
 - Elective care
 - Prevention
- 4) Cross-cutting workstreams –
 - Overview
 - Finance
 - Estates
 - Digital
 - Workforce
- 5) Delivery arrangements –
 - STP Governance
 - Clinical leadership
 - Oversight
 - STP Delivery Support Unit

Following on from the detailed information provided, Members were given the opportunity to ask questions. Where a question could not be immediately answered, Sam Hepplewhite confirmed that she would email a response once she had further information.

During the discussion of this item Councillors Baker, Broderick and McWilliams had each declared that they were members of a Patient Participation Group (PPG).

The Chairman summarised the key points of the information provided and thanked Sam Hepplewhite and Susannah Howard for attending.

18. WORK PROGRAMME 2017/18 - PROPOSED ADDITIONAL ITEM

The Chairman informed the Committee that a request had been made to add an additional item onto its Work Programme. The item in question was the 'Tendring Lottery'. The Committee was required to decide whether to add the item onto its Work Programme..

Following discussion, it was **AGREED** that the 'Tendring Lottery' be added as an item onto its Work Programme and that an introduction from the relevant Officers should take place at the next meeting of the Committee which was scheduled to take place on Monday 2 October 2017 and that accordingly the start time of that meeting be changed to 7:00 pm.

The meeting was declared closed at 7.43 pm

Chairman

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Corporate Management Committee

14 August 2017

**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT COMMITTEE,
HELD ON MONDAY, 14TH AUGUST, 2017 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Baker (Vice-Chairman, in the Chair), Cawthron, Chittock, Skeels Jnr, Stephenson and Whitmore
Also Present:	Councillors J A Brown, Bush, Hones, Newton and Talbot (Environment Portfolio Holder)
In Attendance:	Anastasia Simpson (Head of People, Performance and Projects), John Fox (Head of Environmental Services) and Ian Ford (Committee Services Manager)

18. CHAIR

In the absence of the Chairman of the Committee (Councillor Steady), the Chair was occupied by the Vice-Chairman (Councillor Baker).

19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Scott and Steady. There were no substitutions.

20. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 24 JULY 2017

The Minutes of the meeting of the Committee held on Monday 24 July 2017 were approved as a correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. WASTE MANAGEMENT AND RECYCLING PERFORMANCE UPDATE / WASTE AND RECYCLING OPTIONS

Further to Minute 17 (24.7.17) the Committee questioned the Council's Head of Environmental Services (John Fox) on the Council's performance in respect of waste management and recycling and the future options for this service.

The Committee had before it a schedule of questions that had been prepared by Councillor Stephenson and which he put, in turn to Mr Fox. Other Members present also put questions to Mr Fox. Where Mr Fox was unable to immediately answer those questions he undertook to forward a written response as soon as practicable. Where the questions were felt to have a 'political' aspect they were answered by Councillor Talbot, the Environment Portfolio Holder.

Following the question and answer session the Chairman thanked Mr Fox and Councillor Talbot for their attendance and their responses.

It was **AGREED** that the Committee **RECOMMENDS TO CABINET** that –

- (a) A cross-party working party be set up by the Cabinet, in order to assist in the preparation and drawing up of the new waste contract.
- (b) An All Members' Briefing take place in Spring 2018, or at the relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.

The meeting was declared closed at 8.58 pm

Chairman

COUNCIL

5 SEPTEMBER 2017

REFERENCE FROM COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE

A.2 PROPOSED COMMUNITY GOVERNANCE REVIEW REGARDING A TOWN COUNCIL FOR CLACTON-ON-SEA

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to decide whether to support Councillor Jack Parsons' motion to Council in respect of a proposed parish/town council for Clacton-on-Sea.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Parsons to the meeting of the Council held on 9 May 2017 relating to a proposed Community Governance Review with a view to creating a town council for Clacton-on-Sea and which was referred to the Community Leadership and Partnerships Committee by the Chairman of the Council for consideration and report, in accordance with the provisions of Council Procedure Rule 12.4.

The Community Leadership and Partnerships Committee considered Councillor Parsons' motion at its meeting held on 10 July 2017

RECOMMENDATION

That Council decides whether it wishes to support Councillor Parsons' motion.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

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."

The Community Leadership and Partnerships Committee considered Councillor Parsons' motion at its meeting held on 10 July 2017. Councillor Parsons 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.)*

BACKGROUND PAPERS FOR THE DECISION

There are no background papers.

APPENDICES

None

COUNCIL

5 SEPTEMBER 2017

REPORT OF CHIEF EXECUTIVE

A.3 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to me, the following appointment has been made since the last meeting of the Council -

Community Leadership and Partnerships Committee

Councillor Chittock has been appointed to serve in place of Councillor Fairley.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

5 SEPTEMBER 2017

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 MEMBERSHIP OF COMMITTEES ETC.

Formal appointment dated 1 August 2017.

COUNCIL

5 SEPTEMBER 2017

REPORT OF CHIEF EXECUTIVE

A.4 CHANGE IN MEMBERSHIP OF THE CONSERVATIVE POLITICAL GROUP AND A REVIEW OF MEMBERSHIP OF COMMITTEES

(Report prepared by Ian Ford)

I formally report 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, each served formal notice on the Council that they no longer wished to be treated as a member of the UKIP political group.

I further formally report 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, 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 has been carried out. The outcome of that review, as agreed by Group Leaders, will be tabled at the meeting.

RECOMMENDED that the Schedule of Appointments to Committees (which has been agreed by Group Leaders), be approved with immediate effect (appendix will be to follow or tabled at the meeting).

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

5 SEPTEMBER 2017

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

**A.4 CHANGE IN MEMBERSHIP OF THE CONSERVATIVE POLITICAL GROUP AND A
REVIEW OF MEMBERSHIP OF COMMITTEES**

Notices of Wish to no longer be treated as a Member of a Political Group (UKIP) signed by Councillors Raby and Watson and dated 24 July 2017.

Notice of Wish to be treated as a Member of a Political Group (Conservative) signed by Councillor Raby and dated 24 July 2017.

Notice of Wish to be treated as a Member of a Political Group (Conservative) signed by Councillor Watson and dated 24 July 2017.

COUNCIL

5 SEPTEMBER 2017

REPORT OF HEAD OF LEADERSHIP SUPPORT AND COMMUNITY

A.5 ELECTORAL REVIEW OF TENDRING – FINAL RECOMMENDATIONS AND NEXT STEPS

(Report prepared by Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Council the final recommendations from the Local Government Boundary Commission for England (LGBCE) of a review of district wards, to 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.

EXECUTIVE SUMMARY

Final Recommendations for Tendring District Council

- On 4th July the LGBCE announced the final recommendations for revised electoral arrangements in Tendring.
- The final recommendations are that Tendring District Council should be represented by 48 Councillors with 32 wards (18 single member, 12 two member and 2 three member wards).
- Details of the new wards are set out in the report attached at Appendix A.
- The recommendations must now be approved by Parliament. A Draft Order will be laid in Parliament and, subject to Parliamentary scrutiny, the new arrangements will come into force at the local elections in 2019. The outcome of the Parliamentary scrutiny is expected in the autumn.

Town and Parish Council Arrangements and Community Governance Reviews

- In order to retain consistency between district and parish ward boundaries, the LGBCE has used its powers to recommend revised parish ward boundaries for Frinton and Walton Town Council and Harwich Town Council.
- The new proposed district warding arrangements leave a small anomaly in St Osyth where there is a small area North of St John's Road that is in the St Osyth District ward area but not in the St Osyth Parish area. For clarity and efficiency of electoral arrangements it is proposed that a Community Governance Review be undertaken to seek views on amending the parish boundary to bring it in line with the district boundary.
- Department of Communities and Local Government guidance states that it is good practice for principal councils to consider conducting Community Governance Reviews every 10-15 years. Given that a review of district boundaries has just been completed with a new forecast of electorate, it is appropriate and timely to consider whether to undertake reviews of local democracy i.e. at parish level across all of Tendring.
- As a first step all Town and Parish Councils have been written to by the Leader to seek initial views on Community Governance Reviews. Information has also been put out in a press release, on the Council's website and through social media to seek initial views from the public. Responses are sought by 27 October 2017.

- A further report will be brought back to Council to seek any formal decision to proceed with Community Governance Reviews in all or part of Tendring.

Preparation for 2019 Elections and Annual Council

- Work now needs to commence on planning for the local elections in 2019 and for a new Council consisting of 48 Members.
- The changes to electoral arrangements will be undertaken between now and the elections taking place in May 2019.
- Additional work also needs to take place to accommodate the reduction from 60 to 48 Councillors. This includes consideration of the size, make-up and frequency of Cabinet, Committees and Council. Proposals on how this might look were included as part of the Council's submission on Council Size.
- Early consideration will be given to a review of scrutiny committees with the intention of implementing new arrangements from Annual Council in 2018.
- Work would also be required to amend the constitution to reflect any new arrangements.
- Officers are therefore seeking endorsement from Council to commence these strands of work.

Electoral Review Working Party

- It is proposed that the Electoral Review Working Party be continued with amended terms of reference to consider any Community Governance Reviews and oversee the work to reduce the Council to 48 Members. The Leader is agreeable to this Working Party continuing.

Independent Remuneration Panel and Independent Persons

- The Council currently has three people appointed to undertake both the role of Independent Remuneration Panel and Independent Persons for the purposes of Standards arrangements. They are appointed until Annual Council in 2019. It is proposed to ask the Independent Remuneration Panel to undertake a review of Members' allowances for recommendation to Annual Council in 2018 but at the same time commence a process to recruit an Independent Remuneration Panel and Independent Persons for Standards for formal appointment at Annual Council in 2019. It is likely that the review of Members' allowances leading up to Annual Council in 2019 will need a more radical overhaul as it will need to reflect the reduced number of Councillors and any new Cabinet / committee arrangements. This will entail reconsideration of both basic and special responsibility allowances. Therefore it may be the case that the old and new panels need to run in parallel for a period of time. Council will be advised if any such arrangements are proposed to be put in place.

RECOMMENDATION

It is recommended to Council that:-

- 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) 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.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

It is important that the arrangements for Town and Parish Councils 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

There would be some costs involved in undertaking the necessary consultations as part of any Community Governance Reviews but these are expected to be minimal.

Should there be any changes to the number of seats on any Town and/ or Parish Council then this could very well have ongoing cost implications for local elections and local council running costs.

LEGAL

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

Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 devolves the power for Community Governance Reviews to Principal Councils.

The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the arrangements to be followed in relation to Members' allowances and expenses.

OTHER IMPLICATIONS

There are none.

PART 3 – SUPPORTING INFORMATION

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A - Final recommendations on the new electoral arrangements for Tendring District Council - Report

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Final recommendations on the new electoral arrangements for Tendring District Council

Electoral review

July 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

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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 Tendingring?

4 We are conducting a review of Tendingring District Council as the value of each vote in district council elections varies depending on where you live in Tendingring. 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 requested that a review take place in order to examine the number of councillors that should be elected to the authority.

Our proposals for Tendingring

- Tendingring District Council should be represented by 48 councillors, 12 fewer than there are now.
- Tendingring District Council should have 32 wards, three fewer than there are now.
- The boundaries of 30 wards should change; two, Ardleigh & Little Bromley and Brightlingsea, will stay the same.

5 We have now finalised our recommendations for electoral arrangements in Tendingring.

What is the Local Government Boundary Commission for England?

6 The Local Government Boundary Commission for England is an independent body set up by Parliament.¹

7 The members of the Commission are:

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

¹ Under the Local Democracy, Economic Development and Construction Act 2009.

1 Introduction

8 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?

9 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

10 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

Consultation

11 We wrote to the Council to ask its views on the appropriate number of councillors for Tendring. We then held two periods of consultation on warding patterns for the district. The submissions received during consultation have informed our draft and final recommendations.

12 This review was 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
4 July 2017	Publication of final recommendations

How will the recommendations affect you?

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

2 Analysis and final recommendations

14 Legislation² states that our recommendations should not be based only on how many electors³ 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.

15 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.

16 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

17 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'. Only one of our proposed wards for Tendring will not have good electoral equality by 2022.

18 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

19 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

Electorate figures

20 The Council submitted electorate forecasts for 2022, a period five years on from the scheduled publication of our final recommendations in 2017. These forecasts were broken down to polling district level and predicted an increase in the electorate of around 3% by 2022. This increase is due to growth throughout the district.

² Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

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

21 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 final recommendations.

22 In its submissions, the Council stated that in November 2016 permission had been granted for 90 new homes at St Osyth Priory following a planning enquiry and that these had not been included in its electoral forecast. Including them would increase the projected electorate in St Osyth by 146 electors by 2022.

23 While we accept that population trends do change over time, we generally do not amend our forecast during a review as developments are approved or rejected, so the forecast provided at the start of the review will be used throughout unless a clear error has been made. However, notwithstanding potential changes in the electorate forecast, we have made changes to our proposals in the ward that contains the St Osyth Priory development and these are set out in more detail below.

Number of councillors

24 Tendring District Council currently has 60 councillors. We looked at evidence provided by the Council and have concluded that decreasing by 12 will ensure the Council can carry out its roles and responsibilities effectively.

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

26 We received two submissions about the number of councillors in response to our consultation on our draft recommendations from local residents. One supported the draft recommendations. The other argued that to reduce waste and save money 20 councillors was enough. Due to the lack of evidence in the second submission we are not proposing to change the number of councillors further, so have maintained 48 councillors in our final recommendations.

Ward boundaries consultation

27 We received 16 submissions in response to our consultation on ward boundaries. These included one district-wide proposal from Tendring District Council and one Clacton-wide proposal from a local resident. The remainder of the submissions provided localised comments about warding arrangements in particular areas of the district.

28 The Council's scheme proposed a mixed pattern of 42 single-councillor and three two-councillor wards for the district. The resident proposed one single-councillor and nine two-councillor wards in Clacton. Having carefully considered the proposals received, we were of the view that the proposed patterns of wards resulted in good levels of electoral equality in some areas of the district and used some clearly identifiable boundaries. We based our draft proposals on a combination of the Council's district-wide scheme and the resident's proposals for Clacton, both of

which we modified to provide for better electoral equality and more identifiable boundaries.

29 Our draft recommendations were for eleven one-councillor, eleven two-councillor and five three-councillor wards. We considered that our draft recommendations provided for good electoral equality while reflecting community identities and interests.

Draft recommendations consultation

30 We received 22 submissions during consultation on our draft recommendations. These included one district-wide submission from the Council that proposed changes to the draft recommendations, particularly in Clacton and the western part of the district. The other submissions focused on specific areas, with nowhere in the district attracting a high number of submissions. Nine submissions, including those of four parish and town councils, supported the draft recommendations in specific areas or in relation to the number of councillors.

31 Our final recommendations are based on the draft recommendations with modifications to several wards based on the submissions received.

32 For Clacton, in response to the Council's submission, we have changed the three-councillor Pier ward into a two-councillor St James ward and a single-councillor Pier ward, with minor changes to the Coppins and St John's wards to ensure acceptable electoral equality. We have also split our two-councillor Southcliff ward into single-councillor Eastcliff and St Paul's wards in response to the Council's argument that this will better reflect community identity in this area.

33 We have split our proposed three-councillor St Osyth & Little Clacton ward into a single-councillor Little Clacton ward and a two-councillor St Osyth ward following the Council's submission that these are entirely separate communities. While we note the variance in St Osyth will be -13% in 2022, we consider that the evidence we have received justifies this.

34 Due to concerns from the Council and others about the size of our proposed Ardleigh, Alresford & Elmstead ward, we have made major changes to our proposals in west Tendring. In our final recommendations we now have three single-councillor wards, one two-councillor ward and one three-councillor ward instead of the one two-councillor and two three-councillor wards we had proposed in our draft recommendations.

35 We have changed the names of three wards: Parkeston to Dovercourt Vines & Parkeston, Burrsville Park to Burrsville and Holland Haven to St Bartholomew's.

Final recommendations

36 Pages 10–21 detail our final recommendations for each area of Tendring. They detail how the proposed warding arrangements reflect the three statutory⁴ criteria of:

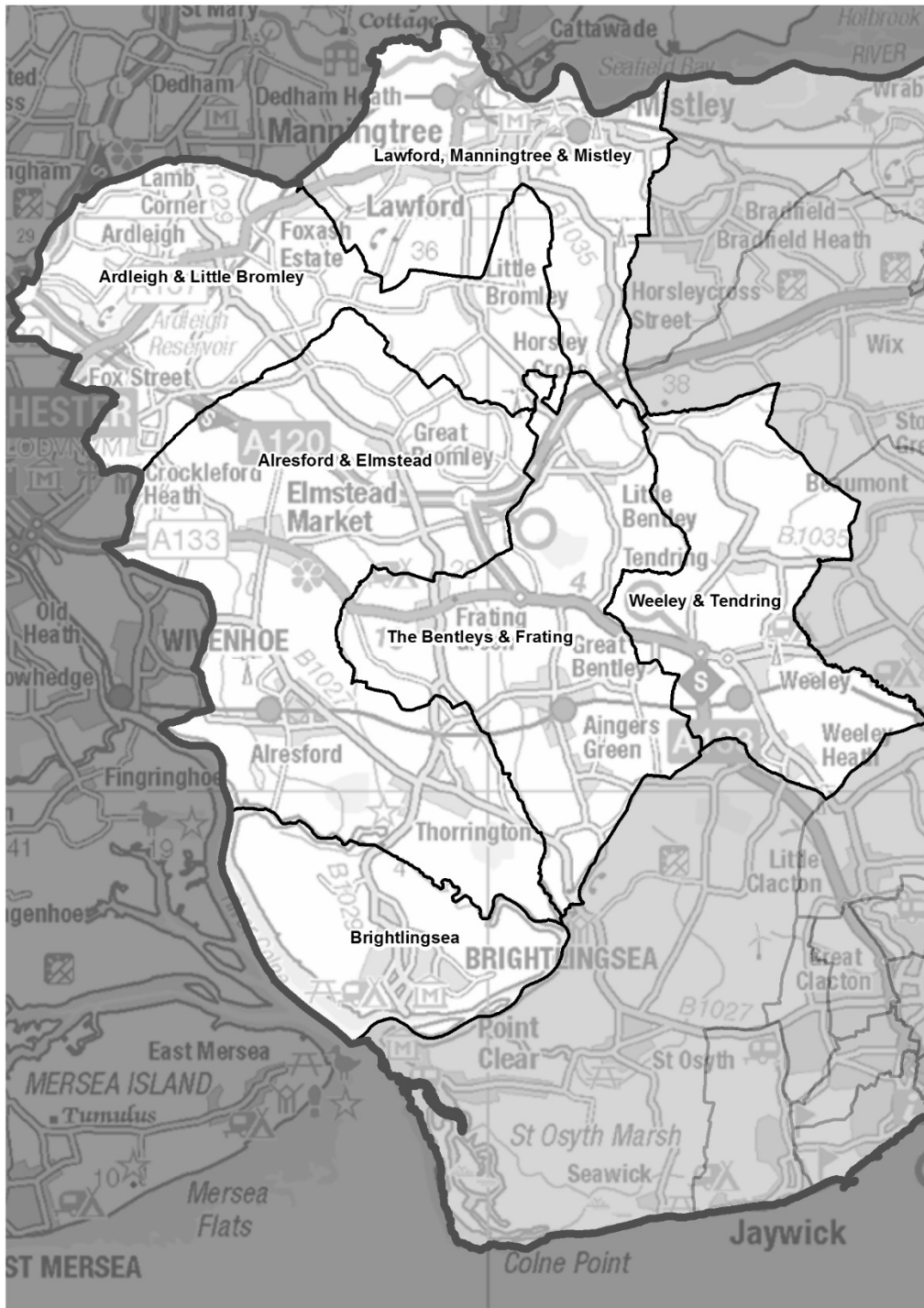
- Equality of representation
- Reflecting community interests and identities
- Providing for effective and convenient local government

37 Our final recommendations are for two three-councillor wards, 12 two-councillor wards and 18 one-councillor wards. We consider that our final recommendations will provide for good electoral equality while reflecting community identities and interests where we have received such evidence during consultation.

38 A summary of our proposed new wards is set out in the table on page 22 and on the large map accompanying this report.

⁴ Local Democracy, Economic Development and Construction Act 2009.

Brightlingsea and West Tendring



Ward name	Number of Cllrs	Variance 2022
Alresford & Elmstead	2	9%
Ardleigh & Little Bromley	1	-9%
Brightlingsea	3	-8%
Lawford, Manningtree & Mistley	3	-4%
The Bentleys & Frating	1	3%
Weeley & Tendring	1	-2%

Brightlingsea

39 The Council made no comments about this ward in its submission. We received two other submissions from Brightlingsea Town Council and a Brightlingsea town councillor, both of which supported the draft recommendations. Therefore, we propose that the draft recommendation for Brightlingsea be confirmed as final without amendment.

Alresford & Elmstead; Ardleigh & Little Bromley; Lawford, Manningtree & Mistley; The Bentleys & Frating; and Weeley & Tendring

40 We received ten submissions in relation to this area in addition to that of the Council.

41 Weeley and Tendring parish councils supported our proposed The Bentleys & Weeley ward. Manningtree Town Council supported our proposed Lawford, Manningtree & Mistley ward. None of the parish councils provided any additional evidence.

42 Little Bentley Parish Council expressed a preference for being in our proposed Lawford, Manningtree & Mistley ward as it had a stronger connection with this area than with Great Bentley or Weeley.

43 Frating Parish Council and a local resident expressed concern at the size of our proposed Ardleigh, Alresford & Elmstead ward. Thorrington Parish Council objected for similar reasons, arguing that the current Thorrington, Frating, Elmstead & Great Bromley ward worked well, although we noted that this would have an electoral variance of -18% in 2022. A district councillor also argued against the size of the Ardleigh, Alresford & Elmstead ward pointing out that there are no community links between its northern and southern parishes.

44 The Council objected to our warding pattern in this area, proposing five single-councillor and one three-councillor wards. One of the single-councillor wards, Alresford & Thorrington, would have an electoral variance of 16%. However, the Council also proposed as a secondary option that Alresford & Thorrington be combined with Elmstead & Great Bromley in a two-councillor ward called Alresford & Elmstead.

45 A district councillor supported the Council's proposed The Bentleys & Frating ward due to the strong links between its three parishes.

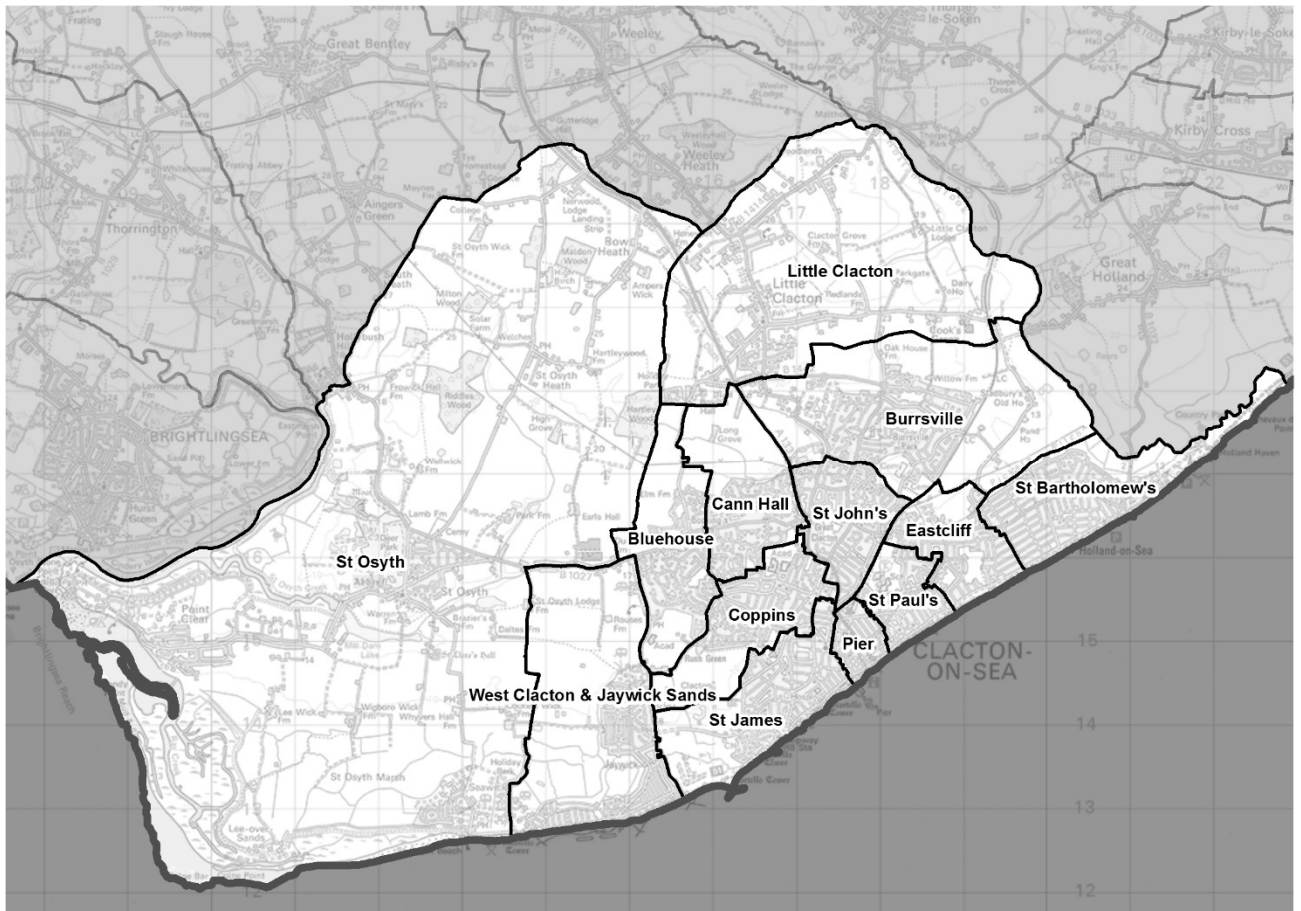
46 Having reviewed all the submissions, we have reconsidered our scheme in this area. Having examined the different warding patterns carefully, we have also concluded that the only two proposed warding patterns that have an acceptable level of electoral equality across the entire area are those in our draft recommendations and the Council's alternative scheme. While one of the district councillors proposed several alternative wards, none led to good electoral equality.

47 We note that there is no support for our Ardleigh, Alresford & Elmstead ward and accept the arguments that it is large compared to other wards in the district and that there is little to link its northern and southern parishes. However, as stated above, changes to this ward require changes to all other wards in this area and so

we propose to adopt the Council's proposals in our final recommendations. But, due to the very limited evidence the Council provided in support of its Alresford & Thorrington ward, we are adopting its alternative suggestion of a two-councillor Alresford & Elmstead ward, which will have acceptable electoral equality in 2022.

48 Overall, we consider that our final recommendations both provide a better reflection of the evidence and views received during consultation. Moreover, we are content that they will provide a better reflection of local community identities and follow identifiable boundaries.

Clacton and St Osyth



Ward name	Number of Cllrs	Variance 2022
Bluehouse	2	-6%
Burrsville	2	-6%
Cann Hall	2	1%
Coppins	2	9%
Eastcliff	1	2%
Little Clacton	1	0%
Pier	1	-6%
St Bartholomew's	2	1%
St James	2	10%
St John's	2	4%
St Osyth	2	-13%
St Paul's	1	-4%
West Clacton & Jaywick Sands	2	-8%

St Osyth and Little Clacton

49 We received one submission in relation to this ward from a resident who argued that Little Clacton and St Osyth were a poor geographical fit. The Council objected for similar reasons.

50 As in its previous submission, the Council proposed a single-councillor Little Clacton ward and a two-councillor St Osyth ward, justifying the variance of -13% in the latter on the grounds that the electoral forecast had excluded approximately 90 new properties at St Osyth Priory that were approved in November 2016. Including these properties and their electors in our forecast would change the variance in St Osyth to -10%. The Council's St Osyth ward also included the properties in Clacton, north of St John's Road that were part of our proposed St Osyth & Little Clacton ward.

51 As stated earlier, we do not normally accept changes to electoral forecasts once a review has started unless a clear error has been made. The Council has provided no evidence to suggest the omission of the St Osyth Priory development was an error, and our conclusion is that this is simply a change of circumstances following the granting of planning permission in November 2016.

52 However, while the evidence in the submissions we received in support of changing our draft recommendations is limited, we accept that our draft recommendations joined two very separate communities with indistinct transport and communication links. This became clear when we looked at the exact location of all the electors in both parishes, with the two main population centres in the proposed ward being relatively far apart and not sharing particularly direct transport links. We are therefore proposing to amend our recommendations to create a single-councillor Little Clacton ward and a two-councillor St Osyth ward as proposed by the Council. While we note that St Osyth ward will have a variance of -13% in 2022, we are aware that this is likely to improve once the development at St Osyth Priory has been completed.

West Clacton & Jaywick Sands

53 We received two submissions in support of our proposed ward. One was from the Friends of Jaywick Library and the other was a submission from a local resident that supported all our proposed wards in Clacton. The Council also supported this ward. We therefore propose that our draft recommendation be confirmed as final without amendment.

Eastcliff, St Bartholomew's and St Paul's

54 We received one submission from a local councillor in relation to this area, in addition to those of the Council and the Clacton-wide comments from the resident. The councillor argued that our proposals and those of the Council split Holland-on-Sea and that the current single-councillor Haven ward and two-councillor St Bartholomew's ward should be retained. These would have electoral variances in 2022 of -26% and -17% respectively. We also noted that a three-member ward solely consisting of Holland-on-Sea would have a variance of -20%. In these circumstances, we are not prepared to accept such high variances as part of our final recommendations.

55 While preferring two single-councillor wards, the Council accepted that a two-councillor ward covering the eastern part of Holland-on-Sea could work but proposed that our Holland Haven ward be renamed 'St Bartholomew's' as Holland Haven Country Park, after which the ward was named, was in the ward's eastern end and St Bartholomew's was more meaningful to most residents. We accept the Council's argument, so have renamed Holland Haven ward St Bartholomew's in our final recommendations.

56 The Council objected to our two-councillor Southcliff ward arguing instead for two single-councillor wards. Its reasons were that while its Eastcliff ward contained part of Holland-on-Sea and part of east Clacton, the two areas had shared interests, the most notable being that residents from both areas use shops in Holland-on-Sea and children from both areas attend Holland Park School.

57 We have reconsidered our proposals in this area and, on balance, accept the arguments made by the Council that residents in its proposed Eastcliff ward have some common interests that would be better served in a single-councillor ward. Therefore, we are proposing single-councillor Eastcliff and St Paul's wards in our final recommendations.

Bluehouse, Cann Hall and Coppins

58 The Council asked us to reconsider its single-councillor warding pattern in this area, without providing any additional evidence, but it also noted that this area was harder to distinguish in terms of communities. When we visited the area we were concerned that the boundaries proposed by the Council potentially split communities unnecessarily and no evidence has been provided to overcome this. Therefore, subject to the minor amendment to Coppins ward discussed below, we propose that the draft recommendations in this area be confirmed as final.

Burrsville and St John's

59 The Council objected to our recommendations in this area arguing that our proposed Burrsville Park ward 'destroyed' the separate community of Burrsville. It argued that it was a district community from the adjoining Castle Hill area which we have placed in the same ward. The Council also stated that its single-councillor St John's ward was centred around the Great Clacton community and should not be combined in the same ward as the Old Road area.

60 When we visited this area, we were concerned that some of the boundaries proposed by the Council, particularly around Burrsville Park and London Road, did not accurately reflect local communities. We do not consider that the evidence the Council provided has overcome these concerns and so we do not propose to amend the boundaries of our wards in this area, other than the minor change to St John's ward discussed below. However, we do accept the Council's proposal that our Burrsville Park ward should be renamed Burrsville as this is how the area is known locally.

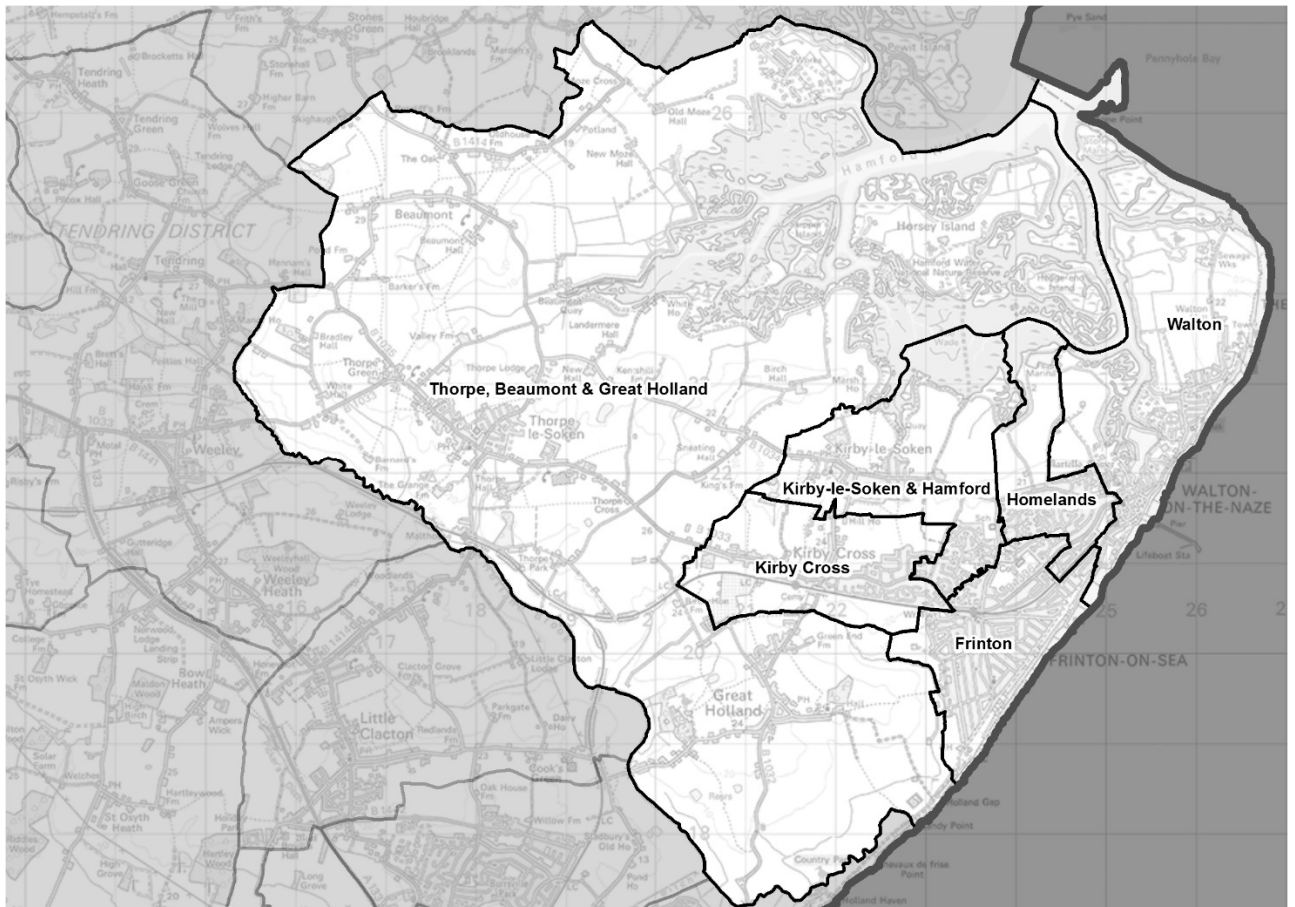
Pier and St James

61 The Council objected to the three-councillor Pier ward we proposed in our draft recommendations arguing that the area immediately to the east of Clacton Pier not only had a distinct character but was also one of the most deprived areas in the

country and its needs would be best addressed in a single-councillor ward. The area to the west of the Pier by contrast has its own residential character.

62 When we visited the area we noted the different character of the two areas in our proposed three-councillor Pier ward but were unable to come up with a warding pattern with good electoral equality other than through a three-councillor ward. We have looked at this again and propose to move a small area around Herbert Road from Pier to Coppins ward and a small area around Olivers Close from Coppins to St John's ward. We consider that both areas are relatively isolated communities and, as the Council stated in its submission, communities are harder to distinguish in this part of the town. These changes allow us to create a single-councillor Pier ward and a two-councillor St James ward, similar to those proposed by the Council, as part of our final recommendations.

Frinton



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

Thorpe, Beaumont & Great Holland

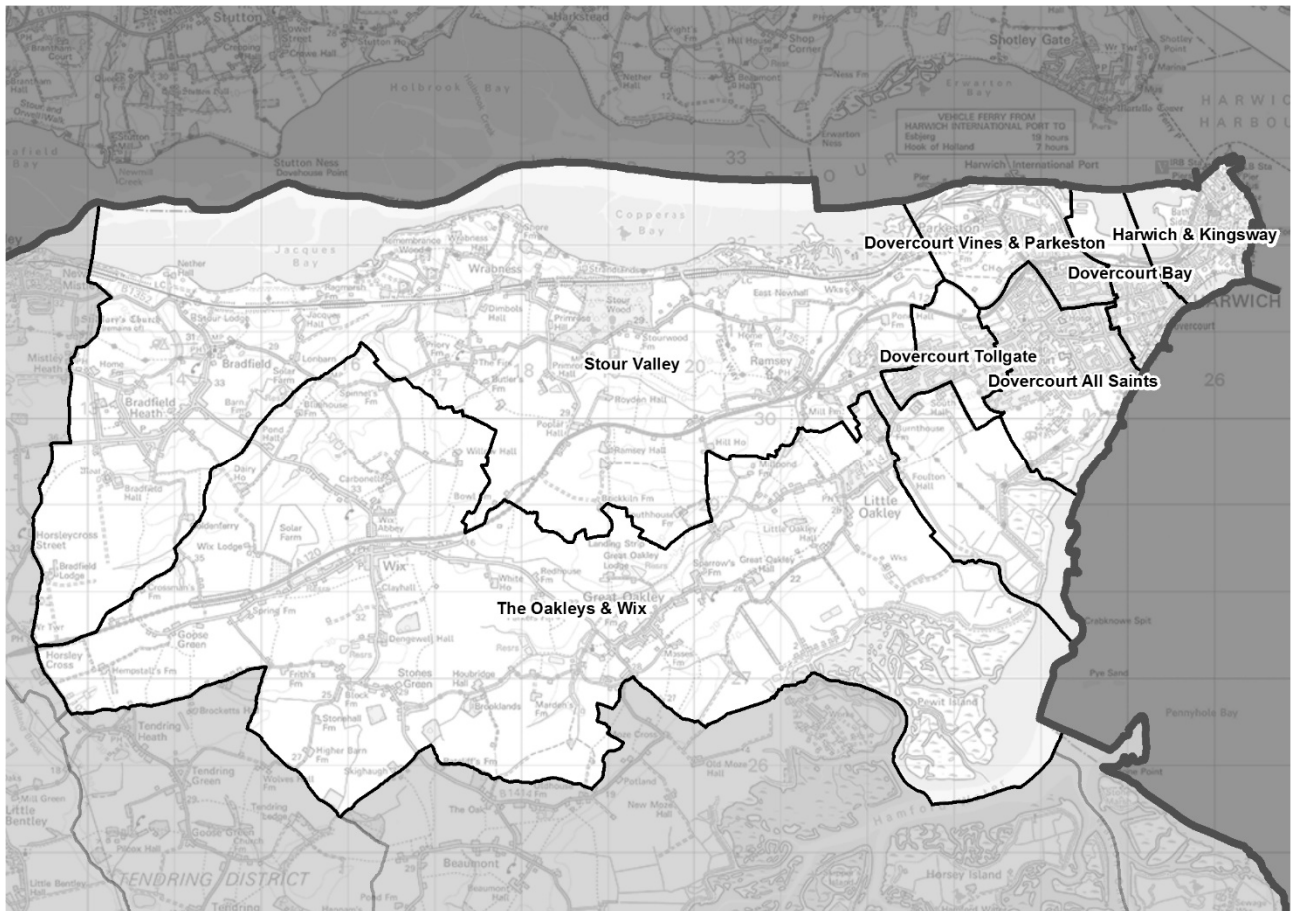
63 Frinton & Walton Town Council expressed concern about combining Great Holland in the same ward as Thorpe-le-Soken and Beaumont. It argued that this would be confusing for residents in Great Holland who would be in a ward with areas that are not part of Frinton & Walton parish. There was also a lack of connection between Great Holland and the other two villages, with Great Holland residents using facilities in Kirby Cross and Frinton. The District Council made no comments about this ward in its submission.

64 We have considered the Parish Council's submission and acknowledge its concern with regard to the proposed ward. However, we note that it is impossible to add Great Holland to either the Kirby Cross or Frinton ward without creating considerable electoral inequality. In our draft recommendations we acknowledged the difficult electoral arithmetic in this area and asked for alternative proposals with good electoral equality. In the absence of an alternative proposal, we are making no changes to our draft recommendation for this ward.

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

65 As the only submission we received in relation to these wards was from the Council which made no comments specifically about this area, we propose that the draft recommendations be confirmed as final 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%
Dovercourt Vines & Parkeston	1	-7%
Harwich & Kingsway	1	5%
Stour Valley	1	6%
The Oakleys & Wix	1	-3%

Dovercourt All Saints, Dovercourt Bay, Dovercourt Tollgate, Dovercourt Vines & Parkeston, Harwich & Kingsway, Stour Valley and The Oakleys & Wix

66 The only submission we received in relation to this area was from the Council, which proposed that our Parkeston ward be renamed Dovercourt Vines & Parkeston to acknowledge that it included about 200 properties from the Vines Estate in Dovercourt. The Council made no comment about any of the other wards in this part of Tendring.

67 We accept the Council's proposed amendment to the name of Parkeston ward as the new name will reflect both communities that make up the ward. In the absence of any other submissions, we propose that the draft recommendations in all the other wards in this area be confirmed as final without amendment.

Conclusions

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

Summary of electoral arrangements

	Final recommendations	
	2016	2022
Number of councillors	48	48
Number of electoral wards	32	32
Average number of electors per councillor	2,339	2,417
Number of wards with a variance more than 10% from the average	7	1
Number of wards with a variance more than 20% from the average	0	0

Final recommendation

Tendring District Council should be made up of 48 councillors serving 32 wards, representing 18 single-councillor wards, 12 two-councillor wards and two 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 final recommendations for Tendring District Council on our interactive maps at <http://consultation.lgbce.org.uk>

Parish electoral arrangements

69 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.

70 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.

71 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.

72 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.

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

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 Harwich parish.

Final recommendation	
Harwich Town Council should comprise 16 councillors, as at present, representing five wards:	
Parish ward	Number of parish councillors
Dovercourt All Saints	6
Dovercourt Bay	2
Dovercourt Tollgate	3
Dovercourt Vines	2
Harwich & Kingsway	3

3 What happens next?

74 We have now completed our review of Tendring District Council. The recommendations must now be approved by Parliament. A draft Order – the legal document which brings into force our recommendations – will be laid in Parliament. Subject to parliamentary scrutiny, the new electoral arrangements will come into force at the local elections in 2022.

Equalities

75 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

Final 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	Alresford & Elmstead	2	5,103	2,552	9%	5,290	2,645	9%
2	Ardleigh & Little Bromley	1	1,902	1,902	-19%	2,210	2,210	-9%
3	Bluehouse	2	4,113	2,057	-12%	4,556	2,278	-6%
4	Brightlingsea	3	6,604	2,201	-6%	6,667	2,222	-8%
5	Burrsville	2	4,391	2,196	-6%	4,539	2,269	-6%
6	Cann Hall	2	4,704	2,352	1%	4,865	2,433	1%
7	Coppins	2	5,245	2,623	12%	5,281	2,641	9%
8	Dovercourt All Saints	2	4,983	2,492	7%	5,101	2,551	6%
9	Dovercourt Bay	1	2,217	2,217	-5%	2,208	2,208	-9%
10	Dovercourt Tollgate	1	2,356	2,356	1%	2,534	2,534	5%
11	Dovercourt Vines & Parkeston	1	2,099	2,099	-10%	2,237	2,237	-7%
12	Eastcliff	1	2,434	2,434	4%	2,461	2,461	2%

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 Frinton	2	5,093	2,547	9%	5,044	2,522	4%
14 Harwich & Kingsway	1	2,558	2,558	9%	2,532	2,532	5%
15 Homelands	1	2,535	2,535	8%	2,563	2,563	6%
16 Kirby Cross	1	2,526	2,526	8%	2,557	2,557	6%
17 Kirby-le-Soken & Hamford Lawford,	1	2,515	2,515	8%	2,556	2,556	6%
18 Manningtree & Mistley	3	6,401	2,134	-9%	6,949	2,316	-4%
19 Little Clacton	1	2,389	2,389	2%	2,416	2,416	0%
20 Pier	1	2,006	2,006	-14%	2,265	2,265	-6%
21 St Bartholomew's	2	4,882	2,441	4%	4,881	2,440	1%
22 St James	2	5,269	2,635	13%	5,293	2,646	10%
23 St John's	2	5,098	2,549	9%	5,009	2,505	4%
24 St Osyth	2	3,984	1,992	-15%	4,224	2,112	-13%
25 St Paul's	1	2,330	2,330	0%	2,315	2,315	-4%
26 Stour Valley	1	2,369	2,369	1%	2,562	2,562	6%
27 The Bentleys & Frating	1	2,489	2,489	6%	2,496	2,496	3%

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 %
28 The Oakleys & Wix	1	2,353	2,353	1%	2,336	2,336	-3%
29 Thorpe, Beaumont & Great Holland	1	2,562	2,562	10%	2,639	2,639	9%
30 Walton	1	2,439	2,439	4%	2,612	2,612	8%
31 Weeley & Tendring	1	2,074	2,074	-11%	2,372	2,372	-2%
32 West Clacton & Jaywick Sands	2	4,235	2,118	-9%	4,430	2,215	-8%
Totals	48	112,258	-	-	116,000	-	-
Averages	-	-	2,339	-	-	2,417	-

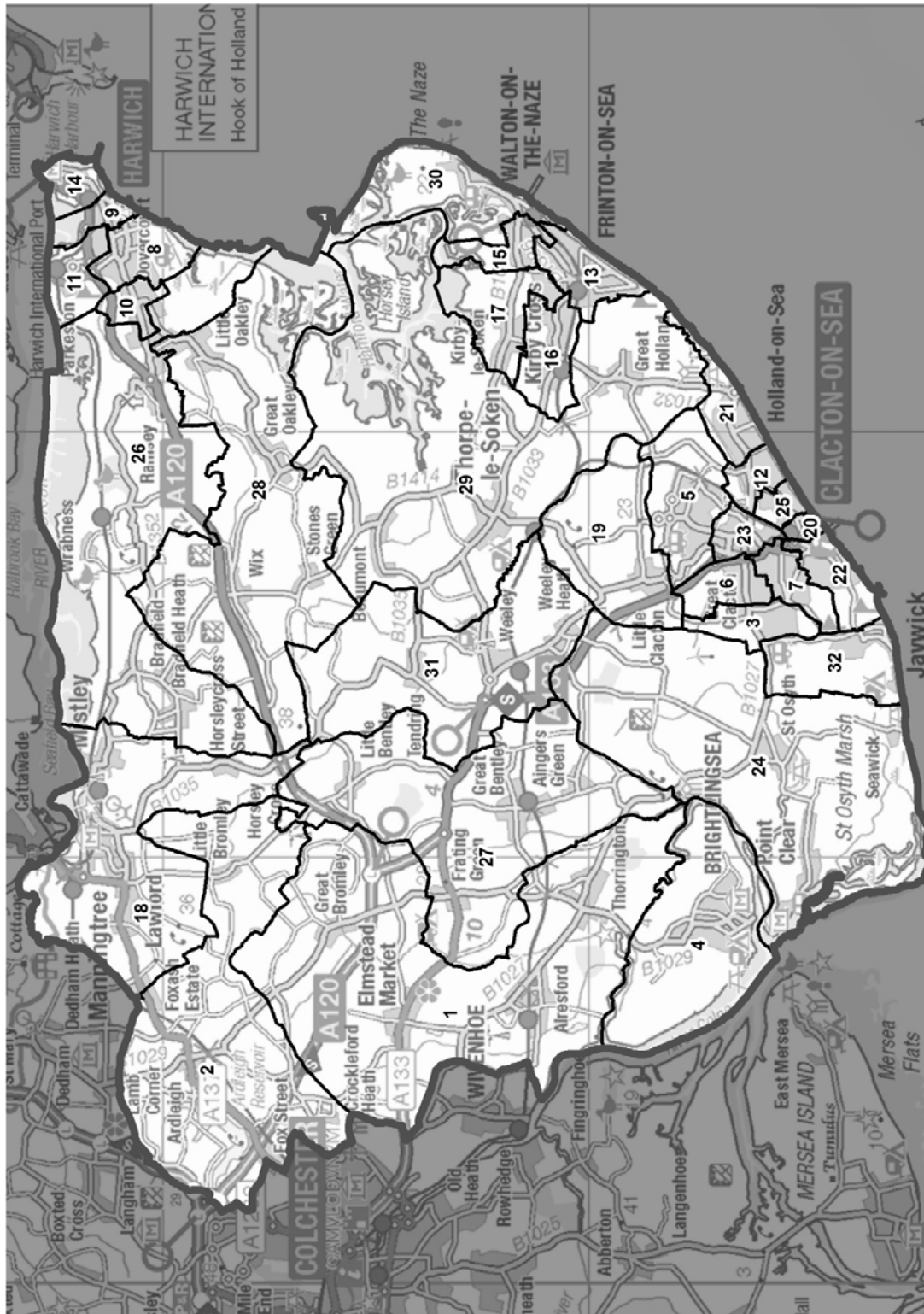
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Source: Electorate figures are based on information provided by Tendring District Council.

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



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/current-reviews/eastern/essex/tending>

Key

1. Alresford & Elmstead
2. Ardleigh & Little Bromley
3. Bluehouse
4. Brightlingsea
5. Burrsville
6. Cann Hall
7. Coppins
8. Dovercourt All Saints
9. Dovercourt Bay
10. Dovercourt Tollgate
11. Dovercourt Vines & Parkeston
12. Eastcliff
13. Frinton
14. Harwich & Kingsway
15. Homelands
16. Kirby Cross
17. Kirby-le-Soken & Hamford
18. Lawford, Manningtree & Mistley
19. Little Clacton
20. Pier
21. St Bartholomew's
22. St James
23. St John's
24. St Osyth
25. St Paul's
26. Stour Valley
27. The Bentleys & Frating
28. The Oakleys & Wix
29. Thorpe, Beaumont & Great Holland
30. Walton
31. Weeley & Tendring
32. West Clacton & Jaywick Sands

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

Councillors

- Councillor J. Broderick (Tendring District Council)
- Councillor D. Dixon (Brightlingsea Town Council)
- Councillor L. McWilliams (Tendring District Council)
- Councillor G. Scott (Tendring District Council) (two submissions)

Local Organisations

- Friends of Jaywick Library

Parish and Town Council

- Brightlingsea Town Council
- Frating Parish Council
- Frinton & Walton Town Council
- Little Bentley Parish Council
- Manningtree Town Council
- Tendring Parish Council
- Thorrington Parish Council
- Weeley Parish Council

Local Residents

- Seven 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 www.nalc.gov.uk
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
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COUNCIL

5 SEPTEMBER 2017

REPORT OF THE DIRECTOR OF PLANNING & REGENERATION

A.6 LOCAL PLAN COMMITTEE TERMS OF REFERENCE - DEVELOPMENT PLAN DOCUMENTS

Report prepared by Lisa Hastings and Catherine Bicknell

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The purpose of this report is to request Full Council 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.

EXECUTIVE SUMMARY

Following Full Council approval of the Draft Publication Local Plan for public consultation and submission to the Planning Inspectorate in June 2017, in addition to the Examination in Public, which is currently anticipated to be scheduled for early 2018, work is required on the Development Plan Document (DPD).

DPDs are planning policy documents which make up the Local Plan. They help to guide development within a local planning authority area by setting out the detailed planning policies, which planning officers use to make their decisions on planning applications.

DPDs were introduced as part of the reforms made to the planning system through the Planning and Compulsory Purchase Act 2004 and further amendments have been introduced via later legislation. Regulations establish the process that must be followed when preparing a DPD. The key stages in this process are similar to the preparation of the Local Plan in that an Issues and Options and Preferred Options Draft DPDs are agreed by the Council for public consultation.

The Local Plan can consist of one or more DPDs however, currently as identified in the Council's published Local Development Scheme (LDS) only one DPD is proposed, being the Tendring Colchester Borders Garden Community Strategic Growth DPD ("the Garden Community DPD"). This document will be jointly prepared with Colchester and contain policies and allocations to support a Garden Community on the Tendring and Colchester Border.

The Local Plan Committee is responsible for exercising the Council's functions relating to overseeing the preparation of the Local Plan and ensuring it meets the 'tests of soundness' from national and planning policy. Formal approval of any Preferred Options Draft DPD for public consultation rests with Full Council on the recommendation of the Local Plan Committee.

Since the Local Plan Committee was established in March 2014, Members have robustly overseen the preparation of the new Draft Local Plan to ensure that:

- it meets the ‘tests of soundness’ set out in the National Planning Policy Framework;
- is “positively prepared”, based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- is “justified”, promoting the most appropriate strategy for growth, when considered against reasonable alternatives, based on proportionate evidence;
- is “effective”, being deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities;
- is “consistent with national policy” enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework; and
- that the Council effectively complies with the statutory duty to co-operate.

Consequently, a Draft Publication Local Plan was recommended to and approved by Council in June 2017 with cross party support, demonstrating robust scrutiny in the preparation of the Local Plan by the Committee including detailed consideration of the evidence base, a public speaking scheme and responding to the outcomes of public consultations. The preparation of the Garden Community DPD will follow a similar process. It is therefore proposed, that approval of the Preferred Options Draft for the DPD for public consultation is delegated to the Local Plan Committee.

This proposal would not impact upon the Publication Draft DPD, which will still be referred to Full Council for final approval.

RECOMMENDATIONS

That Full 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.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Local Plan helps to implement place shaping priorities in the Corporate Plan 2016-2020 for Tendring District Council through:

- Community Leadership by engagement with the community and effective partnership working with technical stakeholders, developers and other interested parties;
- Health and Housing through policies that promote healthier lifestyles, a quality living environment, local regeneration and council house building; and
- Employment and Enjoyment through policies to support business growth and skill development and the protection and promotion of the natural and built environments.

The LDS dated January 2017 provides the timetable for production of the Garden Community DPD, with preparation of draft documentation commencing in October 2016 with a view for target adoption by March 2019.

RESOURCES AND RISK

Resources:

Preparation of the Garden Community DPD will be undertaken within existing resources, the proposal to provide the Local Plan Committee with delegated power to approve a Preferred Options Draft DPD for public consultation will reduce the requirement for recommendation to Full Council before public consultation can take place.

Risks:

Should Council decide not to delegate the proposed authority to the Local Plan Committee, the target date for adoption of the Garden Community DPD may be compromised due to scheduling of full Council meetings, as flexibility in the timetable may become necessary.

LEGAL

Legislation: Planning legislation and the National Planning Policy Framework (NPPF) places Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment. They are a critical tool in guiding decisions about individual development proposals (Planning Guidance Paragraph 001 Reference ID: 12-001-20140306).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended, places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the 'Duty to Cooperate' on strategic matters of cross-boundary significance, which includes housing supply. Before a Planning Inspector can begin the process of examining a Development Plan Document, they need to be satisfied, with the Council's evidence, that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues.

Legal requirements:

Stage 1 - Preparation of a Local Plan (Regulation 18)

This stage normally requires a two-step process:

1. Issues and Options - Usually represents the first stage in the process. The purpose is to engage with local residents and relevant organisations to identify how planning policy can be used positively to help address key issues within the local authority area.
2. Preferred Options - Takes any issues that have been highlighted and identifies the preferred

approach for addressing these through planning policy. The purpose of the ensuing public consultation is to allow interested parties an opportunity to indicate if, on balance, they feel that the DPD takes the right approach to dealing with these issues or, if not, to highlight an alternative approach.

Stage 2 - Publication of a Local Plan (Regulation 19)

The Publication Report represents what the Council considers to be the final version of the DPD. The public consultation at this stage is no longer concerned with shaping the content of the document, but allows interested parties to comment on whether they consider it to be sound - i.e. justified and legally compliant.

Stage 3 - Submission of documents and information to the Secretary of State (Regulation 22)

Following the public consultation on the Publication Report (Stage 2), the DPD, together with all supporting documents and any comments that have been received, are submitted to the Secretary of State for examination by an independent Inspector. This represents the start of the Examination period.

Stage 4 - Independent Examination (Regulation 24)

Following submission a Programme Officer is appointed to organise and the Examination under the direction and guidance of the Inspector.

Stage 5 - Adoption of a Local Plan (Regulation 26)

Once the examination process is complete, the Inspector will present his/her findings to the Council in the form of a report.

Assuming that the DPD has been found sound, adoption is the final stage of putting it in place. This requires confirmation by a meeting of the Full Council [Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000].

OTHER IMPLICATIONS

Crime and Disorder: The DPD must focus development in locations where it will support economic growth and job creation (in line with the objectives of the Economic Development Strategy) which will help, alongside non-planning measures, to improve prosperity and tackle crime and disorder.

Equality and Diversity: An Equality Impact Assessment for the DPD will be prepared to ensure that matters relating to equality and diversity are sufficiently covered. The provisional vision and spatial strategy does however advocate a distribution of growth that will help to meet the housing and employment needs of people of all ages and abilities across all parts of the district.

Health Inequalities: The DPD will need to ensure that the preferred housing developments achieve the critical mass necessary to justify and secure the provision of new medical facilities and incorporate areas of public open space for the health and enjoyment of residents.

Area or Ward affected: Thorrington, Frating, Elmstead and Great Bromley Ward and Ardleigh and Little Bromley.

Consultation/Public Engagement: Formal public consultation involving the statutory bodies and other interested parties is required as part of the DPD process.

PART 3 – SUPPORTING INFORMATION

BACKGROUND INFORMATION

dedicated Local Plan Committee and its terms of reference were agreed by Full Council in March 2014. The terms of reference are included within the Constitution in Schedule 3 Part 3.13 to 3.15.

The Publication Draft Local Plan approved by Full Council on 15th June 2017 for public consultation and submission to the planning inspectorate. This public consultation has now closed and the responses are being collated for submission on 1st October.

Work is currently being undertaken by Officers to prepare a Garden Community DPD Issues and Options document for consultation to be presented to Local Plan Committee on 5th October 2017.

BACKGROUND DOCUMENTS

None

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COUNCIL

5 SEPTEMBER 2017

REPORT OF THE MONITORING OFFICER

A.7 LOCAL GOVERNMENT OMBUDSMAN

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council, or to Cabinet for executive functions, if any decision or omission has given rise to maladministration. The Ombudsman has recently considered three cases where some fault has been found with the Council.

Case 1 and 2

These both relate to the same planning enforcement matter concerning an unauthorised extension to a property and the use of that property as a dwelling. There were two complainants both of whom were challenging the extent to which the enforcement notice had been complied with. Whilst the Ombudsman did not find any fault with the way that the enforcement decision had been reached, she did find fault in the communication with both complainants and some information that had been provided to them. On the recommendation of the Ombudsman procedures have been reviewed and letters apologising for this miscommunication have been sent to both complainants.

Case 3

This relates to a housing matter. The Ombudsman has found fault in the way the Council dealt with a request for help with housing and in the way it dealt with a subsequent homelessness application. The Ombudsman has not commented on whether the final decision is considered to be the right one, but has been critical of the decision making process, particularly the evidencing of what factors were considered in reaching the decision or how the Council has fulfilled its homelessness duties. The Ombudsman has recommended that the homelessness application be reconsidered and that a financial remedy totalling £750 be paid to recompense for time the complainant was unable to appeal because an early decision was not made, for injustice and for anxiety and stress caused. These actions have been done.

This item is submitted for **INFORMATION ONLY**.

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