

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 24TH NOVEMBER, 2020 AT 7.34 PM
MEETING HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Bush, Calver, Casey, Cawthron, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Harris, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, King, McWilliams, Miles (except items 33 - 43), 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), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Democratic Services Officer) and Debbie Bunce (Legal and Governance Administration Officer)

33. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Knowles.

34. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Late Councillor Joy Broderick

The Chief Executive (Ian Davidson) made the following announcement:-

“Mr Chairman, it is my sad duty to formally report to Council the death of Councillor Joy Broderick.

The formal declaration and notice of the vacancy in the office of District Councillor for the Eastcliff Ward will be published in due course.

In accordance with the provisions of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, the vacancy will be held open until the law provides for it to be filled at a by-election; which at the time of this report would be on Thursday 6th May 2021. This is the date for the scheduled elections to Essex County Council and the rescheduled date for the election of the Police, Fire and Crime Commissioner for Essex.”

The Chairman of the Council (Councillor Land) then led Members and Officers present in a silent tribute to the life of Joy Broderick.

Councillors Stock, Winfield, M E Stephenson and King each paid their own personal tributes to the work of Joy Broderick as a member of the Council and of their memories of her as a friend and colleague.

35. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was moved by Councillor Stock OBE, seconded by Councillor Bray and:-

RESOLVED that the Minutes of the ordinary meeting of the Council held on 15 September 2020 be approved as a correct record and be signed by the Chairman.

36. DECLARATIONS OF INTEREST

There were none on this occasion.

37. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

“Heroes at the Heart of Tendring”

The Chairman urged all Members to fully participate in this initiative to appreciate and nominate community “heroes” within Tendring. This initiative was a replacement for the annual Pride of Tendring awards which had been cancelled due to the impact of the coronavirus pandemic.

CVS Tendring

The Chairman thanked all those who had contributed to the significant funds raised by his sponsored skydive of behalf of CVS Tendring.

Christmas Meals for the Elderly and Infirm

The Chairman informed Members that, due to the Covid-19 restrictions, the Rotary Club of Clacton-on-Sea would not be able to lay on their annual traditional Christmas dinner for the elderly and infirm in Clacton-on-Sea. However, he was pleased to announce that a number of the charitable organisations in Clacton-on-Sea had made a combined effort to ensure that Christmas meals would be delivered to those in need in at least some parts of Clacton-on-Sea such as Bockings Elm.

Christmas Lights in Clacton-on-Sea

The Chairman reported that, due again to the Covid-19 restrictions, the Clacton Town Centre Partnership had been unable to carry out any fund raising activities and that therefore the usual Christmas decorations in Clacton Town Centre would be absent this year. However, he was able to announce that, thanks to the efforts of Council Officers, a total of around 58 trees in Clacton Town Centre would be decorated with Christmas lights.

Seasonal Salutations

As this was the last scheduled meeting of the Council to be held in 2020, the Chairman took the opportunity to thank Members and Officers for all of their help and assistance

over the course of the year and he wished everyone a Merry Christmas and a Happy New Year.

38. STATEMENTS BY THE LEADER OF THE COUNCIL

Post Covid-19 Second Lockdown

The Leader of the Council informed members that Essex Council Leaders were 'lobbying' the Government to try to ensure that, when the present Covid-19 national lockdown ended on 2 December 2020, that Essex would then be placed in Tier 1 (the lowest ranked tier) of the new national restrictions.

Covid-19 Business Funding Support Scheme

The Leader reminded Council that local businesses in Tendring impacted by the current national lockdown arrangements needed to apply now to receive their share of funding support.

This financial help from central Government aimed to support local firms through the period of national measures, and the period in which Essex was in Tier 2 of local restrictions, and was paid in the form of grants distributed via Tendring District Council.

The application form was available at www.tendringdc.gov.uk/coronavirus - but he warned that businesses only had until Sunday 29 November 2020 to apply.

SELEP Funding – Jaywick Sands

The Leader of the Council was pleased to report that the South East Local Enterprise Partnership (SELEP) had agreed investment from the Getting Building Fund (GBF) for two schemes in Jaywick Sands.

One project was to build a covered market on the former 'Sunspot' site at the entrance to the Brooklands area, along with 13 affordable business units, a community garden and hard landscaped area which could accommodate an outdoor market in addition to the ten pitches inside.

That initiative had received £1.972m from the GBF, and would be topped up by £105k from Tendring District Council and £50k from Essex County Council, which together would cover the building works and finding a partner to run the workspaces – including providing business support services.

The second scheme was a cycling project to improve links between Jaywick Sands and Clacton, and launch a community bike scheme to loan bicycles to residents – helping them travel to work or college in a healthy, 'green' and inexpensive way.

That project had received £2.3m from the GBF, and would be supported with £100,000 from the Sport England Local Delivery Pilot.

39. STATEMENTS BY MEMBERS OF THE CABINET

Level 2 Ambulance Response Times in the District

The Partnerships Portfolio Holder (Councillor McWilliams) made reference to the resolution that the Council had passed at its last meeting (Minute 22 – 15.9.20 referred) when it had decided 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.”*

Councillor McWilliams informed Members that this Council still had not yet received a response despite the intervention of the District’s two Members of Parliament. However, she assured Members that this matter would continue to be pursued.

Councillor McWilliams and Councillor Stock OBE then responded to the matters raised in a question asked by Councillor Morrison.

40. PETITIONS TO COUNCIL

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

41. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No Questions pursuant to Council Procedure Rule 10.1 from members of the public had been submitted in accordance with the rules approved by the Council on this occasion.

42. REPORT OF THE LEADER OF THE COUNCIL - A.1 - 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) Changes to the Council’s Discretionary Business Grants Policy

It was reported that, on 24 September 2020, the Housing Portfolio Holder (Councillor P B Honeywood) acting in accordance with a power delegated to him and in view of the urgency of the issue concerned, in accordance with Rule 15 of the Access to Information Procedures Rules and also Rule 18(i) of the Overview and Scrutiny

Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that his decision relating to a change to the Council's Discretionary Business Grants Policy be both taken using the 'Special Urgency' procedure and be exempt from the Council's call-in procedure.

The Housing Portfolio Holder's decision, in consultation with the Chief Executive, was as follows:

"To introduce a new grant level of £5,739 to replace the existing £5,000 grant level within the Council's Discretionary Business Grants Policy."

It was felt that any delay likely to be caused by the usual key decision and call-in processes would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"It was felt to be vital that the Council was able to pay money out to local businesses as quickly as possible in order to meet the Government's expectation of making all payments under the Discretionary Business Grants scheme by the end of September 2020."

Council noted the foregoing.

43. 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 Thursday 3 September 2020;
- (b) Resources and Services Overview & Scrutiny of Monday 21 September 2020;
- (c) Community Leadership Overview & Scrutiny of Monday 28 September 2020;
- (d) Planning Policy & Local Plan of Wednesday 30 September 2020;
- (e) Audit of Thursday 1 October 2020;
- (f) Planning Policy & Local Plan of Wednesday 14 October 2020; and
- (g) Human Resources & Council Tax of Wednesday 21 October 2020.

44. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - "DEVELOPMENT SITES FOR COUNCIL HOUSING"

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

- "(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning*

permission for housing developments on those sites in order to maximise the income from such disposals; and

- (b) *That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”*

Councillor Placey formally moved the motion, and Councillor Allen formally seconded the motion.

Councillor Placey then gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting, namely that time was of the essence and that it would help the Council achieve the aims of its Housing Strategy.

The Leader of the Council (Councillor Stock OBE), whilst not objecting to the principle of the Motion, nevertheless requested that the Motion be referred to the Cabinet on the grounds that it related to an executive function and the Cabinet needed to be satisfied that there were not any planning, legal, contractual, technical or other matters that would hinder the intent of this Motion being carried out.

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 referred to the Cabinet on the grounds that it clearly related to Executive functions which were the responsibility of the Cabinet and it was important that Cabinet had an opportunity to comment on the motion prior to any debate on the motion at Full Council.

Councillor Placey's motion thereupon stood referred to the Cabinet for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

45. RECOMMENDATIONS FROM THE CABINET - APPROVAL OF CLIMATE CHANGE ACTION PLAN

During the consideration of this item Councillor I J Henderson declared for the public record that he was a member of Essex County Council's Climate Change Commission.

Council recalled that, at its meeting held on 9 August 2019, it had declared a climate emergency with a commitment to the Council's operations becoming carbon neutral by 2030 and community leadership activities pursued in order to influence and encourage others across Tendring to strive towards carbon neutrality for the District as a whole.

That declaration had committed the Council to a number of actions including the setting up of a Members' working group, the calculation of the Council's carbon emissions and the development of a climate change action plan.

It was reported that all of those actions had now been undertaken and an action plan, covering three years to the end of 2023, had been submitted to the Cabinet for its consideration at its meeting held on 13 November 2020.

At that meeting Cabinet had decided to recommend to Council that the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council shall now include the Climate Change Action Plan.

Having duly considered the Cabinet's recommendation on this matter as well as the contents of the proposed Action Plan:-

It was moved by Councillor Stock OBE that the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council will now include the Climate Change Action Plan.

Councillors I J Henderson, J Henderson, Bush, Allen, Scott and Coley addressed the Council during the debate on Councillor Stock's motion.

In response to a suggestion put forward by Councillor I J Henderson and pursuant to the provisions of Council Procedure Rule 16.6, Councillor Stock OBE agreed to alter his motion to incorporate a review after six months of the progress of the Action Plan's implementation.

On the motion being put to the vote it was therefore:-

RESOLVED that -

- (a) the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council will now include the Climate Change Action Plan; and
- (b) in six months' time a review be carried out of the progress (or lack of progress) made in carrying out the Action Plan.

46. RECOMMENDATIONS FROM THE CABINET - THE LOCAL COUNCIL TAX SUPPORT SCHEME 2021/2022 - COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2021/2022 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2021/2022

Council was aware that the Cabinet, at its meeting held on 13 November 2020 had considered, inter alia, a joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder which had sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2021/22 (LCTS) (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2021/22; and
- Annual MRP Policy Statement for 2021/22.

Having had regard to the proposals contained in that joint report Cabinet had decided to recommend to Council that –

- (i) the Local Council Tax Support Scheme 2021/22 (LCTS), as set out as Appendix A to the Joint Report, be approved with the maximum LCTS award being 80% for working age claimants;

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- (ii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;
 - (iii) the locally determined council tax discounts, as set out in Appendix C to the Joint Report, be approved;
 - (iv) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;
 - (v) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions; and
 - (vi) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out in Appendix D to the Joint Report, be approved.

Having duly considered the recommendations submitted by the Cabinet together with the contents of the joint report and its appendices:-

It was moved by Councillor P B Honeywood and:-

RESOLVED that –

- (i) the Local Council Tax Support Scheme 2021/22 (LCTS), as set out as Appendix A to the Joint Report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;
- (iii) the locally determined council tax discounts, as set out in Appendix C to the Joint Report, be approved;
- (iv) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;
- (v) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions; and
- (vi) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out in Appendix D to the Joint Report, be approved.

47. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - A.2 - MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS ON ANIMALS AND VULNERABLE PEOPLE

Council recalled that, at its meeting held on 21 January 2020 (Minute 76 referred), it had considered the following motion which had been submitted by Councillor S A Honeywood pursuant to the provisions of Council Procedure Rule 12:-

“Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.

This Council therefore resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;*
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and*
- to encourage local suppliers of fireworks to stock “quieter” fireworks for public display.”*

Council had resolved that consideration of Councillor Honeywood’s motion be deferred and that the motion be referred to the Community Leadership Overview and Scrutiny Committee for it to be fully investigated in all of its aspects.

Councillor Honeywood’s motion had been duly submitted to the Community Leadership and Partnerships Committee at its meeting held on 28 September 2020.

At that meeting the Committee heard that with the onset of the latter half of the year a number of events were traditionally marked with firework displays and from mid-October until the end of the year firework sales took place from supermarkets, some convenience stores and a growing number of temporary specialist shops. Furthermore, this year organisers of firework events would have had regard to the precautions necessary to reduce the risk of transmission of COVID-19 at gatherings in outdoor areas. It was reported that Fireworks could only be sold at certain times of the year, namely:

- from 15 October to 10 November;
- from 26 December to 31 December;
- the first day of Chinese New Year and the 3 days before it; and
- the first day of Diwali and the 3 days before it.

Members were informed that a licence from ECC, issued under the Explosives Regulations 2014, was required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above required an all year round sellers’ licence in addition to the storage licence.

Fireworks and bonfire displays for various celebrations had in some instances been the cause of injuries to those attending. Furthermore, disturbance could be caused to local residents’ families and pets and animal based businesses such as riding schools, kennels and catteries. A District wide promotional campaign and advance publicity of organised displays might help to reduce such injuries and disturbance. It was thus timely to consider the benefits of a campaign to remind the public and organisers of local

events about the precautions that should be taken to reduce risk of injury and disturbance to the local area.

It was thus timely to consider the benefits of a campaign to remind the public and organisers of local events about the precautions that should be taken to reduce risk of injury and disturbance to the local area. In order to organise a display for a charitable or business purpose the person in charge should be able to competently carry out a risk assessment in order to fully consider the hazards to the safety of people attending or working on the site and the control measures that would be necessary to reduce the risks of injury as far as was reasonably practicable.

The Committee was made aware that:

- Officers from the Council's environmental health department were authorised to take formal action regarding breaches of the Health and Safety at Work, etc. Act 1974 regarding risks to health and safety and the Environmental Protection Act 1990 in relation to statutory nuisance from noise disturbance. As firework displays were often one off events it was extremely difficult to take action in respect of noise disturbance.
- The sale of fireworks, including any product safety issue, was regulated by the Trading Standards team at Essex County Council. Any campaign led by TDC could be run in partnership therefore with Trading Standards.
- Where the display included the sale of alcohol or any other licensable activity or was located on licensed premises the person in control of the activity must have had regard to the four licensing objectives of the Licensing Act 2003 namely –
 1. Prevention of crime and disorder.
 2. Public safety.
 3. Prevention of public nuisance.
 4. Protection of children from harm.
- For single events where up to 500 people were involved (spectators and staff included) a Temporary Event Notice would be required but if greater numbers of people were involved the event could be referred to the Tending Safety Advisory Group which was made up of representatives from HSE, Essex County Council, Essex Fire & Rescue Service and Essex Police.
- Advance notice of public firework displays would allow more time for local residents to take their own measures to minimise disturbance to young children and pets and for businesses to put measures in place to reduce stress to animals kept on their premises. The Council did not have any statutory powers to require the advance advertising of public displays but could, via various media channels, encourage the advertising of events.

The Council had a presence on social media sites for disseminating advice and information which had been found to be effective in reaching significant numbers of people in the District and could be used to promote safety measures and mitigation in order to reduce noise disturbance through earlier finishing times and lower noise emitting fireworks and displays.

The Community Leadership Overview & Scrutiny Committee had resolved that Council be informed that –

- a) *the Committee supports Councillor S. Honeywood's motion to Council in relation to mitigation measures for the impact of firework displays;*
- b) *the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays;*
- c) *the Council includes an online questionnaire on its website to monitor complaints in relation to fireworks; and*
- d) *the Committee adds this matter to its work programme and returns to it in January 2021 in order to look at the data collected.*

It was moved by Councillor Chittock that Council –

- (a) notes that the Community Leadership Overview and Scrutiny Committee supports Councillor S A Honeywood's motion to Council in relation to mitigation measures for the impact of firework displays and further notes its suggestions that the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays and the production of an on-line questionnaire;
- (b) notes that the promotional campaign and on-line questionnaire suggested by the Community Leadership Overview and Scrutiny Committee would fall to the responsibility of Cabinet and Environmental Health Services; and
- (c) receives the Committee's resolution as an amended motion to be debated first in accordance with Council Procedure Rules 16.5 and 16.10(b).

Councillors Clifton, Scott, Cawthron, Harris and M E Stephenson addressed the Council during the debate on Councillor Chittock's motion.

In response to the Chairman of the Council's query and pursuant to the provisions of Council Procedure Rule 16.6(a), Councillor S A Honeywood indicated that she was content to alter her motion to reflect the content of Councillor Chittock's motion.

Councillor S A Honeywood's original motion, as now amended, thereupon became the substantive motion.

Councillor Morrison then addressed the Council on this matter.

The Chairman of the Council then asked Members to indicate whether they supported the substantive motion by remaining silent or whether they were not in favour of supporting the substantive motion by so indicating orally. The Chairman then formally noted that Councillor Cawthron had indicated that he was not in favour of the substantive motion and that Councillor Bush wished to abstain on the matter.

It was then, at this point, moved by Councillor Harris and seconded by Councillor Scott that the substantive motion should be further amended by the inclusion of a provision that, in respect of all fireworks events that are referred to the Tendring Safety Advisory Group, the relevant parish council and local Ward Members be included as part of the consultation process.

Councillors Clifton, P B Honeywood and Calver addressed the Council during the debate on Councillor Harris' amendment.

It was then moved by Councillor Calver and seconded by Councillor Stock OBE that –

- (a) Councillor S A Honeywood's original motion, as now amended at this meeting, be approved; and
- (b) the Community Leadership Overview & Scrutiny Committee be requested to undertake a further examination of the issues surrounding the impact of firework displays on animals and vulnerable people and how that impact could be mitigated and paying particular regard to the matters raised by Members at this meeting with a view to reporting the outcome of that further examination to a future meeting of the Council.

In response to a suggestion put forward by the Chairman of the Council and in the light of Councillor Calver's proposed further amendment and pursuant to the provisions of Council Procedure Rule 16.5(e), Councillor Harris indicated that he was content to withdraw his amendment.

In response to the Chairman of the Council's query, Councillor S A Honeywood, as the mover of the original motion, indicated that she was content both with the withdrawal of Councillor Harris' amendment and Councillor Calver's proposal.

Councillor Calver's amendment on being put to the vote as the substantive motion was declared **CARRIED**.

48. REPORT OF THE CHIEF EXECUTIVE - A.3 - FORMER COUNCILLOR OVERTON - DISQUALIFICATION FROM OFFICE OF COUNCILLOR

The Chief Executive formally advised Council that Nicola Overton had ceased to be a Member of the Council with effect from 7 October 2020.

Council was aware that by virtue of Section 85(1) of the Local Government Act 1972, if a Member of a Council failed throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they would, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Council. This was therefore an automatic position in the circumstances set out in Section 85(1) of the 1972 Act.

It was reported that for Nicola Overton, the period of six consecutive months referred to in Section 85(1) of the 1972 Act had therefore concluded at the end of 6 October 2020. Nicola had not attended a meeting in that six month period to 6 October 2020 and Council had not approved her absence before the expiry of that period. Consequently, on 7 October she had automatically ceased to be a Member of the Council.

Council was informed that the relevant declaration of vacancy in the office of District Councillor for West Clacton and Jaywick Sands Ward had been made and that the formal Notice of the vacancy had been posted at the Town Hall and on the Council's website.

Members were reminded that, in accordance with the provisions of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, the vacancy would be held open until the law provided for it to be filled at a by-election; which at the time of the Council meeting would be on Thursday 6th May 2021. This was the date for the scheduled elections to Essex County Council and the rescheduled date for the election of the Police, Fire and Crime Commissioner for Essex.

Council noted the foregoing.

49. REPORT OF THE CHIEF EXECUTIVE - A.4 - CHANGE IN MEMBERSHIP AND LEADERSHIP OF POLITICAL GROUPS

The Chief Executive formally advised Council that, on 25 September 2020 and pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Mary Newton had served formal notice on the Council that she no longer wished to be treated as a member of the UKIP political group.

He further advised Council that Councillor Newton, on 9 October 2020 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that she wished to be treated as a member of the Conservative political group. That notice had been duly counter-signed by the Leader of the Conservative Group (Councillor Neil Stock OBE).

Councillor Stock had informed Officers at that time that he did wish to exercise his right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out at that time. The results of that review were reported under item A.5 of the Chief Executive's report to Council.

The Chief Executive also advised Council that, on 25 September 2020, Councillors Peter Cawthron and Jim Codling (being at that time a majority of the UKIP Group) had served notice on the Council that, pursuant to Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Cawthron was henceforth to be treated as the Group Leader of the UKIP political group and further that Councillor Codling was henceforth to be treated as the Deputy Group Leader of the UKIP political group.

Council noted the foregoing.

50. REPORT OF THE CHIEF EXECUTIVE - A.5 - MEMBERSHIP OF COMMITTEES

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

Community Leadership Overview & Scrutiny Committee

Councillor Steady had been appointed to serve in place of former Councillor Overton.

Planning Committee

Councillor V E Guglielmi had been appointed to serve in place of Councillor Codling.

Planning Policy & Local Plan Committee

Councillor Codling had been appointed to serve in place of Councillor G V Guglielmi.

Standards Committee

Councillor Fowler had been appointed to serve in place of former Councillor Overton.

Council noted the foregoing.

51. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

No Member Questions pursuant to the provisions of Council Procedure Rule 11.2 had been submitted for this meeting by the deadline of Noon on Thursday 12 November 2020.

52. URGENT MATTERS FOR DEBATE

There were no urgent matters on this occasion.

53. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor Scott and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

54. EXEMPT MINUTES OF COMMITTEES

It was **RESOLVED** that the exempt minute of the Human Resources and Council Tax Committee of Wednesday 21 October 2020 be noted.

The Meeting was declared closed at 9.17 pm

Chairman