

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 10TH SEPTEMBER, 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, 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 (except items 47 - 52), McWilliams, Miles, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), William Lodge (Communications Manager), Charlotte Cooper (Committee Services Officer) and Matt Cattermole (Business Support Assistant)

47. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Morrison, Turner, White and Wiggins.

48. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the Minutes of the meeting of the Council held on 6 August 2019 be approved as a correct record and be signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were none on this occasion.

50. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Land) updated Council on:-

- (1) Nomination period for the Pride of Tendring Awards;
- (2) Member visits to Harwich and Manningtree; and
- (3) Project working with Years 5 and 6 at Primary Schools to provide a workshop on citizenship and cultural values.

51. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

52. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) made the following statements:

(1) Housing Infrastructure Fund Success

“Members will be aware of the recent Government announcement that £100million from the Housing Infrastructure Fund will be spent in the District to support delivery of the Tendring / Colchester Garden Community. This is a spectacular achievement for the District and the largest single investment in Tendring for a generation or more. This funding will provide a link road between the A120 and A133 and a rapid transit scheme to alleviate congestion in the area.

I have supported the Garden Communities project from the outset purely because of the “infrastructure first” approach. We have all seen far too many large new housing developments that have simply placed an unacceptable burden on existing infrastructure, causing misery for existing residents as well as creating a new community that is fundamentally flawed from the outset.

This Council, through its unanimous approval of Section 1 of the Local Plan, signalled its clear intent to Government that we want to do things differently and the timing of this announcement so soon after our decision is no coincidence. It demonstrates that the Government is as determined as we are to see the success of Garden Communities.

I would like to acknowledge the key role that Essex County Council played leading in the submission of the bid to Government, as well as our other partners Braintree and Colchester district councils, and to thank the Officers involved in securing this major, transformational investment for Tendring.”

(2) Clacton Town Centre

“I am pleased to also let Members know that the Council’s bid to the Government’s High Street Futures Fund for Clacton Town Centre has been also been successful.

£150,000 has been allocated to the Council to assist in preparing a detailed business case as a bid for significant grant funding next year which could be in the region of £10-15m.

That is an excellent future prospect which we will work hard to achieve but I know our residents and businesses want to see positive action now in order to tackle current problems as well as planning for the future.

I am therefore pleased that Cabinet on Friday will consider an ambitious vision and programme for change to position Clacton by 2030 as a thriving place for residents and visitors. Alongside this will be a ‘Plan of Action’ which outlines short, medium and long-term interventions along with £250,000 from the Council’s regeneration budgets as a starting point for delivery.

Short-term actions proposed - which could be carried out before any potential Government funding - include improved access and more parking, creating a performance area in the town square, and groundwork for future schemes such as a commercial property study and a review of licensing policies.

I would like to thank all those involved in developing the bid, including the Clacton Town Centre Working Party where partners and businesses came together to develop proposals aimed at ensuring a vibrant and successful future for Clacton.”

(3) Waste And Recycling

“The roll-out of the new waste service is a mammoth task.

Other than council tax billing and the annual election canvass, waste is the only service which affects every single household in our District, and therefore impacts upon every one of the nearly 150,000 people who live in this District.

This operation has seen more than 58,000 new wheelie bins delivered to homes and completely new collection routes right across the District over a ten-week period. Planning has been going on for more than a year to ensure as smooth a roll-out as possible.

This has included speaking to colleagues at other Essex councils who have been through a similar process, and their feedback has always been that this type of change can take up to six months to bed in.

Councillor Talbot, the Portfolio Holder responsible for waste and recycling, will have more of an update in response to questions elsewhere in this agenda, and I would not wish to steal too much of his thunder, but I do want to thank him for his dedication and commitment to ensuring this has gone as smoothly as possible.

However, I am pleased to be able to say that over 98% of households received their new bins as planned.

We know, however, that 1.72% of households did not – although the vast majority of these were delivered last week by our contractors during a planned ‘mop-up’ period.

We also recognise that there have been teething problems with waste collections during the roll-out, and on behalf of Tendring District Council I would like to apologise for that, and to apologise to any Tendring residents who have been inconvenienced in any way as the new waste collection system has been implemented.

With an operation of this size and scale some element of disruption was always going to be inevitable, and whilst the numbers are tiny as a percentage of the total population I fully recognise that for the individuals concerned it can be very annoying and irritating to have any issues at all with your bin collection service, so as I say I do apologise to anyone affected.

The issues have mainly centred around new crews having to learn new routes and, during the transition period, running the old and new systems in parallel.

We are continuing to work with Veolia to address these issues, but are already seeing the incidence of problems and complaints reducing dramatically now that we are wholly on the new system.

Finally we are also now seeing the evidence that the amounts and proportions of waste and recycling have been changing significantly as the roll out of the new system has

been implemented and this too has contributed to the challenge of bedding in the new arrangements.

The news on that is very good. But I will leave it for Councillor Talbot to cover later on. I would though, like to thank our staff and officers, and those Veolia employees on the front line, for the hard work they are doing on our behalf and the commitment they are showing in dealing with any issues that have arisen during the roll out phase.”

(4) Exercise Adler 4 – Monday 16 September 2019

“To the best of our knowledge Exercise Adler 4 is the largest East Coast emergency planning training exercise taking place this year.

It will be a live exercise involving real ships, real people and a huge range of emergency services, public services, business and voluntary organisations. It is being led by the Harwich Haven Authority and has been organised jointly with TDC.

Without giving too much away the emergency planning scenario involves a passenger ship in difficulties being evacuated at sea and a second vessel catching fire and docking at Harwich International Port. There will be about 100 “live” casualties to be brought ashore.

A Major Incident will be declared and Tendring District Council’s District Emergency Response Centre will be opened and will be coordinating all Council activities.

The following gives an indication of the event participation in terms of multi-agency partners, scope and size;

Agencies who will play their part in the exercise include HM Government (with Ministerial involvement), Police, Fire, Ambulance, Harwich Haven Authority, Essex County Council, a wide range of voluntary organisations, Harwich International Port, Felixstowe Port, Greater Anglia Railways, Border Force, Marine & Coastguard Agency, RNLI lifeboats, Public Health England – the list goes on.....

This will be a major and invaluable exercise which will test our Emergency Planning arrangements in as near as possible a “live” situation.

So I would like to take this opportunity to remind and reassure local residents not to be alarmed if they see this large-scale emergency services response around Harwich on September 16, as this is for the exercise.”

The Leader of the Council then responded, as appropriate, to questions about his statements asked by Councillors I J Henderson and Allen.

53. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Leisure and Tourism (Councillor Porter) made a statement referencing the success of the recent Clacton Air Show.

Following an intervention by Councillor Calver, there was a minute’s silence observed in tribute to the members of the public who had lost their lives in an incident on Clacton seafront earlier in the summer.

54. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

55. 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.

The following questions had been received, on notice, from members of the public:

Question One

From Tom Howard to Councillor Talbot, Environment and Public Space Portfolio Holder:

“As the portfolio holder for the Environment and Open Spaces should be aware, there is a high level of discontent amongst the residents of Tendring regarding the collection of refuse, recycling and garden waste.

Since the recent service changes, the service provided by Veolia on behalf of Tendring District Council has been nothing short of shambolic and implementing penalty charges would seem in order, as would public acknowledgement of the problems and the implementation of an appropriate action plan to bring the service on track.

In the case of the garden waste collection service, this is an add-on paid for service equating to a service charge of £2 per contracted collection. Where these collections have been repeatedly missed, the Council is in breach of its contract with its residents for this paid for service, and the Council should be refunding residents pro rata for the missed collections and services not rendered.

Please will the Portfolio Holder advise what action he is taking regarding the above?”

Councillor Talbot replied to the question as follows:

“The new waste and recycling service was rolled out over a 10 week period, which finished on the 16th August. During this period over 58,000 Wheelie Bins have been delivered to properties all across the District by our contractors JETT, with properties receiving their bin going live on to the new service the following week.

For the vast majority of households this initial phase of receiving their bin went without incident, with the bin delivered on the prescribed week as advertised on the Council website along with their collection calendar and food caddy liners. With the missed bin delivery list running at just under 1000 bins which equates to 1.72% of all bins delivered, these missed bins were mostly re-delivered during the initial 10 weeks, additional to this the contractors were back for the week (2nd to 6th September) mopping up the last of the reported missed bin deliveries.

As the delivery of the bins was over a 10 week period the new service was being provided alongside the existing service, with both the new and old service routes changing every week as more and more bins were delivered to residents. With this has been disruption to the collection service and whilst the vast majority of households has

again been a seamless transition Officers continue to work closely with Veolia as a priority towards the affected residents to capture the isolated households which have experienced repeated missed collections, ensuring that these properties are highlighted to the collection crews who are all learning their new collection rounds.

With any service change of this magnitude, disruption is unfortunately to be expected, prior to the commencement of the new service Officers spoke to their counterparts from Colchester, Maldon, Harlow and other authorities in Essex all who have undergone service changes and the feedback from them all is that it can take up to 6 months for a new service to properly bed in and as such we thank the residents of Tendring for their patience and support as we provide them with a new collection service.

Whilst data is still to be verified by the County Council, the new service which in its entirety has only been fully live to all residents for 3 weeks, is already delivering greatly increased recycling that will substantially improve our recycling percentage figures. This is testament to the service, that it is delivering what we hoped for, and for which the residents of Tendring must take praise in embracing the new service and participating in recycling and waste minimisation.

You ask Sir, what action I am taking regarding the detail contained in your question? Inter alia, I can say that now the Bin delivery has been completed my Officers have used the staff who accompanied the Bin delivery vehicles to form a second small 'hit squad' to investigate and solve problems as they arise.

In relation to garden waste missed collections, like all collection services we urge customers to contact the Council or the contractor in the first instance to report the missed collection. There has been a period when residents have needed to call a number of times, but our aim is that once notified we will then endeavour to collect the missed collection in a timely manner, which is normally the same week for Garden waste and so still provides the customer with 25 collections over the year. Whilst I cannot comment on specifics where there are cases of continued missed collections which results in the householder not receiving their full 25 collections, Officers from the Waste Team will investigate further and take any actions which they feel are appropriate based upon the information provided by both the householder and Veolia."

Question Two

From James Burfoot to Councillor Stock OBE, Leader of the Council:

"During December 2014 the Council removed parts of ornate cast iron lampposts situated along Clacton seafront. These structures were erected circa. 1912 and have been Grade II listed since July 4 1986. Naturally, due to this history, they form an important part of Clacton's heritage. A media article dated 24 December 2014 (Gazette: p37) states that these parts were removed on the grounds of health and safety. The Council of course has a duty of care to ensure its property is safe.

However, it can also be a criminal offence to carry out demolition or alteration works on listed buildings without obtaining proper permissions. When work is carried out on an emergency basis this must be proved to be necessary and temporary.

Within the article Cabinet Member for Coast Protection at the time of the removal, Cllr Nick Turner states “we have dismantled these listed structures and will be storing everything carefully until we can decide the best way forward to repair and restore them”.

I have recently made contact with Cllr Nick Turner through email correspondence and, despite him no longer having authority over this matter, would like to thank him for his efforts in responding and for forwarding my concerns to the Council. This is greatly appreciated.

I assume that, at the time of the removal, the Council complied with all relevant legislation and obtained all necessary legal permissions and that they have indeed been stored “carefully”.

We are fast approaching the fifth anniversary of these “temporary emergency works”. Therefore could the Leader of the Council please explain the Council’s plans to restore these lampposts either to a cosmetic or ideally full working condition in order that these priceless features of our town’s history can once again form a paramount role in the ongoing regeneration of our Town Centre and seafront?”

Councillor Stock replied to the question as follows:

“Thank you, Mr Burfoot for your question.

I am advised that there is a total of twenty-one cast iron lamp columns along Clacton seafront. Four lamp columns on the Western Promenade within the seafront gardens conservation area were refurbished as part of a heritage lottery scheme in 2000 / 2001 at a cost of £10,000 per column and these columns need further work.

Of the remaining columns, fifteen are the Council’s responsibility and all have had their tops removed at various times over the past twenty-five years due to concerns over public safety. All action was taken in line with the advice of the Council’s Planning Department. The removals were done on safety grounds and no criminal offence has been committed.

A further two columns are within the Pavilion site.

The parts removed from columns along the eastern promenade in previous years were corroded and beyond repair and the buried private cable supplying the electricity was no longer serviceable.

In 2014 the remaining five lamp heads were removed from columns situated on the western promenade and the aim at the time was to retain these in the hope of it being possible to reuse these parts in any future restoration. However, they were found to be suffering from severe corrosion and not considered fit for repair and re use. They were stored within a Council facility for a considerable time before eventual disposal.

It would be possible to take moulds from remaining lamp heads for a future restoration project, should this be required, but, based on the work carried out in 2001 and more recent enquiries with potential restorers the cost of refurbishing the remaining lamp columns is likely to be anything from £300,000 to £600,000 depending on the extent of the refurbishment undertaken to the columns and the condition of underground cabling serving them.

I have just made a statement about exciting new plans being drawn up for Clacton town centre and I would urge everyone to continue to engage with that process to ensure the best outcome for the town.”

56. 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.

Six questions had been submitted by Members as set out below:

Question One

From Councillor I J Henderson to Councillor Newton, Portfolio Holder for Business & Economic Growth:

“I welcome the fact that the Leader of the Council has appointed the Portfolio Holder for Business and Economic Growth as the lead Member on the UK leaving the EU.

With the truly frightening prospect of the UK exiting the EU without a deal becoming a real possibility, I am confident that the Portfolio Holder for Business and Economic Growth will have made it her top priority to ensure that a full and detailed risk assessment for the Tendring District in the case of a ‘no deal exit’ scenario is in place.

Will she please advise Members of the conclusions reached in her risk assessment as to how the Tendring District would be impacted by a no deal exit?”

Councillor Newton replied as follows:-

“Firstly I would like to thank Councillor Henderson for this question and for his vote of confidence.

I think we would all agree that it is essential that the Council has fully considered the implications of Brexit, and in particular a No Deal scenario.

Officers have, and will continue to, assess the risks and opportunities which may arise and this has been based on guidance from both Government and the Local Government Association.

This includes issues such as the EU Settlement Scheme, the role of key ports such as Harwich International, opportunities and challenges for businesses and impacts on the Council itself.

I would like to highlight two specific key risks and action that has been taken.

Firstly, the Council has the role to provide environmental health services for import and export, mostly in relation to Harwich International Port. Steps are being taken to ensure that the right level of systems, facilities and staff capacity will be in place to ensure service continuity post Brexit and in particular a No Deal scenario.

Secondly, working as part of the Essex Resilience Forum, officers have ensured that plans are in place to mitigate potential road congestion to A120 should Harwich International Port have an increase in freight traffic either through natural growth or as a national resilience port for Dover.

Through the Resilience Forum the Council has also played a lead role in a range of emergency planning scenarios which 'stress test' scenarios which could take place in our District, and Essex, as a result of a No Deal Brexit. This includes the provision of mutual aid support from neighbouring Councils.

To support those and other actions, the Government has provided funding to the Council.

Central to managing risks in relation to Brexit is engaging effectively in order to understand and assess the current position across key issues.

The Chief Executive and Senior Officers are actively engaged in national and regional groups and this ensures that the Council is both receiving and providing the most up to date information relevant to Tendring.

The Council is also in regular dialogue with businesses and community groups across the district to gauge concerns and develop plans for support where appropriate.

I am satisfied that the Council has, and will continue to, plan appropriately for Brexit. It is without doubt both a complex and extremely dynamic environment. As the position becomes clearer I would be happy to provide further detail in a written briefing for all Members in the coming weeks."

Councillor Henderson then asked a supplementary question to which Councillor Newton responded.

Question Two

From Councillor Calver to Councillor G V Guglielmi, Portfolio Holder for Corporate Finance & Governance:

When the Conservative Group took control of the administration in 2009 it cancelled the plan to turn the Gas House Creek site in Harwich into a public car park and removed the earmarked funding. The reason given was that the site was needed as employment land to provide much needed jobs in the Harwich area.

In the ten years since, not one job has resulted from the change of policy on this site.

Will the Portfolio Holder for Corporate Finance & Governance please advise the Council of any plans he has for this site and when the residents of Harwich can expect it to benefit the local community?"

Councillor Guglielmi replied as follows:-

"In 2010 the Council was approached by a local business owner looking to expand his business including the creation of new jobs, new commercial activity and retaining

diversity of use on the sea frontage. Interest was also expressed by Trinity House whose operational base lies adjacent.

After considering a range of options for the site the Council invited bids for the land. Three bids were received and the land was let part to Trinity House and part to a local engineering company.

Trinity House continues to occupy the part of the site let to it, making productive use and contributing to the safeguarding of local jobs in line with the decision made by the Council.

Unfortunately, and despite expanding rapidly, the engineering company ran into difficulty in 2013 and on 20 January the Council moved to take the site back following the announcement of the liquidation of the company.

The Council invited bids once more for the available section of the land. Three bids were received once again and in June 2014 the decision was made to grant a lease to another engineering company whose bid included proposals for offshore services and education facilities.

The lease to the new tenant included a break clause that the Council could end the lease in January 2016 if the proposed works and activities on the site were not complete. By October 2015 it was clear that the company had been delayed by various factors. Again the Council considered the option for that part of the site and gave a one year extension to allow the company to make good its undertakings.

In January 2017 it was clear that the company had not begun or got consents for the proposed works and officers served a break notice to end the lease. Unfortunately the company resisted the break notice and identified a legal technicality that made the break ineffective.

The present situation is that around half of the site remains let to the private company awaiting their action as business needs demand. The other half remains let to Trinity House and is in productive use supporting their work and the ongoing base of their activities in Harwich. Both parts of the land are generating rental income in support of the Council's wider functions."

Councillor Calver then asked a supplementary question to which Councillor Guglielmi responded.

Question Three

From Councillor Davidson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

"Will the Portfolio Holder for the Environment and Open Spaces please confirm whether or not he advised his Cabinet colleagues at the time of the decision to withdraw the weekly refuse collection service and to replace it with a two weekly 'amount restricted' service that this would inevitably lead to a major increase in fly tipping within the Tendring District?"

Councillor Talbot replied as follows:-

“Thank you for your question, which gives me the opportunity to expand on the overall discussion by the Cabinet prior to the revised service coming into operation.

I did NOT advise my Cabinet colleagues that with a two weekly ‘amount restricted’ service that this would inevitably lead to a major increase in fly tipping within the Tendring District because this would not have been true, but what I did say was that it would lead to major increase in the recycling rate for Tendring, which was very low, due largely to former decisions to collect virtually whatever waste a household chose to put out for collection in their Black Sacks destined for landfill.

With a two week collection cycle I said that residents would not be able to put 14 days newspapers and magazines in their bin, or put cereal boxes or egg boxes or put food waste, or put plastic bottles, tins and empty food cans in their Wheelie bins because there simply would not be enough room. Those residents who had always put these items of waste in their Black Sacks would have to start putting such items in recycling boxes.

This decision of the Cabinet proved so successful that the stock of 10,000 red and green boxes and the food cadies we held in anticipation of a sudden demand, all went in the first six weeks of the ten week period when ‘wheelie bins’ were being distributed over the District, a demand we are now meeting. Dare I say it – I had never dreamt that such a large number of our residents did not even bother themselves to recycle at all in the past.

It is of note that we issued 30,000 sets of recycling boxes over the past seven years of the ‘old’ system and now 10,000 boxes were collected by residents in six weeks! But on the bright side, it looks very good for Tendring’s recycling effort expressed as a recycling percentage.”

Councillor Davidson then asked a supplementary question to which Councillor Talbot responded.

Question Four

From Councillor I J Henderson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

“Since the imposition of the ‘amount restricted’ refuse collection policy on the residents of Tendring the incidents of fly tipping have soared.

Will the Portfolio Holder for Environmental Services please advise the Council of how much fly tipping is costing the council tax payers of the Tendring District?”

Councillor Talbot replied as follows:-

“Thank you for your question which clearly shows concern for the amount of Fly Tipping in the District, where incidents on public land are the responsibility of my Department.

We keep very accurate statistics on incidents of Fly Tipping for reasons I will explain later, but I can inform Cllr Henderson that far from the amount of Fly Tipping increasing, the statistics show a continuing small reduction in this offence:

*In the year 2016 – 1,477 incidents of Fly Tipping
In the year 2017 – 1,437 incidents of Fly Tipping
In the year 2018 – 1,326 incidents of Fly Tipping*

So far in the year 2019 – 723 incidents of Fly Tipping - and the Good News for Cllr. Henderson, for me as portfolio holder, and for the District, is that if fly tipping continues for the remainder of this year, at this same rate, we should be under last year's total, continuing the annual reduction in successive years.

I referred earlier to accurate statistics on Fly Tipping and the reason is that since 31st October 2016 the County Council agreed to compensate local authorities if an increase in Fly Tipping could be linked to the restricted use of their sites, now known as Recycling Centres for Household Waste (RCHW). Tending has suffered no noticeable increase.

People and business should realise that Fly-tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also a number of other possible penalties, including fixed penalty notices and having an offending vehicle seized.

The second part of your question concerns the cost of fly tipping.

We have two hit teams who respond to matters such as fly-tipping and issues such as litter picking along the A120, open spaces and housing estates, with the cost of the team being £73k per year.

It was always expected that the containment of residual waste in wheeled bins should in itself, reduce the general level of litter compared with black sack collections, and along with the introduction of a second 'hit' team would provide the Council with flexibility to react to general street cleaning issues including fly-tipping.

Although the incidence of fly-tipping does not appear to have increased as I mentioned earlier, the cost is met within this overall budget of £73k, so no additional cost falls to local tax payers. I accept that the incidence of fly-tipping may have an impact on how the 'hit team' is deployed, but it is managed within their overall workload and associated budget."

Councillor Henderson then asked a supplementary question to which Councillor Talbot responded.

Question Five

From Councillor J Henderson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

"Will the Portfolio Holder for the Environment and Open Spaces please provide the figures for both the number of operatives allocated to the ground maintenance team for the Harwich area in 2010 and the number of operatives allocated to the ground maintenance team for the Harwich area in 2019?"

Councillor Talbot replied as follows:-

“Thank you for your question.

The work of the Council’s open space and grounds maintenance team is carried out by a mix of permanent, casual and seasonal staff.

The maintenance and improvement of public realm throughout the District of Tendring is the objective and responsibility of the whole team. Team members are moved around as work dictates.

All grounds maintenance and open space staff are required to work in any area of the District.

If team members are allocated to any specific area it is to ensure service efficiencies in relation to travel and fuel costs and not because they are, and always will be fixed in one area.

In 2010 the general allocation of staff for Harwich was five permanent staff with casual and seasonal staff as required.

Following the early retirement of one officer in the year 2011-2012 the general allocation of permanent staff in Harwich was reduced to four.

However, additional permanent staff from elsewhere in the District as well as additional casual and seasonal team members were provided for Harwich to ensure all work required could be undertaken.

The open space and grounds maintenance team have been challenged this year by a shortage of available casual and seasonal staff at times when they were most needed, which has affected not only Harwich but all areas of the District in 2019.

Preparations are in place to try to improve staff recruitment for 2020 and beyond.

The Council is well aware of the special circumstances around Harwich towards the end of this year 2019 and throughout 2020. Plans, which include additional financial resources as well as additional staff are currently being finalised to ensure the public realm in Harwich not only matches the quality of previous years, but is improved and enhanced to show Harwich at its very best to the many visitors anticipated in 2020.”

Councillor Henderson then asked a supplementary question to which Councillor Talbot responded.

Question Six

From Councillor Fowler to Councillor Talbot, Portfolio Holder for Environment & Public Space:

“I was both amazed and disappointed at the last Council meeting to hear the Portfolio Holder for the Environment’s response to the question asked specifically about the number of fixed penalty notices for dog fouling issued by TDC for the area of Dovercourt Bay seafront and beach.

May I ask the Portfolio Holder for the Environment to advise the Council how many fixed penalty notices for dog fouling have been issued in 2019 across the entire Tendring District?"

Councillor Talbot replied as follows:-

"Thank you for your question which I am pleased to answer which clearly is asked because you feel that owners of dogs who do not pick up their animals faeces, should be made to behave with respect for the community as a whole.

At the last meeting I replied that in respect to the specific question about Dovercourt Bay seafront and the beach area, no fixed penalty notices had been served. You say you were both amazed and disappointed with my answer. I can assure you that whilst you may have been disappointed with that answer, you should not be amazed to get a truthful answer.

I could have continued by saying that NO fixed penalty notices had been issued in the whole of Tendring, but that was not the question then asked.

Now the question is asked and the truthful answer is NONE.

I reported that we were working towards a new Public Space Protection Order (PSPO) detailed in the Anti-Social Behaviour, Crime and Policing Act 2014 making it an offence not to clean up dog mess in certain areas. Under those orders, a person who doesn't clean up after their dog may face an on-the-spot fine of up to £80 as a fixed penalty notices. If a person refuses to pay they can be taken to the local Magistrates Court for the dog fouling offence and fined up to £1,000.

Dog poo is the most unacceptable and offensive type of litter on our public areas. I have considered the engagement of a team of inspectors to follow round potential law breakers, to witness and photograph offences being committed, so that evidence sufficient to serve an FPN could be obtained, but though investigated we have not gone down that route."

Councillor Fowler then asked a supplementary question to which Councillor Talbot responded.

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

There was no such report on this occasion.

58. MINUTES OF COMMITTEES

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

- (a) Audit of Monday 29 July 2019;
- (b) Resources and Services Overview & Scrutiny of Monday 29 July 2019; and
- (c) Community Leadership Overview & Scrutiny of Monday 5 August 2019.

In respect of Minute 63 of the meeting of the Community Leadership Overview and Scrutiny Committee held on 5 August 2019, Councillor Allen asked a question in relation to 'rogue' landlords to which the Chairman of that Committee (Councillor Skeels) responded.

59. MOTION TO COUNCIL - "REVIEW OF THE IMPLEMENTATION OF THE NEW REFUSE COLLECTION CONTRACT"

Council had before it the following motion, notice of which had been given by Councillor Fowler pursuant to Council Procedure Rule 12:-

"That this Council recognises the anger, concern and inconvenience caused to the residents of the Tendring District as a result of the introduction of the new refuse collection arrangements.

That this Council instigates a review of the issues arising from the new system and the manner of its introduction by the appropriate overview and scrutiny committee with the instruction that the committee reports its findings to the next ordinary meeting of the Council."

Councillor Fowler formally moved the motion, and Councillor M E Stephenson formally seconded the motion.

Councillor Fowler then explained the purpose of the motion and gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting. They included that many Members had received complaints and concerns from residents about the implementation of the new refuse collection contract which was a subject that had never been debated at Full Council. She felt that Members deserved an opportunity to air their residents' complaints and their own concerns on this matter with a view of helping to inform the scope of the Resources and Services Overview and Scrutiny's review of the implementation of the contract.

Councillor Stephenson then also gave his reasons why the motion should be dealt with at the meeting. They included that it would help Members meet their obligations under Article 2.03 of the Council's Constitution (Key roles of Councillors) i.e. –

"(ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;

(iii) Effectively represent the interests of their ward and of individual residents;

(iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;"

The Leader of the Council (Councillor Stock OBE) then responded and agreed that the motion should be dealt with at the meeting notwithstanding that in his opinion Councillor Fowler's motion was contrary to Council Procedure Rule 14(f) (i.e. it was included within the work programme of an overview and scrutiny committee and specifically that of the Resources and Services Overview and Scrutiny Committee meeting for its meeting to be held in February 2020) and should therefore not have been permitted to be included on the agenda for this Council meeting.

The Chairman of the Council (Councillor Land) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

Councillor Miles addressed the Council on the subject matter of Councillor Fowler's motion.

Councillor Talbot then moved and Councillor Stock seconded that Councillor Fowler's motion be amended to read as follows:-

"That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting as part of that Overview and Scrutiny Committee's minutes."

Councillors I J Henderson, P B Honeywood, Davidson, Clifton, Calver, Porter, M E Stephenson, Griffiths, Scott, Allen, Barry, Miles, Bush, J Henderson, Fairley, Steady, G V Guglielmi, Stock OBE and Fowler all addressed the Council on the subject matter of Councillor Talbot's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Fowler asked that a record of the vote on Councillor Talbot'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>
Alexander	Allen	None	Cawthron
Amos	Barry		Morrison
Bray	Bush		Turner
Broderick	Calver		White
Chittock	Casey		Wiggins
Codling	Chapman		
Coley	Clifton		
Fairley	Davidson		
Griffiths	Davis		
G V Guglielmi	Fowler		
V E Guglielmi	Harris		
P B Honeywood	I J Henderson		
S A Honeywood	J Henderson		
King	Knowles		
Land	Miles		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		

Stock
Talbot
Winfield

Councillor Talbot's amendment was thereupon declared **CARRIED**.

Councillor M E Stephenson then moved and Councillor Bush seconded that Councillor Talbot's motion be amended to read as follows:-

"That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting."

Pursuant to the provisions of Council Procedure Rule 16.6, Councillor Talbot agreed to further alter the amended motion to accord with Councillor Stephenson's amendment.

The motion, as further amended, on being put to the vote as the substantive motion was declared **CARRIED**.

60. RECOMMENDATIONS FROM THE CABINET

No recommendations from the Cabinet had been submitted on this occasion.

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

There were no such reports on this occasion.

62. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 10.08 pm

Chairman