

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 15TH SEPTEMBER, 2020 AT 7.30 PM
MEETING WAS HELD IN ACCORDANCE WITH SI 684/2020.**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Bush, Casey, Cawthron, Chapman, 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, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Democratic Services Officer), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections))

10. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Calver and Chittock.

11. MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 11 FEBRUARY AND 21 JULY 2020

RESOLVED that the Minutes of the ordinary meeting of the Council held on 11 February 2020 and the extraordinary meeting of the Council held on 21 July 2020 be approved as correct records and be signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were none on this occasion.

13. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

First 'Hybrid' Meeting

The Chairman informed Members that this Council was one of the first in the country to hold a 'hybrid' meeting and he congratulated all those who had been involved in making this meeting happen.

Human Resources Award

The Chairman was delighted to share with Members that the Council had won a national HR award from the PPMA (Public Services People Managers' Association).

Chairman's Charity

The Chairman informed Council that his charity for this year was CVS Tendring and that he would shortly be undertaking a sponsored 'sky dive' to raise funds.

Birthday Best Wishes

The Chairman wished a Happy Birthday to Councillor Carlo Guglielmi.

14. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

15. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

16. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

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

The Council received the Annual State of the Tendring District Statement from the Leader of the Council as follows:-

"Chairman, Councillors, and members of the public, I am proud to present to you this year's State of Tendring address. When I first started preparing this annual statement earlier in the year, we were in very different times. My original wording included reflections on the General election, which had taken place just a few weeks previously, but which now seems such a long time ago.

As you will all recall, there were a number of changes in the May 2019 District Elections and for some this is their first time as a District Councillor – and what a baptism of fire you have had! This has been a hugely challenging time for all Councillors; never has there been such a change in the way in which we work. Whether it be the way we communicate with our residents, the way meetings are conducted via virtual meetings or directing the focus of the council which has significantly changed. The Government, you will recall, had to make emergency legislation just for it to be legal for us to meet like this, as previously it was unlawful to do so.

Being a Councillor is both a rewarding and a privileged form of public service. We are all in a position to make a difference to the quality of people's daily lives and prospects. That has never been truer than now and I know how much effort we have all been putting in to support our communities and our vulnerable residents.

I keep returning to Community Leadership which is at the heart of the Council's priorities. I think that we will all agree that our Council has shown superb Community Leadership during this pandemic. We lead the way in Tendring with innovative solutions and a 'can-do' approach, as we aim to support and improve the lives of our local residents and our businesses.

A few months ago new responsibilities brought about by the Covid epidemic landed in Tendring and quickly saw the teams rally round and implement a whole new approach to safeguarding and supporting those people who were now identified as being especially vulnerable across our District.

This required the dynamic set up of some virtual teams, new IT solutions to support their work, redeployment of officers to unfamiliar roles, whilst also maintaining key local services and responding to the needs of our residents during the pandemic.

We needed to have an understanding of government expectations and of the county-wide pandemic repercussions. This included the distribution of grants for businesses and playing our part in the delivery of urgent food parcels and medicines for those who most needed them.

We redeployed a whole team to set up the Community Hub phone lines to co-ordinate the magnificent efforts of community groups. Significant effort was invested in co-ordinating volunteers. The teams worked with more than 70 local groups, capturing what support they could offer, setting up a two way system of sharing information and tapping into a rich talent pool that in turn could be deployed where we received requests for assistance.

These numbers were supplemented by Essex Welfare Service volunteers of which there were around 100 and the Tendring proportion of the 400,000 national NHS volunteers who offered their support. It was inspiring to see that we had more than enough assistance to meet the requests for help we received.

The TDC teams under Operation Shield worked really hard on the helplines, handling the incoming calls from people who needed our support, the lines are still staffed from 10 – 3pm during the week. Having taken over a thousand incoming calls to date, the variety of enquiries has ranged from the ‘Well but worried’ in the early days to recently some people who have been impacted by some truly tragic and traumatic circumstances.

Human Resources and Communications really stepped up to support the teams who were working their hardest to support our residents. Assistance in the way of helpful well-being advice, regular briefings from across the Senior Management Team, ‘Vlogs’, cake-making competitions and online fitness classes all assisted in making sure the teams had a ‘warm arm of support’ wrapped around them during these extraordinary times.

Initially those in the especially vulnerable group in Tendring numbered around 500, but this quickly expanded as information from Public Health England and the NHS was shared with us, currently there are over 8,000 of these ‘Cat A group’ community members in Tendring and of these 1,300 have requested support in the shape of food parcels which are delivered directly and accessed through the government process.

Op Shield teams have made over 3,000 outgoing calls to these residents to ensure they had the basics at hand in the shape of food, medicine, and other household essentials. Where we could not get hold of people on the phone, which of course was especially troubling amongst the vulnerable groups, we made sure that we conducted physical visits to people’s homes to personally check on their welfare. All the while, of course, maintaining social distancing.

The teams assisted with setting up two Hubs, one in Dovercourt and one at Clacton Leisure Centre, receiving an initial delivery of food, repackaging items and liaising with charities and community groups who distributed them locally. These locations developed into sites when the army set up temporary Covid testing sites, again the support and facilitation by Op Shield teams at these locations was well received and brought reassurance that local testing sites were on hand for those who needed them. Supported by donations from local supermarkets the TDC Op Shield teams continues to work closely with a number of food banks assisting them with a variety of measures to support those who need extra help, including assistance to secure additional grant funding.

This forms a very small part of the wealth of fantastic local effort displayed across Tendring where the Great British spirit of resilience, determination and good neighbourliness has been very much in evidence in our communities, bringing about a safety net for those who needed additional help.

Unlike some neighbouring areas there was no reduction in core service here in Tendring. We received numerous reports of good news stories in support of our waste services, including letters of thanks, cards and a clear resounding cheer and a clap for their support during the crisis, they are truly recognised as key workers.

Acknowledgement of the challenges and the resilience shown across the Tendring Care Line teams over the current period also deserves a mention for their sheer determination and dedication to deliver and improve the service. The team used the opportunity to move to a new fully digital platform, this means that data in support of the care of our 3000-plus residents who use the service is improved, along with significantly reduced call waiting times - most are picked up in under 30 seconds - and the service can now be fully serviced remotely.

The needs of some very vulnerable people, both in the high risk groups and also in those who make up the numbers of over 65s or people experiencing particular health issues have been brought into close focus. Recent figures show there were as many as 43,000 people in these groups in Tendring. We are working with Essex County Council and supported by Rethink to deliver 200 smart devices to local residents, assisting them in becoming more independent, combating social isolation and giving dedicated support, especially whilst shielding.

We have made some considerable leaps forwards and have overcome some significant hurdles and complications whilst managing the Covid crisis, however the problems and risks posed to the wider community have not gone away, it could be with us for a considerable period of time.

Challenges exist in the area of Track, Trace and Isolate; what would a 'Smart Lockdown' mean for Tendring? What safe and sensible steps can we all make to ensure that our District remains open for businesses and leisure activities whilst still being able to rapidly scale up activity on the ground if that is required?

***Looking forward**, I want our Council to adopt a **Back to Business** approach. There are a number of different perspectives, including the Council getting back to its own business with the opening of leisure centres, our theatre, weddings and the myriad of other services for which we are responsible and deliver. Officers are working hard to prepare for customers to return with provision for social distancing. I have already worked with officers to develop a cleaning programme for our town centres. Our*

seafronts teams started back early this season to support visitors and residents alike and, incidentally, they have already saved one person's life. I also want our **Back to Business programme** to be focused on supporting our businesses getting back to work and kick-starting our economy.

We have a number of projects with funding allocated. I want these to be brought forward and seek where possible to use local businesses to support the resumption of our economy. I also want to see us have another business week as we did last year which would support the **Back to Business programme**.

I have been meeting with some local tourism providers as I want to see us hold a Spring festival to **Celebrate Tourism in Tendring**. The government has been talking about an additional Bank Holiday at some point, so that could be a great timing opportunity for such an event. I would love to be able to create the opportunity to extend the tourist season, like Blackpool does so well with its winter illuminations.

Looking back before COVID 19 we should also be proud of what we have achieved against a backdrop of year on year financial challenges. We have shown that we can rise to these challenges, through sound financial management which has sustained us when we had the challenge of COVID.

At the beginning of October 2019 our Council hosted its first Tendring4Growth Business Week. This celebrated the success of Tendring's businesses; encouraged business networking; promoted innovation and growth; and gave job seekers employment opportunities in the District. The week included two anchor events with the Tendring Jobs and Careers Fair, and the Tendring Blue Ribbon Business Awards. It also included a variety of topical seminars focussed on subjects including: Clean Energy; Women in Business; and Innovation and Free Enterprise.

Our first new homes in Jaywick Sands are nearing completion; I was very proud to be able to show them to the Housing Minister very recently and he was clearly extremely impressed; Tendring District Council is building some of the finest quality new council houses in the country – and they definitely have the finest views! This is another important step along the road of working with the community to rejuvenate Jaywick Sands.

In June 2019 a refreshed strategic plan for Dovercourt Town Centre was approved. The Plan identifies development opportunities and a range of public realm improvements that would help transform the appearance and prosperity of the town. With over twenty key regeneration projects (the Dovercourt Twenty), the proposals will transform the image and quality of the town, with the express purpose of attracting residents and visitors to the centre, thereby reanimating the town; re-establishing its vibrancy; and encouraging private sector investment. The Plan demonstrates that there is significant market failure in relation to investment and it is my firm belief that the Council has a critical leadership role to intervene in to put Dovercourt back on an upward trajectory and to secure its renaissance.

Some celebrations have also been delayed such as the Mayflower 400. We have worked closely with partners to create a myriad of great events and those celebrations will now take place in 2021.

As part of the Council's support for local businesses, and its plans to mark the 400th anniversary of the Mayflower sailing to the New World, the Council has recently launched its new £20,000 Business Improvement scheme, which is aimed at improving the external and internal appearance of business premises in Dovercourt and Harwich. A recent award went to a business near the Pier in Harwich. The owner said: 'This has come at the perfect time...I cannot wait to get started'.

As Members will know our Local Plan is progressing and the final examination of Section 1 was completed in January of this year. In partnership with Braintree and Colchester Councils we pursued a plan which was recognised as pioneering and innovative and which sought to deliver our economic growth and housing ambitions, and indeed responsibilities, in a strategic and sustainable way which will protect our communities. As you know, the Planning Inspector has given us draft feedback which basically says that he is very impressed with our part of the Plan, but requested that Braintree and Colchester remove the two Garden Communities to the west of Colchester.

Central to the Local Plan is of course the North Essex Garden Communities programme. Working with our partners in the North Essex Garden Communities programme we have attracted £100million Housing Infrastructure Fund, or HIF funding as it is known in short. This will deliver a new road linking the A133 on the Western edge of Tendring to the A120 and is an integral part of our plan for a new Tendring Colchester Borders garden community.

Building on from this we have also worked with our partners to develop a North Essex Economic Strategy to ensure the area can rise to the economic challenges and opportunities we jointly face building on North Essex's location and its connections locally, regionally and internationally, but also the current skill base and community networks across the area.

A good quality affordable home is essential for individuals, families and communities to thrive. They provide places of safety and security but are also key to ensuring that our children have somewhere to do their homework, health inequalities can be rebalanced, and families can put down roots. For this reason, the Council is investing in delivering 200 more Council homes and is working with developers and investors to ensure that affordable really does mean affordable.

Some of this new development is already taking shape with 10 of those new homes already being completed in Jaywick Sands and a new generation of the first in the UK Gifted Homes being lived in across Tendring with many more in the pipeline. The Council is also working hard with Government to find innovative ways to both improve the quality of privately rented homes but to also ensure that tenants get a good deal – again an example of Tendring leading the way in making real change happen.

I am delighted also to include positive news regarding the future of Clacton. The Love Clacton vision and brand has received major support from Government and has formed the basis of a successful bid to the Future High Street Fund. Working with local business leaders and key partners from health and Essex County Council, a development grant of £150k has been awarded from the Government as part of a successful stage 1 application. We are now progressing the final stage 2 bid which will seek to attract unprecedented levels of investment into the town centre with the aim of

providing more homes, new jobs, improving access for all and creating an offer that provides a prosperous future for Clacton.

We are aiming for a programme of £20m investment from the public sector which in turn will facilitate even greater private sector investment. I am sure you will agree that this is a highly ambitious approach but one which epitomises our Council's positive approach to addressing challenges. The work is paying dividends already as I recently welcomed senior representatives from Government and national health bodies, along with members of the House of Lords, to Clacton to garner support for a major transformational approach to address poor health and deprivation in some parts of the Clacton area. To a person they found Clacton to be full of potential but recognised that there needs to be a step change in how to address underlying issues. We discussed the huge positive impact that relocating a government department to Clacton would have and are now committed to working together further to move this forward, and following on from that meeting, just last Friday the Chief Executive and I welcomed the Chief Medical Officer, Professor Chris Whitty, to the Town Hall. He came to Clacton, not to talk about COVID, but to spend the day meeting local groups and residents and discussing what can be done to improve outcomes and life opportunities for people here. We look forward with great anticipation what may come of that trip.

I do recognise, however, that there does need to be shorter term action and this Council, along with partners, has invested in more enforcement staff to address anti-social behaviour, and we will be doing more to promote the Love Clacton brand including the creation of a new bespoke events space in the centre of the town. These are in response to feedback from town centre businesses and I am hugely grateful for their support and commitment to working together to build a great future for what I believe is the best large seaside town in the East of England.

Moving onto Leisure, our Princes theatre has been awarded a Certificate of Excellence from TripAdvisor, as a five-star rated venue and also venue of the Year 2019, for the British and Irish Boxing Authority Awards. Before COVID, the range of theatre activities continued to grow including wedding celebrations, concerts, shows, alongside business events, including the annual Blue-Ribbon Awards. The list goes on! Once again in 2019, the pantomime broke previous year's box office sales. When the theatre can reopen, I know we will see those programmes grow. We are already seeing interest about future wedding dates.

Despite the current COVID issues, tourism continues to be a key priority for the Council, we continue to plan for next year, invest in and grow our vibrant event programme, including Beside the Seaside Festivals, the British Rally Championship, the Tour de Tendring and the nationally recognised and multi award winning Clacton Airshow.

On 6 August 2019 the Council made a bold decision regarding Climate Change; we declared a climate emergency. At this time, I put forward a motion that was backed by Councillors from all parties. This motion commits the Council to preparing an action plan for consideration by councillors with the aim of making its activities carbon neutral by 2030. I am pleased to report that this work is being led by Councillor Coley and is progressing through a cross-party working group and an analysis of the Council's own carbon footprint is currently being established. Already new woodlands are being created across Tendring.

Don't just take our word that we are achieving success, there are plenty of examples of national recognition The Council has achieved Green Flag awards for its open spaces, Blue Flags for its beaches, a national Safer Parking Award and a Silver Accreditation Award for its work with the military. The Council has also been ranked in the Top 20 national employers for apprenticeships. We are very proud of Career Track as it supports many young people in Tending with apprenticeships in local businesses and the Council. It has been a talent pipeline for many of our professional Council Officers today. These awards celebrate our initiative, hard work and dedication to improving services and public places.

We also held our fifth Tending STARS event for staff, recognising the professional and in many circumstances the exceptional contributions of our staff right across the Council. The event was held in the Princes theatre and it was a pleasure to see so many volunteers and partners who work alongside the Council, also recognised for their contributions to the District. The Council's 'artists in residence' band 10DC, also took to the stage and performed. As you will be aware, they are another fine example of Tending's talent.

Our Community leadership work continues to expand and fits into three key strands namely health, education and community safety. Our CSP hub is recognised as a beacon of best practice, with improved perceptions of safety in the community and investment in community safety. In 2019 we took the decision to bring the Community Safety Partnership together with the Health and Wellbeing Board. Many of the solutions relating to crime can be found through health as the police estimate that at least 1 in 4 criminals has a mental health issue.

We do still have a considerable challenge, the decline in seaside towns is well recognised and Clacton and surrounding areas are suffering. The District has the lowest life expectancy rates across Essex, highest rates of dementia, highest levels of long-term mental health, the highest levels of child poverty and the highest levels of adults with no formal qualifications. This is the reason why the Council continues to keep community leadership at the heart of the Council and everything we do; it is also the reason this Council has to be the best council in Essex – we have the biggest challenges and the greatest issues and our council simply cannot afford to be anything other than outstanding!!

To support our young people across Tending, the Council has successfully secured funding to support 20 schools in the District to develop their own wellbeing hub, which operate outside of school hours providing support for children, alongside parents and guardians. Into University opened its doors two years ago and is going from strength to strength and has provided support for in excess of 1000 pupils. However, some schools in Tending are struggling and some have been rated as unsatisfactory. Again, the Council rises to this challenge offering support to colleagues at Essex County Council, Headteachers and other education partners through the newly formed Education Strategic Board, which has created specific themes of work, such as the recruitment and retention of teachers and pupil absence.

The Council continues to strengthen our links with the armed forces and have a substantial work programme in place to support citizens moving from the military into civilian life. This includes offering mentors to ex-military personnel who come to work for the Council.

We focus on support for the most vulnerable in our society through the mental health hub and working closely with CVST, CAB and many other community organisations.

Whilst achieving all of this there have been numerous budget challenges and the Council has to consider different ways of working. The Council has already made significant savings in recent years, without any significant loss of services. It has adequate reserves and our council tax is low. I am pleased that there was great support for the Council's budget this year, with ideas from Members from all sides being agreed on the night.

We have also gone through changes in the senior management structure and I am sure you will join me in welcoming the Assistant Directors to their new roles. I do think that the new management structure has bedded in exceptionally well and helped us to address the myriad of challenges they have faced.

Not only do we all recognise the great work and commitment that is demonstrated every day by our officers and staff, but just last week this Council won a top HR award. Up against stiff competition, not just from other local authorities but also the civil service and the Bank of England, we were finalists in three different categories, and we were announced as winners in the Best Employer and Trade Union Partnership award. Very many congratulations to all our staff, to our HR department and to UNISON, as well as to our HR committee chairman and members who I know all take their responsibilities extremely seriously and work diligently on behalf of us all.

The annual state of Tendring statement is traditionally a round-up of all that has been going on over the past year, but of course we always have to look forward at what is coming up on the horizon and I will take just a couple of moments to mention Local Government Reorganisation (LGR). At the General Election in December the government secured a large majority, with a manifesto commitment to publishing a devolution white paper setting out how it intends to hand power down from Whitehall to local government in England as part of its efforts to level up the economy.

This builds on the large strides that have been made in the last decade that have seen devolution to some of our largest cities and would extend this to the whole of England. We know that a White Paper is being published in the Autumn entitled Devolution and Recovery and the government's intentions seem to be fairly clear that for us in Essex this will see an end to two-tier government, and instead the introduction of Unitary Authorities, a directly elected Mayor and a Combined Authority, acting like a board of the Leaders of the Unitaries with the Mayor.

Obviously we will have to study the White Paper when it is published, but whatever happens I consider it my duty to try to ensure that whatever happens, the residents of Tendring get the best possible deal and the best system of government that can be delivered. It is quite clear to me that Tendring District Council is the best functioning local authority in Essex, and indeed probably way beyond. It is imperative that whatever speculation there may be about the future we all continue to ensure that this council continues to perform at the highest level and continues to deliver for our residents in the way that we have been. LGR has the potential to be a massive distraction from the "day job" of delivering for our residents and we must all strive to ensure that we do not let that happen. I have a meeting scheduled tomorrow with all Group Leaders where I shall be discussing this issue further with the aim to make any changes to local government in this area as effective and efficient as is possible.

And so, Chairman, to conclude COVID has been a massive challenge for the Council and I think that we would all agree, the Council has done a magnificent job in stepping up and leading. I want to thank all our officers who have managed the COVID challenge through this difficult time whilst continuing to deliver our services.

We also continue to face many challenges which we cannot tackle alone. So, we have worked with our partners, including the business community, public sector and voluntary services to make a difference to people's lives. I am grateful to you, our Members, for the way in which you proactively support services and initiatives across the District and contribute positively to address issues and problems as they arise.

There will be difficult decisions to make; it is likely that we will have to look at different ways of delivering services and that will not be easy. We will see our meetings and communication continue to be different, which is a challenge.

We are a Council that dedicates itself to the needs of residents. We listen and create Tendring's community together. I have a very strong belief that together we can get so much more done with relentless positivity about our District and opportunities whilst always recognising and acknowledging our challenges."

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

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

18. PETITIONS TO COUNCIL

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

19. 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 question had been received, on notice, from a member of the public:

Question

Mr Andy Baker asked Councillor Alex Porter, the Portfolio Holder for Leisure and Tourism:

"There have been two Landslips on the Cliffs in Holland-on-Sea just to the East of Flags Cafe, the most recent being at the beginning of the year. Since then the only action that appears to have been taken on the most Eastern slip is to remove the Beach Huts affected to another part of Holland on Sea, and clear away the debris.

On the other site there has been no action taken, until last week, to either remove the debris from the promenade, meaning it has been almost completely blocked to those with mobility issues using Wheeled Buggies or families with children in pushchairs.

What measures are being taken to ensure there are no further land slips at this location to ensure the safety of not only those using the promenade but also the footpath that runs above it, and what steps are being taken to ensure that the rest of the cliff face is not likely to suffer from the same problem and be safe to walk under?"

Councillor Porter replied to the question as follows:

"In early 2020, two cliff slips / failures occurred in the vicinity of the Cliff Road / Kings Parade junction and the York Road, Kings Parade junction. They are approximately 120m apart (centre of slip area to centre of slip area). A second 40m area of unstable Cliff has also been identified at the Russel Road, Kings Parade junction.

The primary cause of the failure was an increase in ground water level. The "slipped" material extending from the scarp down to promenade level is supporting the cliff above, therefore we have been advised to leave the "slipped" material in place to reduce the likelihood of further cliff failure. A total of 13 beach huts have been moved due to the movement taking place.

Since the failures occurred extensive ground investigations have been carried out which includes deep boreholes being installed at both locations and include water monitoring standpipes to allow information relating to the water levels within the ground, as well as a topographical survey. This information is essential to allow us to carry out the design. Inclinometer tubes have also been installed outside the current failure zone, these have shown that further movement is occurring. The monitoring of the movement is continuing to take place.

We have completed the outline design and are currently progressing the detailed design to stabilise these areas of cliff."

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

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council received a report from the Leader of the Council which notified Members of any recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules.

(1) Submission of a Bid for the Future High Streets Fund and other related matters as part of the Rejuvenating Clacton Town Centre Project

It was reported that, on 16 July 2020, and in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Acting Assistant Director (Building and Public Realm) (Andy White) had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that the Cabinet's decision relating to, inter alia, the submission of a Bid for the Future High Streets Fund and other related matters be exempt from the Council's call-in procedure.

The Cabinet's decision taken at its meeting held on 24 July 2020 was as follows:

“That Cabinet –

- a) notes the progress of the bid for the Future High Streets Fund and the proposed submission of that bid on, or before, 31 July 2020;*
- b) approves, ‘in principle’, the addition of an allocation in the Capital Programme in order to facilitate substantial capital investment in Town Centre Proposals, subject to the normal approval and business case processes in respect of the detail of the schemes being developed;*
- c) approves, ‘in principle’, the acquisition of strategic property and the appropriation of currently owned property pursuant to the proposed schemes, subject to its specific approval of the terms and details in each case;*
- d) instructs Officers, in partnership with officers of Essex County Council, to continue the development of proposals within the scope of the bid (as set out in the Portfolio Holder’s report) in anticipation of award of a significant grant. Such proposals to be subject to detailed business cases and a formal decision by Cabinet; and*
- e) instructs Officers, in partnership with officers of Essex County Council, to develop further complimentary outline proposals, in line with the bid proposals, for ‘Back to Business’ initiatives, the further rejuvenation of Clacton Town Centre and the enhancement of its links to the Seafront and all parts of the District. Such proposals to be subject to further funding reports and a formal decision by Cabinet.”*

It was felt by Mr White that any delay likely to be caused by the usual call-in process would have seriously prejudiced the Council’s and the public’s interest for the following reasons:-

“The deadline for submission of bids to the Ministry for Housing Communities and Local Government is 31 July 2020. Cabinet meets on 24 July 2020 and the normal five clear working days for call in means that the earliest date that the Cabinet’s decision can be implemented is 3 August 2020.

Accordingly I seek your agreement to exempt the decision from call-in in order to allow the bid to be submitted.

As you will see from the report there is potential for some very substantial investment in the town centre that will be facilitated by a smaller net contribution by the Council.

The proposals have been the subject of wide consultation and engagement and final decisions on investment and detailed scheme, planning, contracts and the like will be made at a later date provided that a grant is secured and a business case for the elements makes sense.”

Council noted the foregoing.

21. MINUTES OF COMMITTEES

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

- (a) Resources and Services Overview & Scrutiny of Monday 6 January 2020;
- (b) Resources and Services Overview & Scrutiny of Wednesday 8 January 2020;
- (c) Community Leadership Overview & Scrutiny of Monday 13 January 2020;
- (d) Audit of Thursday 30 January 2020;
- (e) Community Leadership Overview & Scrutiny of Monday 3 February 2020;
- (f) Standards of Wednesday 5 February 2020;
- (g) Resources and Services Overview & Scrutiny of Monday 17 February 2020;
- (h) Human Resources & Council Tax of Monday 24 February 2020;
- (i) Planning Policy & Local Plan of Monday 8 June 2020;
- (j) Resources and Services Overview & Scrutiny of Monday 22 June 2020;
- (k) Resources and Services Overview & Scrutiny of Thursday 9 July 2020;
- (l) Planning Policy & Local Plan of Wednesday 15 July 2020;
- (m) Standards of Thursday 16 July 2020; and
- (n) Resources and Services Overview & Scrutiny of Thursday 13 August 2020.

22. MOTION TO COUNCIL - "LEVEL 2 AMBULANCE RESPONSE TIMES IN THE HARWICH PENINSULA"

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

"That this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period."

Councillor Morrison formally moved the motion, and Councillor Turner formally seconded the motion.

Councillor Morrison, pursuant to Council Procedure Rule 16.6(a), then informed Council that she wished to alter the wording of the Motion so that it read as follows:-

- “(a) That this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period; and*
- (b) That this Council further instructs the Chief Executive to request that the NHS Trust, in respect of the period 1 September 2019 to 31 August 2020, provides the figures for level 2 Ambulance responses across the whole of the District of Tendring, broken down into Rural and Urban areas and that it again confirms that the necessary measures are in place to achieve the required response time during the coming Winter period.”*

Councillor Turner, as seconder, gave his consent to the motion being so altered.

Councillor Morrison then gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting.

The Leader of the Council (Councillor Stock OBE) did not raise any objections to the Motion being dealt with at this meeting.

The Chairman (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 Morrison then explained the purpose of the Motion.

Councillors McWilliams, Stock and Turner addressed the Council on the subject matter of Councillor Morrison's motion.

On being put to the vote it was unanimously:-

RESOLVED that -

- (a) this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period; and
- (b) this Council further instructs the Chief Executive to request that the NHS Trust, in respect of the period 1 September 2019 to 31 August 2020, provides the figures for level 2 Ambulance responses across the whole of the District of Tendring, broken down into Rural and Urban areas and that it again confirms that the necessary measures are in place to achieve the required response time during the coming Winter period.

23. **RECOMMENDATIONS FROM THE CABINET - A.2 - HOUSING STRATEGY 2020-2025: "DELIVERING HOMES TO MEET THE NEEDS OF LOCAL PEOPLE"**

The Council considered the recommendations submitted to it by the Cabinet in respect of the Housing Strategy 2020 – 2025: "Delivering Homes to meet the needs of Local People".

Council was aware that Cabinet had considered this matter at its meeting held on 26 June 2020 (Minute 23 referred).

Councillors I J Henderson and Allen addressed the Council on the subject matter of this item.

It was moved by Councillor P B Honeywood and unanimously:-

RESOLVED that the Housing Strategy 2020 – 2025: "Delivering Homes to meet the needs of Local People", as set out in Appendix B to item A.2 of the Reference from Cabinet, be approved and formally adopted.

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

There were no such reports on this occasion.

25. **REPORT OF THE CHIEF EXECUTIVE - A.3 - MEMBERSHIP OF COMMITTEES**

The Chief Executive formally reported that, in accordance with the wishes of the Leaders of the Conservative, Tending Independent and UKIP Groups and the authority delegated to him, the following appointments had been duly made since the last ordinary meeting of the Council -

Audit Committee

Councillor Fairley had been appointed to serve in place of Councillor Codling.

Human Resources & Council Tax Committee

Councillor Amos had been appointed to serve in place of Councillor S A Honeywood.

Licensing and Registration Committee

Councillor McWilliams had been appointed to serve in place of Councillor Overton.

Planning Committee

Councillor Casey had been appointed to serve in place of Councillor Harris.

Councillor Harris had been appointed to serve in place of Councillor McWilliams.

Resources and Services Overview & Scrutiny Committee

Councillor Harris had been appointed to serve in place of Councillor Turner.

Standards Committee

Councillor S A Honeywood had been appointed to serve in place of Councillor Alexander.

Councillor Turner had been appointed to serve in place of Councillor Harris.

Council noted the fore-going.

26. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER - A.4 - "REMOTE MEETINGS" AND CHANGES TO THE COUNCIL'S CONSTITUTION

The Council had before it a report of the Assistant Director (Governance) & Monitoring Officer (A.4) which sought its approval of the recommended changes to the Constitution put forward by the Cabinet in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392].

Council was aware that, on 29 May 2020, Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder which had sought its endorsement of the changes required to the Council's Constitution in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').

Council was further aware that those Regulations, made under section 78 of the Coronavirus Act 2020, applied notwithstanding any other legislation or current or pre-existing standing orders or any other Council rules governing meetings and would remain valid until 7th May 2021. This meant that, wherever there was a conflict, within the Council's Constitution, or with any procedures or rules implemented under Business Continuity Arrangements, those remote meetings regulations would take precedence.

It was therefore the case that the effect of those Regulations on the Authority's Constitution was to insert what were, in effect, mandatory standing orders for those authorities that wished to hold meetings remotely, either wholly or partially.

Members were reminded that a Remote Meetings Protocol and Procedure Rules document had been produced on 17th April 2020 by Lawyers in Local Government (LLG) and the Association of Democratic Services (ADSO) for the purpose of assisting authorities to highlight the changes required to Councils' Constitutions in consequence of the Regulations. Rather than adopting that Protocol without amendment, the Monitoring Officer and Democratic Services officers, had worked through that national guidance and best practice in order to highlight the changes required for Tendring District Council.

It was reported that the proposed changes covered a number of miscellaneous amendments to the Council Procedure Rules and the Access to Information Procedure Rules, and Articles 3 and 7 which were all required in order to comply with the new legislation and to ensure that this Council's Constitution remained effective, efficient and consistent at an operational level. Those key changes had been highlighted in the Portfolio Holder's report to Cabinet.

The Cabinet had been advised on 29 May 2020 that the Monitoring Officer could make those changes to the Constitution in accordance with the delegated authority provided to her within Article 15. However, it had been considered to be prudent for the Corporate Finance & Governance Portfolio Holder's Constitution Review Working Party to undertake a light touch review prior to submitting the changes to Full Council for ratification, in order to enable the working practices and the guidance issued for remote meetings to be considered in a little more depth

Therefore Cabinet's decision at its meeting held on 29 May 2020 had been as follows:-

"That Cabinet:

- 1. notes that changes to the Council's Constitution are required as a direct consequence of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020;*
- 2. endorses the changes as identified by the Monitoring Officer and as set out in this report and Appendices A - E attached hereto;*
- 3. endorses that all changes took immediate effect to comply with the Regulations;*
- 4. endorses that all Councillors conduct all Council business through their Tending District Council online accounts using the corporate IT kit supplied to them for the smooth facilitating and running of remote meetings;*
- 5. adopts the Remote Meeting Guidance for Members and Officers attached as Appendix F and grants a delegated authority to the Head of Democratic Services and Elections to make minor changes to such Guidance, in consultation with the Portfolio Holder for Corporate Finance and Governance;*
- 6. requests that the Portfolio Holder's Constitution Review Working Party undertake a light-touch review of any changes to be made to the Constitution and the application of the Remote Meeting Guidance and reflects upon working practices for remote meetings and then submits its recommendations direct to Full Council for ratification; and*
- 7. recommends that Appendix G, as attached to this report, be submitted to Full Council as a replacement to Appendix E to the March 2020 Constitution review report, which was then subsequently approved by the Leader of the Council (on behalf of the Cabinet) for submission to Full Council."*

The Portfolio Holder's Report and the relevant accompanying Appendices A to E which had been considered by Cabinet at its meeting on 29 May 2020 were before Council, as Appendices to item A.4 of the Report of the Assistant Director (Governance) & Monitoring Officer.

It was reported that, in accordance with the decision of the Cabinet, the Corporate Finance and Governance Portfolio Holder's Constitution Review Working Party (CRWP) had met on 3 July 2020 to undertake a light-touch review of any changes to be made to the Constitution and the application of the Remote Meeting Guidance and had reflected

upon working practices for remote meetings. The CRWP had agreed to make the following recommendations to Full Council for ratification:-

- a) *that the Council's regulatory committees be listed in the proposed new Council Procedure Rule 19A;*
- b) *that the Remote Meeting Guidance for Councillors include a provision whereby Members inform the Chairman that they are leaving the meeting either permanently or for an extended period of time; and*
- c) *that during this current period when meetings are being held remotely that any proposed amendments to Motions on Notice submitted to a Full Council meeting should be circulated in advance of that meeting.*

Council was informed that the Working Party had also discussed Members' attendance at meetings and their compliance with Section 85 of the Local Government Act 1972 in the light of meetings being held remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (and, in particular, Regulation 5 of those Regulations).

To assist in its discussions the Working Party had had before it a Briefing Note prepared by the Monitoring Officer together with extracts of the relevant legislation.

It had been agreed by the CRWP that the Assistant Director (Governance) & Monitoring Officer take into account going forward that the CRWP had recommended that –

- (i) Members who are following the proceedings of a meeting via the public 'live stream' should inform Officers that they are doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings;
- (ii) in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes; and
- (iii) any Ward Member or "caller in" who registers to speak on a planning application due to be considered by the Planning Committee should be then sent the relevant Microsoft Teams or Skype4Business meeting invite in order that they can join the meeting at the appropriate juncture by video link rather than by audio telephone link only.

Council was advised that, due to the importance of the consequences of Section 85 of the Local Government Act 1972 (attendance at a meeting within 6 months to avoid automatic disqualification), the Monitoring Officer's opinion was that the CRWP's recommendations (i) and (ii) as set out directly above should be included within the Constitution once approved by Full Council.

It was moved by Councillor G V Guglielmi and seconded by Councillor Stock OBE that –

-
- (a) subject to resolution (b) below, the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A to E attached hereto the Assistant Director (Governance) & Monitoring Officer's report;
 - (b) the recommendations arising from the meeting of the Corporate Finance and Governance Portfolio Holder's Constitution Review Working Party held on 3 July 2020 be approved, adopted and implemented; and
 - (c) subject to resolution (b) above, the Monitoring Officer be authorised to make changes to the Constitution, where necessary, and ensure that the Remote Meeting Guidance for Councillors is updated accordingly.

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

- (a) that, subject to recommendations (b) and (c) below, Council resolves that the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A to E attached hereto this report;
- (b) that, with the exception of the suggested 30 minute minimum time period for attendance and therefore, subject to (c) below the recommendations arising from the meeting of the Corporate Finance and Governance Portfolio Holder's Constitution Review Working Party held on 3 July 2020 be approved, adopted and implemented;
- (c) that the relevant period of time to 'count' as attendance and ensure compliance with Section 85 of the Local Government Act 1972 should be for duration of the meeting 'attended' with such requirement being formalised within the Constitution; and
- (d) that, subject to recommendations (b) & (c) above, the Monitoring Officer be authorised to make changes to the Constitution where necessary and ensure that the Remote Meeting Guidance for Councillors is updated accordingly.

Councillor Guglielmi, in his capacity as the Corporate Finance and Governance Portfolio Holder, undertook to refer the matter that Councillor Stephenson had raised in his amendment to the Constitution Review Working Party for its consideration.

Councillor Stephenson, pursuant to the provisions of Council Procedure Rule 16.5, thereupon withdrew his amendment with the consent of his seconder, Councillor Scott.

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

27. REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.5 - SCHEME OF ALLOWANCES FOR COUNCILLORS - AND RELATED REPORT FROM THE INDEPENDENT REMUNERATION PANEL

Council formally received the report of the Independent Remuneration Panel (IRP) and considered its recommendations with the view to determining the Scheme of Allowances for Councillors for the remainder of the 2020/21 financial year (and, if deemed appropriate, for the financial years 2021/22 and 2022/23 as well).

Members were aware that the Council's current Scheme of Allowances for Councillors had been adopted on 28 May 2019 (Minute 13 referred) and had then been amended by Council on 21 January 2020 (Minute 81 referred). That Scheme would expire on 31 March 2021 unless a new scheme was adopted prior to then.

Members were also aware that before any Scheme of Allowances for Councillors could be adopted or amended the Council was required to have received and considered a report from its IRP on that Scheme. The IRP for this Council had submitted its report and this was before Council as Appendix B to item A.5 of the Report of the Head of Democratic Services & Elections. It was noted that this report had been submitted several months prior to the Local Government Pay Award for staff for 2020/21 and that there was reference to the Pay Award being used as an index for adjustments to the approved allowances. Therefore, Members read the report in the light that since it had been prepared there had been a Pay Award of 2.75% for 2020/21 and that this was specifically referenced in Appendix C where both the IRP's original recommendations and the revised figures following the Pay Award were detailed.

It was reported that the IRP's recommendations had been advertised in the local press in accordance with the statutory Regulations. The IRP's report had also circulated to all political Group Leaders in the week commencing 1 June 2020.

It was reported that, along with proposals for specific Basic and Special Responsibility Allowance levels, the IRP report had also included, as referenced above, a recommendation that for this financial year and for 2021/22 and 2022/23 the pay award for Council staff nationally should be used as an index to be applied to the Allowances adopted. If this were adopted, in terms of the legislation, this would be an alteration of the Allowances rather than an amendment and would not require a further review by the IRP. Consequently, if adopted by Council, this index linking would have the effect that the next programmed review of Allowances would be for the financial year following the next scheduled elections to this Council (which were due to be held in May 2023). The same would be the case in respect of the Carers' Allowances and travel and subsistence allowances if linked to the Real Living Wage and HMRC rates, as appropriate, and as set out in the recommendations of the IRP.

Council was reminded that the recommendations of the IRP did not bind the Council. However, in accordance with the principles of good decision making, Council would be required to clearly set out its reasons for determining the Scheme of Allowances it intended to adopt if it differed from that proposed by the IRP. The Council had a statutory obligation to have regard to the IRP's recommendations.

Having duly considered, in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003, the recommendations made by the IRP:-

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

- (a) Council notes the current Scheme of Allowances for Councillors as set out at Appendix A to item A.5 of the Report of the Head of Democratic Services & Elections (being Part 7 of the Council's Constitution);

-
- (b) Council receives and considers the report of the IRP on Allowances for Councillors for the remainder of this financial year and for the financial years 2021/22 and 2022/23, as set out at Appendix B to the aforesaid report;
 - (c) Council approves the proposed Scheme of Allowances for the remainder of this financial year (and, if appropriate, for the financial years 2021/22 and 2022/23); and
 - (d) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed Scheme of Allowances.

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

- (a) Council notes the current Scheme of Allowances for Councillors as set out at Appendix A to item A.5 of the Report of the Head of Democratic Services & Elections (being Part 7 of the Council's Constitution);
- (b) Council receives the report of the IRP on Allowances for Councillors for the remainder of this financial year and for the financial years 2021/22 and 2022/23, as set out at Appendix B to the aforesaid report.
- (c) Council determines that, having had regard to the report of the IRP referenced in (b) above and the recommendations set out therein:
 - (i) the current Basic, Special Responsibility and Chairman/Vice-Chairman's Allowances (as set out in Column B of Appendix C of the report submitted to Council) be approved as the Scheme of Allowances for the remainder of this financial year,
 - (ii) the IRP's recommendations in respect of travel, subsistence and dependant carer's allowances, be approved and implemented from 1 October 2020;
 - (iii) the indexing of Basic and Special Responsibility Allowances to the headline Local Government Pay Settlement, as recommended by the IRP, be approved with effect from 1 April 2021;
 - (iv) no change be made to the current basis of calculating the Special Responsibility Allowance for leaders of political groups on the Council;
 - (v) no change be introduced to restrict a Councillor, performing more than one of the special responsibilities as recognised in the Scheme of Allowances, from being able to claim the associated allowances for those responsibilities; and
- (d) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed Scheme of Allowances.

Councillors Placey, I J Henderson, Miles, Allen, Bush, Porter, M E Stephenson, Harris, Bray, Steady, Griffiths, Scott, Coley, Clifton, Chapman, G V Guglielmi, Stock OBE and Turner addressed the Council on the subject matter of Councillor Talbot's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor I J Henderson asked that a record of the vote on Councillor Talbot's amendment be taken.

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	Chapman	Calver
Amos	Barry	Coley	Chittock
Bray	Bush	V E Guglielmi	Overton
Broderick	Casey		
Cawthron	Clifton		
Codling	Davidson		
Davis	Fairley		
G V Guglielmi	Fowler		
Harris	Griffiths		
P B Honeywood	I J Henderson		
S A Honeywood	J Henderson		
King	Knowles		
Land	Miles		
McWilliams	Morrison		
Newton	Placey		
Porter	Scott		
Skeels	Steady		
Stock	G L Stephenson		
Talbot	M E Stephenson		
Turner	Wiggins		
White			
Winfield			

Councillor Talbot's amendment was thereupon declared **CARRIED** and it therefore became the substantive motion.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor I J Henderson asked that a record of the vote on Councillor Talbot's substantive motion be taken.

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	Chapman	Calver
Amos	Barry		Coley
Bray	Bush		Chittock
Broderick	Casey		Overton
Cawthron	Clifton		
Codling	Davidson		
Davis	Fairley		
G V Guglielmi	Fowler		
Harris	Griffiths		
P B Honeywood	V E Guglielmi		
S A Honeywood	I J Henderson		
King	J Henderson		
Land	Knowles		
McWilliams	Miles		
Newton	Morrison		

Porter	Placey
Skeels	Scott
Stock	Steady
Talbot	G L Stephenson
Turner	M E Stephenson
White	Wiggins
Winfield	

Councillor Talbot's substantive motion was thereupon declared **CARRIED**.

28. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.6 -
OUTCOME OF THE REVIEW BY THE RESOURCES AND SERVICES OVERVIEW &
SCRUTINY COMMITTEE OF THE IMPLEMENTATION OF THE NEW WASTE &
RECYCLING COLLECTION SERVICE**

Further to Minute 59 (10.9.19), Council considered the detailed results of the outcome of the review by the Resources and Services Overview & Scrutiny Committee of the implementation of the new Waste & Recycling Collection Service.

Council recalled that, at its meeting held on 10 September 2019, it had considered a motion submitted by Councillor Fowler in respect of the waste and recycling service following the recent move from weekly collection of black refuse sacks from most homes to a fortnightly wheeled bin collection service. The wording of Councillor Fowler's motion had been as follows:-

"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."

Council, in considering that motion, made the following decision:-

"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."

The Resources and Services Overview & Scrutiny Committee thereupon, at its meeting held on 17 February 2020 (Minute 54 referred), undertook the aforementioned scrutiny review and made the following recommendations to Cabinet namely that:

"a) To note, based on experience locally from the previous major change in waste collection arrangements, this Committee appreciated that the 2019 roll out of the wheelie bins/new waste service was always going to have some pain. However, that pain was more than it should otherwise have been. What contributed to this included:

-
- *Insufficient/overloaded communication channels in to the Council to report problems and timely responses to those enquiries.*
 - *Problems with staffing in the team and particularly recruitment to temporary contract posts.*
 - *The consequences of the route changes implemented by Veolia (the Council's contractor) to accommodate the changed waste collection service.*

However, the Committee acknowledges the hard work of Officers to address and overcome those issues and to achieve the current position, which is one the Committee wishes to record as moving positively to the good standard expected. Cabinet is recommended to seek to capture learning from this roll out for the delivery of future major change in service delivery.

- b) *To request the Portfolio Holder for Environment to write to Essex County Council in an effort to address the continuing issue of the littering from waste being moved from the waste transfer stations by or on behalf of the Waste Disposal Authority and the related cleansing of that litter on the A120 around that waste transfer station.*
- c) *To consider this Committee's disappointment at the limited statements provided to it as to the Portfolio Holder's future ambition for the service; including improving recycling levels further over the remainder of the contract and to request that a report on this ambition/vision be submitted to this Committee in September 2020.*
- d) *To arrange for the submission of proposals for revised targets for recycling rates in the District for 2020/21, as part of the Council's Performance Monitoring System, to this Committee's meeting on 23 March 2020 (and that comparable recycling rates be reported to the Committee from the other Districts in Essex and any appropriate commentary on the prospect of such rates being achieved in Tendring where the rates are higher than locally).*
- e) *To pursue the stated intention of arranging a site visit for all Councillors to waste and recycling centres as part of developing understanding by Councillors of these activities and this site visit should be organised prior to September 2020.*
- f) *That the clear information should be provided to residents on the recycling processes of material collected from homes in the District, further information be provided on practical waste minimisation measures for residents and that, in time, a summary of the Council's Climate Reduction measures be provided to all households (perhaps with the annual Council Tax Notification)."*

In the absence of a meeting of Cabinet in the early period of the Covid-19 pandemic lockdown in the UK, the Leader of the Council made a formal executive decision on 24 April 2020 in which he both noted the Resources and Services Overview and Scrutiny Committee's recommendations and endorsed the Environment and Public Space Portfolio Holder's responses thereto as set out below:

- "(a) I would like to thank the Committee for a thorough and robust review of the roll out of the new Contract. I do think that it is unfortunate that whilst the Committee acknowledges the hard work of officers the actions of a small number of*

Councillors, and their inappropriate communications with officers has unnecessarily added to the workload faced by officers in rolling out the new contract.

- (b) I will certainly pick this up with my Officers and make sure that our concerns are addressed with ECC and request that action is taken to deal with the issue.*
- (c) I do not recognise this issue, other than as an opportunity to criticise me as portfolio holder for information, I was not asked to provide except in an 'off the cuff' fashion at the Meeting, bearing in mind the subject of the agenda item which was to review the implementation of the new waste and recycling service. I will bring forward in due course an options paper to consider what further measures can be put in place to increase recycling rates, within our Budget parameters.*
- (d) As has been outlined to the Committee previously comparable statistics are only useful as a guide as there are different arrangements in place and different costs associated with those different arrangements in other Districts and of course Tending residents are still getting used to the new arrangements. Revised performance indicators will of course be put in place in due course.*
- (e) This matter is already in hand and on Tuesday 25 February Damian Williams spoke to me about the requested tour of a Veolia recycling facility. He said it is currently being arranged and invited me to write the invitation to Members when final details are known.*
- (f) I will be discussing these suggestions with officers."*

Councillors I J Henderson, Stock OBE, Bush, Talbot and Steady addressed the Council on the subject matter of this item.

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council receives and notes the detailed results of its scrutiny review as required by virtue of the motion approved by Council on 19 September 2019, and as set out in this report, together with the responses of the Portfolio Holder for Environment and Public Space to the recommendations arising from the review (as endorsed by the Leader of the Council).

29. REPORT OF THE MONITORING OFFICER - A.7 - FINDINGS OF AN INVESTIGATION BY THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

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

It was reported that, earlier this year, the Local Government and Social Care Ombudsman had considered a case in relation to a planning enforcement matter. The complaint concerned the stated failure to resolve complaints to the service about a neighbouring development, causing a loss of enjoyment and stress. The Ombudsman had found that the Council had failed to follow its planning enforcement policy and that this had amounted to an injustice. An apology had been given to the complainant together with a modest payment for the distress/uncertainty and also for their time and

trouble in pursuing the complaint. Modest payments (as determined by the Ombudsman) were in the range of £100 - £300. An action plan had been put in place and implemented in order to avoid a repeat occurrence. The Ombudsman's report was available on its website (www.lgo.org.uk).

It was further that Planning Enforcement had been the subject of an Internal Audit review, with the outcome and recommendations actively being monitored. Updates were regularly provided as appropriate to the Council's Audit Committee.

Council was advised that the Monitoring Officer had initially intended to report the above to the programmed meeting of Council on 31 March 2020. Due to the national lockdown, and associated restrictions on meetings, in response to the Covid-19 pandemic at the time this meeting subsequently had been cancelled. In submitting this report to Council now, it could be supplemented by the fact that the Annual Review Letter from the Local Government and Social Care Ombudsman for 2019/20 had now been received. The review letter identified that, in the year in question, 28 complaints about Tendring District Council had been determined by the Ombudsman and that five of those complaints had been upheld. One of the five had been resolved during its consideration by the Ombudsman. A further three had been found to involve no injustice to the complainant. The three found to involve no injustice all concerned a single email about a single development and the complaints had been from three individual neighbours of that property. The single case where maladministration and injustice had been found was the one referred to above.

Council noted the foregoing.

30. REPORT OF THE CHIEF EXECUTIVE - A.8 - COUNCILLOR OVERTON: NON-ATTENDANCE AT MEETINGS

In accordance with Article 2.06 of the Council's Constitution, the Chief Executive formally reported to Council that Councillor Nicola Overton had exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

Council noted the foregoing.

31. 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.

One question had been submitted by a Member as set out below:

Question

Councillor Jo Henderson asked Councillor Alex Porter, the Portfolio Holder for Leisure and Tourism:

"Please can the Portfolio Holder advise me when the Astro pitch in Dovercourt will be re-surfaced? Concerns have been raised that the current surface is not fit for purpose."

Councillor Porter replied as follows:-

“Thank you for your question Councillor Henderson. A recent condition survey carried out by a specialist contractor, shows that the artificial pitch at Dovercourt Bay Lifestyles remains playable and fit for purpose, but it is indeed reaching the end of its lifecycle.

With this in mind, officers have been working with sports governing bodies and funders to develop a long term plan for artificial grass pitches across the District. Despite the financial challenges ahead, we are looking to bring ambitious proposals forward in due course, as part of a long term strategy for our Sports Facilities.

In the meantime, officers will continue to monitor the condition of the pitch and carry out routine maintenance work as required.”

Councillor Henderson then asked a question of clarification to which Councillor Porter responded.

32. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 10.48 pm

Chairman