

Public Document Pack

Council

28 May 2019

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 28TH MAY, 2019 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Bush, Calver, Casey, Cawthron, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles, McWilliams, Miles, Morrison, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
Also Present:	Mr M E Platt (retiring Chairman of the Council, in the Chair for items 1 – 5) and Mrs K D Yallop (retiring Vice-Chairman of the Council)
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Keith Simmons (Head of Democratic Services and Elections), Elizabeth Ridout (Leadership Support Manager), William Lodge (Communications Manager), Katie Sullivan (Committee Services Officer), Charlotte Cooper (Leadership Support Officer) and Matt Cattermole (Business Support Officer)

1. CHAIR

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Mr M E Platt, until his successor became entitled to act as Chairman.

**2. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL ELECTIONS
- 2 MAY 2019 - SCHEDULE OF ELECTED MEMBERS**

The Chief Executive, in his capacity as Returning Officer, reported that at the District Council Elections held on 2 May 2019 the following persons had been duly elected and that all had since made the Statutory Declaration of Acceptance of Office:-

Maurice John Michael Alexander	Ivan John Henderson
Edward Thomas Allen	Joanne Henderson
Christopher David Amos	Paul Bernard Honeywood
Michael Barry	Susan Ann Honeywood
Jeffrey Dennis Bray	Kanagasundaram Thevakumar King
Joyce Ann Broderick	Fiona Knowles
Michael Bush	Daniel James Land
Garry William John Calver	Lynda Ann McWilliams
Daniel John Casey	Margaret Delyth Miles
Peter Cawthron	Pamela June Morrison
Jayne Beverley Chapman	Mary Catherine Newton
John Chittock	Nicola Jayne Overton
Paul Clifton	Georgina Rose Placey

James Codling	Alex Oliver James Porter
Alan David Coley	Gary Gordon Ian Scott
William John Davidson	Michael John Skeels
Anne Hilary Davis	Graham David Steady
Zoe Jacqueline Fairley	Gemma Louise Stephenson
Maria Fowler	Mark Edward Stephenson
Christopher William Griffiths	Neil Robin Stock OBE
Giancarlo Valeriano Guglielmi	Nicholas William Turner
Valerie Edna Guglielmi	Rosemary Anne Wiggins
Peter James Harris	Colin Paul Winfield

Members were aware that, due to the death of a candidate, the poll in the St Osyth Ward of the District had had to be countermanded. That election had taken place on Thursday 23 May 2019.

The Returning Officer informed Council that Michael John Talbot and John Frederick White had been the successful candidates in that election. They had since each made the Statutory Declaration of Acceptance of Office.

Council noted the foregoing.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

4. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman (Mr M E Platt) stated that being Chairman of the Council was the highest honour that could be bestowed upon a Member by the Council and he expressed his gratitude that fellow Members had twice elected him to this prestigious position.

He expressed his gratitude to the following for all their unrelenting support and advice during his term of office:-

- (i) Members of the Council;
- (ii) The Vice-Chairman of the Council and her Consort;
- (iii) Officers especially the Princes Theatre staff and Members' Support Team,
- (iv) His Chaplain, The Reverend Peter Edwards; and
- (v) His Wife, Raluca.

Members showed their appreciation for the Chairman with a round of applause.

5. ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock and seconded by Councillor G V Guglielmi that Councillor Land be elected Chairman of the Council.

It was then moved by Councillor Scott and seconded by Councillor M E Stephenson that Councillor Chapman be elected Chairman of the Council.

The vote on the election of the Chairman of the Council resulted as follows:-

<u>Councillors Voting for _____ Councillor Land</u>	<u>Councillors Voting for _____ Councillor Chapman</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	None	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Davis		
Griffiths	Fowler		
G V Guglielmi	Harris		
V E Guglielmi	I J Henderson		
P B Honeywood	J Henderson		
S A Honeywood	Knowles		
King	Miles		
Land	Morrison		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		
Stock OBE	Talbot		
Turner	White		
Winfield	Wiggins		

As there was an equality of votes the Chairman was required by the provisions of Section 4(3) of the Local Government Act 1972 to give a casting vote. The Chairman thereupon gave his casting vote to Councillor Land and it was therefore:-

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Land be elected Chairman of the Council for the 2019/2020 municipal year.

Members gave a round of applause to Councillor Land on his election.

Councillor Land thereupon made a Statutory Declaration of Acceptance of Office.

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

The Chairman thanked his parents, friends and the public for enabling him to be in a position to be elected Chairman of the Council.

He then paid tribute to the work undertaken by the retiring Chairman (Mr M E Platt) and retiring Vice-Chairman (Mrs K D Yallop). The Chairman also paid tribute to the service given to the District by the former Members of the Council who had either not stood for re-election or who had not been successful in the elections.

Mr M E Platt wished the Chairman well during his term of office and urged Members to give the Chairman their whole-hearted support.

6. ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock OBE and seconded by Councillor Turner that Councillor Bray be elected Vice-Chairman of the Council.

It was then moved by Councillor I J Henderson and seconded by Councillor Talbot that Councillor Casey be elected Vice-Chairman of the Council.

The vote on the election of the Vice-Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor Bray</u>	<u>Councillors Voting for Councillor Casey</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	None	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Davis		
Griffiths	Fowler		
G V Guglielmi	Harris		
V E Guglielmi	I J Henderson		
P B Honeywood	J Henderson		
S A Honeywood	Knowles		
King	Miles		
Land	Morrison		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		
Stock OBE	Talbot		
Turner	White		
Winfield	Wiggins		

As there was an equality of votes the Chairman decided, in accordance with the provisions of paragraph 39(2) of Schedule 12 to the Local Government Act 1972, whether to give a casting vote. The Chairman thereupon gave his casting vote to Councillor Bray and it was therefore:-

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Bray be elected Vice-Chairman of the Council for the 2019/2020 municipal year.

Members gave a round of applause to Councillor Bray on his election.

Councillor Bray was thereupon invested with the Vice-Chairman's Badge of Office and made a Statutory Declaration of Acceptance of Office. Councillor Bray expressed his thanks to the Council for their support. Councillor Bray paid tribute to the former Chairman and Vice-Chairman in office and he pledged that he would do his utmost to match their efforts during his year in office.

7. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman invited Members and Officers to join him in the Chairman's Parlour after the meeting for refreshments.

The Chairman paid tribute to the hard work carried out by the Council's Electoral Services Team and other Officers in successfully carrying out the recent District/Parish Council Elections and European Parliamentary Elections.

Members echoed those sentiments with a round of applause.

The Chairman announced that his chosen charities for the year would be a local Cat Rescue Centre in Thorpe-le-Soken and the Essex and Hertfordshire Air Ambulance.

He also urged Members to develop positive relationships with fellow Members and Officers and build something that the residents of the District of Tendring could be proud of in the next four years.

8. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

9. REPORT OF THE CHIEF EXECUTIVE - A.1 - MEMBERSHIP OF POLITICAL GROUPS (INCLUDING THEIR LEADERS AND DEPUTY LEADERS)

The Chief Executive formally reported that, following the District Council Elections held on 2 May 2019 and pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the following political groups had been formed on Tendring District Council:-

Conservative Group

Maurice Alexander
Chris Amos
Jeff Bray
John Chittock
Alan Coley
Zoe Fairley
Chris Griffiths
Carlo Guglielmi (Deputy Group Leader)
Val Guglielmi
Paul Honeywood
Sue Honeywood
Dan Land

Lynda McWilliams
Mick Skeels
Neil Stock OBE (Group Leader)
Nick Turner

Holland-on-Sea Group

Joy Broderick (Group Leader)
K T King
Colin Winfield (Deputy Group Leader)

Independent Group

Mick Barry
Jayne Chapman (Group Leader)
Anne Davis
Graham Steady (Deputy Group Leader)

Labour Group

Garry Calver (Deputy Group Leader)
Bill Davidson
Maria Fowler
Ivan Henderson (Group Leader)
Jo Henderson
Pam Morrison

Liberal Democrats Group

Gary Scott (Group Leader)
Ann Wiggins (Deputy Group Leader)

Tendring First Group

Terry Allen (Group Leader)
Paul Clifton
Fiona Knowles
Gina Placey

Tendring Independents Group

Mike Bush (Deputy Group Leader)
Dan Casey
Peter Harris
Delyth Miles
Gemma Stephenson
Mark Stephenson (Group Leader)

United Kingdom Independence Party (UKIP) Group

James Codling
Mary Newton (Group Leader)

Nicola Overton (Deputy Group Leader)
Alex Porter

Members were aware that the election of Councillors for the St Osyth Ward had been postponed (due to the death of a candidate) from 2 May 2019 to 23 May 2019 and that Michael Talbot and John White had duly been returned for the St Osyth Ward. They had, subsequently, both joined the Independent Group.

The Chief Executive formally reported that Councillor Peter Cawthron had earlier that day joined the UKIP Group following his statutory declaration of acceptance of office.

It was reported that, in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats on Committees etc. to political groups had been carried out based on the available information. The outcome of that review would be considered by Council later in the Annual Meeting under Minute 13 below.

Council noted the foregoing.

10. **ELECTION OF LEADER OF THE COUNCIL**

It was moved by Councillor G V Guglielmi and seconded by Councillor P B Honeywood that Councillor Stock OBE be elected Leader of the Council.

It was then moved by Councillor Miles and seconded by Councillor Scott that Councillor Allen be elected Leader of the Council.

The vote on the election of the Leader of the Council resulted as follows:-

<u>Councillors Voting for Councillor Stock</u>	<u>Councillors Voting for Councillor Allen</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	Davis	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Fowler		
Griffiths	Harris		
G V Guglielmi	I J Henderson		
V E Guglielmi	J Henderson		
P B Honeywood	Knowles		
S A Honeywood	Miles		
King	Morrison		
Land	Placey		
McWilliams	Scott		
Newton	Steady		
Overton	G L Stephenson		

Porter	M E Stephenson
Skeels	Wiggins
Stock OBE	
Talbot	
Turner	
White	
Winfield	

RESOLVED that, in accordance with the Council's executive arrangements pursuant to Section 9I of the Local Government Act 2000, Councillor Stock OBE be elected Leader of the Council for a term of office ending on the day of the next post-election annual meeting (i.e. the Annual Meeting of the Council in May 2023).

Members gave a round of applause to Councillor Stock on his election.

Councillor Stock made a Statutory Declaration of Acceptance of Office.

11. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) announced that he would appoint a Deputy Leader of the Council in due course.

Councillor Stock thanked Council for re-electing him as Leader. He also gave his commiserations to Councillor Allen and paid tribute to Councillor Allen's previous service to the Council as its first ever Leader under the 'Leader and Cabinet' governance arrangements brought in by the Local Government Act 2000.

Councillor Stock also paid tribute to the hard work carried out by the Council's Electoral Services Team and other Officers in successfully carrying out the recent District/Parish Council Elections and European Parliamentary Elections.

The Council noted the foregoing.

12. APPOINTMENT OF THE MEMBERS OF THE CABINET

The Leader of the Council (Councillor Stock OBE) confirmed that he would formally appoint the members of the Cabinet and allocate Portfolios to them in due course.

The Council noted the foregoing.

13. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 - REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL

Council had before it a report of the Head of Democratic Services and Elections, which informed Members that the Independent Remuneration Panel (IRP) had recently completed a review of Members' Allowances for a scheme commencing 1 May 2019 and that the Panel's recommendations had been published in accordance with legislation.

Council was advised that it must now have regard to the recommendations of the IRP in determining a Scheme of Allowances for 2019/20. The Council could depart from the

IRP recommendations provided it could demonstrate good reasons for doing so, having taken all relevant matters into account.

Members were informed that given the substantial change in the size of the Council it was proposed that a high level and light touch review be undertaken after three months in order to ensure that there were no significant anomalies in the Scheme of Allowances proposed. It was further proposed that a full review be undertaken early in 2020 in order to enable recommendations for a scheme for the 2020/21 Municipal Year to be put forward to the Annual Meeting of the Council in 2020.

It was also reported that HMRC had issued new benchmark subsistence rates and that the IRP had recommended that those be adopted as part of the scheme for 2019/20.

The Leader of the Council (Councillor Stock OBE) thanked the members of the IRP for the work that they had undertaken.

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

RESOLVED that -

- (a) the allowances recommended by the Independent Remuneration Panel, as set out in its report attached at Appendix A to item A.2 of the Report of the Head of Democratic Services and Elections, be approved;
- (b) the IRP undertakes a high level and light touch review after three months;
- (c) the IRP undertakes a further full review for the 2020/21 Municipal Year and makes recommendations to the Annual Meeting of the Council in 2020; and
- (d) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses.

The Leader of the Council (Councillor Stock OBE) informed Members that a meeting of all Group Leaders would be held as part of the three month review.

14. SIZE OF MEMBERSHIP OF COMMITTEES ETC.

Council noted the size of membership of the Council's Committees and Sub-Committees as follows:-

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(7)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(9)
Licensing and Registration	(9)
Planning Policy & Local Plan	(11)
Planning	(9)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

15. ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO THE POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

Following a meeting of Group Leaders held that day to discuss and decide the matter, Council noted the allocation to the political groups formed on Tendring District Council of seats on those bodies that were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

16. APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE 2019/2020 MUNICIPAL YEAR

The Council had before it a Schedule of Members that it was proposed by political Group Leaders should serve on each of the Council's bodies, which were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989). That Schedule was incomplete as not all Group Leaders had submitted their nominations.

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

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Rules of Political Proportionality be, and are, hereby appointed for the 2019/2020 municipal year and that their membership be as set out on the Schedule, subject to the remaining vacancies being decided by Group Leaders in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution.

17. APPOINTMENT OF THE TOWN AND PARISH COUNCILS STANDARDS SUB-COMMITTEE FOR THE 2019/2020 MUNICIPAL YEAR

RESOLVED that the appointment of the Town and Parish Councils Standards Sub-Committee for the 2019/2020 municipal year and its membership be deferred.

18. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES ETC. FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock OBE, seconded and:

RESOLVED that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2019/2020 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Coley	Alexander
Community Leadership Overview & Scrutiny	Newton	Skeels
Human Resources & Council Tax	Chapman	Griffiths
Licensing and Registration	Winfield	V Guglielmi
Planning Policy & Local Plan	Turner	Fairley
Planning	White	Bray
Resources and Services Overview & Scrutiny	Vacant	Vacant

Standards Miscellaneous Licensing Sub-Committee	Land V Guglielmi	Amos S Honeywood
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It was then moved by Councillor Allen, and seconded that Councillor M E Stephenson and Councillor Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee.

RESOLVED that Councillors M E Stephenson and Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year.

19. REPORT OF THE MONITORING OFFICER - A.3 - THE COUNCIL'S CONSTITUTION

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

The full text of the Council's Constitution could be found on the Council's website and Members had previously been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors.

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

RESOLVED that the Council's Constitution be reaffirmed.

20. RECOMMENDATIONS FROM THE CABINET - A.4 - PROGRAMME OF MEETINGS: 2019/2020 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council and its Committees for the 2019/2020 municipal year.

The programme of meetings also included dates for All Member Briefings and Members' training on matters relating to planning and development control in order to assist Members in keeping their diaries up-to-date.

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

RESOLVED that

- (a) the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.4 of the Reference from Cabinet, be approved; and
- (b) the proposed dates for All Member Briefings and Planning Training for Members be noted.

21. REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMITTEES - A.5 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2019/2020 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2018 TO APRIL 2019

The Council considered a report which sought its approval to proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the

Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year and which reviewed the work carried out by those Committees during the period May 2018 to April 2019.

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

- (a) the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year, as set out in Appendix A5A to item A.5 of the References from Overview and Scrutiny Committees, be approved; and
- (b) the review of the work carried out by those Committees in the last municipal year, as set out in Appendix A5B to the aforementioned report, be noted.

It was then moved by Councillor Stock OBE and seconded by Councillor I J Henderson that Councillor Guglielmi's motion be amended to read as follows:-

- (a) the Council, subject to the ratification of the respective overview and scrutiny committees, approves the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year, as set out in Appendix A5A to item A.5 of the References from Overview and Scrutiny Committees; and
- (b) the review of the work carried out by those Committees in the last municipal year, as set out in Appendix A5B to the aforementioned report, be noted.

Councillor Stock's amendment on being put to the vote was declared **CARRIED**.

The amendment on being put to the vote as the substantive motion was declared **CARRIED**.

22. APPOINTMENT OF MEMBER AUTHORITY REPRESENTATIVES TO SERVE ON/AT THE GENERAL ASSEMBLY OF THE LOCAL GOVERNMENT ASSOCIATION

In accordance with Council Procedure Rule 1.1 (xv) the Council was requested to appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Council was aware that two of the Members appointed must be the Leader and Deputy Leader of the Council.

RESOLVED that, in addition to the Leader and Deputy Leader of the Council, Councillors Coley and I J Henderson be appointed to represent Tendring District Council as Member Authority Representatives at the General Assembly of the Local Government Association.

The Meeting was declared closed at 8.46 pm

Chairman