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Council

26 March 2019

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 26TH MARCH, 2019 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Ferguson, Fowler, Gray, Griffiths, C Guglielmi, V Guglielmi, Heaney, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Land, McWilliams, Miles, Newton, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Skeels Snr, Steady, Stephenson, Stock OBE, Talbot, Watson, White and Winfield
In Attendance:	Ian Davidson (Chief Executive)(except Minute 146), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Karen Neath (Head of Leadership Support and Community), Anastasia Simpson (Head of People, Performance and Projects), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

126. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bennison, Fairley, Hones, Khan, Nicholls, Turner and Whitmore.

127. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 February 2019, be approved as a correct record and signed by the Chairman.

128. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time by Members.

However, the Chief Executive indicated that he would declare an interest in Agenda Item 22 (Report of the Deputy Chief Executive – A.4 – Pay Policy Statement 2019/20 and Pay Assimilation) and that he would withdraw from the meeting at the appropriate time.

129. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

(1) Pride of Tendring Awards

The Chairman thanked all those who had attended the recent Pride of Tendring Awards and all those who had worked to make it such a successful occasion. He read out an extract from a letter of appreciation that he had received from the High Sheriff of Essex.

(2) Karen Neath, Head of Leadership Support and Community

The Chairman announced that this was the last meeting of the Council that Karen Neath would be attending. He informed Members that Karen had worked in local government since 1984 and had originally joined the Council as its Head of Finance and Section 151 Officer in April 2005. He thanked Karen for her great dedication to the Council and wished her well for the future.

Members showed their appreciation of Karen's service to the Council with a round of applause.

130. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

131. STATEMENTS BY THE LEADER OF THE COUNCIL

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

132. STATEMENTS BY MEMBERS OF THE CABINET

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

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

Further to the Chairman of the Council's announcement made earlier in the meeting, the Leader of the Council (Councillor Stock OBE) paid his own personal tribute to Karen Neath.

The Council then received the Annual State of the Tendring District Statement from the Leader of the Council.

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

Councillors Broderick, Ferguson and I J Henderson addressed the Council during the debate on the Leader's Statement.

Councillor Broderick declared a personal interest in respect of the part of the Leader's statement that referred to the coast defence scheme at Holland-on-Sea insofar as her home was one of those that had benefited from those coast defences.

The Leader of the Council then informed Members that the Council had once again been re-assessed and credited as achieving Investors in People Gold status. This indicated that the Council had strong Officer leadership and that it was constantly striving to improve both its performance and its employees. He thanked the Chief Executive for his leadership which had enabled the Council to achieve this award as well as the wider Officer teams for their individual contributions.

Members expressed their appreciation of this achievement with a round of applause.

134. PETITIONS TO COUNCIL

There were none on this occasion.

135. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

There were none on this occasion.

136. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

There were none on this occasion.

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

There was no Report on this occasion.

138. MINUTES OF COMMITTEES

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

- (a) Standards of Wednesday 16 January 2019;
- (b) Audit of Thursday 24 January 2019;
- (c) Community Leadership Overview & Scrutiny of Monday 28 January 2019;
- (d) Planning Policy & Local Plan of Tuesday 29 January 2019;
- (e) Resources and Services Overview & Scrutiny of Monday 11 February 2019;
- (f) Human Resources & Council Tax of Wednesday 20 February 2019; and
- (g) Community Leadership Overview & Scrutiny of Monday 25 February 2019.

There were Recommendations to Council contained within Minutes 37 and 44 of the minutes of the meetings of the Community Leadership Overview and Scrutiny Committee held, respectively, on 28 January 2019 and 25 February 2019. Those recommendations were taken, as appropriate, in conjunction with Agenda Items 16 and 17 as recorded under Minutes 140 and 141 below.

In addition, there was a recommendation to Council contained within Minute 21 of the meeting of the Human Resources and Council Tax Committee held on 20 February 2019. That recommendation was taken in conjunction with Agenda Item 22 as recorded under Minute 146 below.

139. MOTIONS TO COUNCIL

There were none on this occasion.

140. MOTION TO COUNCIL - "PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA"

Council further considered the following motion, which had been moved by Councillor Newton and seconded by Councillor Bucke at the meeting of the Council held on 27 November 2018 (Minute 87 referred) and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"This Council, in accordance with the Local Government and Public Involvement in Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review with a view to creating a Clacton Town Council to come into effect in 2023.

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 Parish Council.

This will be inclusive of the following District Council Wards (as effective from May 2019)

–

*Bluehouse
Burrsville
Cann Hall
Coppins
Eastcliff
Pier
St Bartholomews
St James
St Johns
St Pauls
West Clacton and Jaywick Sands"*

Council was aware that Community Leadership Overview and Scrutiny Committee, at its meeting held on 28 January 2019 (Minute 37 referred) had considered Councillor Newton's motion. The relevant Committee Minute containing the Committee's recommendation to Council was contained within the Council Book.

Council also had before it a reference report containing further information for Members' consideration in making an informed decision on the Motion.

The Chairman of the Community Leadership Overview and Scrutiny Committee, Councillor Land, formally moved, on behalf of that Committee, that Councillor Newton's motion be amended to read as follows:-

"This Council, seeks to ascertain the views of the people of Jaywick, Clacton and Holland as to the possible creation of a Town Council or Councils for the currently unparished area of the District and that this be done by way of a question included with the Council Tax leaflet."

Councillors Stock, Bucke, Newton, Heaney, P B Honeywood, Baker, Miles, Griffiths, Bray, Broderick, Porter, Talbot, Stephenson and G V Guglielmi addressed the Council on the subject matter of Councillor Land's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Newton asked that a record of the vote on Councillor Land's amendment be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Broderick	Alexander	Bush	Bennison
J Brown	Amos	Chapman	Fairley
Bucke	Baker	Davis	Hones
Calver	Bray	Miles	Khan
Cawthron	B Brown	Platt	Massey
Fowler	M Brown	Steady	Nicholls
Gray	Callender	Yallop	Turner
I Henderson	Chittock		Watling MP
J Henderson	Coley		Whitmore
King	Cossens		
Newton	Everett		
Pemberton	Ferguson		
Porter	Griffiths		
Scott	G V Guglielmi		
Stephenson	V E Guglielmi		
Winfield	Heaney		
	P B Honeywood		
	S A Honeywood		
	Land		
	McWilliams		
	Poonian		
	Raby		
	Skeels Jnr.		
	Skeels Snr.		
	Stock OBE		
	Talbot		
	Watson		
	White		

Councillor Land's amendment was thereupon declared **LOST**.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Newton asked that a record of the vote on her original motion be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Broderick	Alexander	Bush	Bennison
J Brown	Amos	Chapman	Fairley
Bucke	Baker	Miles	Hones

Calver	Bray	Pemberton	Khan
Cawthron	B Brown	Platt	Massey
Fowler	M Brown	Steady	Nicholls
Gray	Callender	Yallop	Turner
I Henderson	Chittock		Watling MP
J Henderson	Coley		Whitmore
King	Cossens		
Newton	Davis		
Porter	Everett		
Scott	Ferguson		
Stephenson	Griffiths		
Winfield	G V Guglielmi		
	V E Guglielmi		
	Heaney		
	P B Honeywood		
	S A Honeywood		
	Land		
	McWilliams		
	Poonian		
	Raby		
	Skeels Jnr.		
	Skeels Snr.		
	Stock OBE		
	Talbot		
	Watson		
	White		

Councillor Newton's motion was thereupon declared **LOST**.

141. MOTION TO COUNCIL - "UTILISATION OF AVAILABLE ENFORCEMENT POWERS TO COMBAT STREET DRINKING AND ANTI-SOCIAL BEHAVIOUR IN CLACTON TOWN CENTRE"

Council further considered the following motion, which had been moved by Councillor P B Honeywood and seconded by Councillor Everett at the meeting of the Council held on 22 January 2019 (Minute 111 referred) and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"That this Council looks forward to the new Anti-Social Patrol Officer being appointed and asks that that person works closely with the Police and the dedicated PCSO for Clacton to ensure that all available enforcement powers are utilised to combat street drinking and anti-social behaviour in Clacton Town Centre to the fullest of their ability."

Council was aware that the Community Leadership Overview and Scrutiny Committee, at its meeting held on 25 February 2019 (Minute 44 referred) had considered Councillor Honeywood's motion. The relevant Minute containing that Committee's recommendation to Council was contained within the Council Book.

The Chairman of the Community Leadership Overview and Scrutiny Committee, Councillor Land formally moved, on behalf of that Committee, that Councillor Honeywood's motion be approved in its original format.

Councillor's P B Honeywood, Everett, Alexander, I J Henderson, Griffiths, Calver, Cossens, Winfield, Porter, Newton and Broderick addressed the Council on the subject matter of this item.

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

142. RECOMMENDATIONS FROM THE CABINET - ANNUAL CAPITAL AND TREASURY STRATEGY 2019/2020 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it the recommendation submitted to it by the Cabinet in respect of the proposed approval of the Annual Capital and Treasury Strategy for 2019/2020 [Minute 133 of the Cabinet meeting held on 8 March 2019 referred].

It was moved by Councillor G V Guglielmi and:-

RESOLVED that the Annual Capital and Treasury Strategy for 2019/2020 (including Prudential and Treasury Indicators), be approved and implemented.

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

There were no Reports on this occasion.

144. REPORT OF THE CHIEF EXECUTIVE - A.1 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that Councillor Bucke had tendered his resignation as a member of the Standards Committee.

He also formally reported that, in accordance with the wishes of the Leader of the Liberal Democrats / Tendring First Group and the authority delegated to him, the following appointment had been duly made -

Standards Committee

Councillor Scott had been appointed to serve in place of Councillor Bucke.

Council noted the foregoing.

145. REPORT OF THE CHIEF EXECUTIVE - A.2 - CHANGE IN MEMBERSHIP OF POLITICAL GROUPS

The Chief Executive formally reported that, on 25 and 26 February 2019, Councillors Cawthron, Hones, Newton and Porter, pursuant to Regulation 10(d) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they no longer wished Councillor Davis to be treated as a member of the UKIP political group on Tendring District Council.

He further formally reported that, on 26 February 2019, 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 political group. That notice had been duly counter-signed by the Leader of the Independent Group (Councillor Talbot).

Councillor Talbot had informed Officers that he did not wish to exercise his right under 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 to have a review of the allocation of seats to political groups carried out.

Council noted the foregoing.

146. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - PAY POLICY STATEMENT 2019/20 AND PAY ASSIMILATION

The Chief Executive had earlier declared an interest in this item. He thereupon withdrew from the meeting whilst Council deliberated on this item and reached its decision.

Further to Minute 21 of the meeting of the Human Resources and Council Tax Committee held on 20 February 2019 the Council had before it for its approval the proposed Pay Policy Statement for 2019/20. Council was also requested to note the new Pay Spine that would come into effect from 1 April 2019.

It was moved by Councillor Callender, seconded by Councillor G V Guglielmi and –

RESOLVED that –

- (a) the Pay Policy Statement 2019/20, as set out at Appendix A to item A.3 of the Report of the Deputy Chief Executive, be adopted; and
- (b) the new Pay Spine that will come into effect from 1 April 2019, as set out in Appendix B to the aforementioned report, be noted.

147. REPORT OF THE MONITORING OFFICER - A.4 - REVIEW OF THE COUNCIL PROCEDURE RULES (PART 4 OF THE COUNCIL'S CONSTITUTION)

Further to Minute 112 of the meeting of the Council held on 22 January 2019 Members gave consideration to a Report of the Monitoring (report A.4) which sought Council's approval of the recommendations submitted to it by the Cabinet in respect of proposed changes to the Council Procedure Rules (Part 4 of the Council's Constitution).

Council recalled that, at its meeting held on 22 January 2019, it had considered Cabinet's recommendations in relation to proposed changes to the Council's Constitution and the sizes of the Council's Committees and had decided, inter alia, that:-

- (a) the start time of 7.30pm for Ordinary Full Council meetings remains unchanged recognising that a proportion of elected councillors are employed; and*
- (b) the alternative procedure for changes relating to dealing with Motions on Notice, as set out in the report, is agreed in principle only and that revised Council Procedure Rules be produced for approval to the next practicable meeting of Full Council, so that the same can come into effect on 1st May 2019.*

Revised Council Procedure Rules (Sections 1 and 2) which included the alternative procedure for dealing with Motions on Notice had subsequently been submitted to the meeting of the Cabinet held on 8 March 2019. Prior to Cabinet's meeting Group Leaders had been consulted on the contents of the revised Council Procedure Rules and their

comments together with the Finance and Corporate Resources Portfolio Holder's comments and recommendations in response thereto had also been submitted to that Cabinet meeting.

At that meeting held on 8 March 2019 Cabinet had decided that:-

- (a) *Cabinet recommends to Council that Part 4 of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A1 and A2 attached hereto (subject to Council Procedure Rule 36.1 in Appendix A2 being further amended in accordance with the Portfolio Holder's recommendation in Appendix A3) and that those changes come into effect from 1st May 2019; and*
- (b) *a mandatory review of the revised arrangements be undertaken, commencing six months from 1st May 2019.*

Appendices A1 and A2 to item A.4 of the Report of the Monitoring Officer contained, respectively, the Cabinet's recommended changes to Sections One and Two of the Council Procedure Rules (Part 4 of the Constitution).

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

RESOLVED that –

- (a) Part 4 of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A1 and A2 attached to item A.4 of the Report of the Monitoring Officer, and that such changes come into effect from 1st May 2019;
- (b) Council notes that a review of the revised arrangements will be undertaken, commencing six months from 1st May 2019.

148. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 9.34 pm

Chairman

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