

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 13TH JULY, 2021 AT 7.31 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bush, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, I Henderson, J Henderson, P Honeywood, S Honeywood, Knowles, Land, McWilliams, Miles, Morrison, Nash, Newton, Placey, Porter, Scott, Skeels, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

39. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Calver, Cawthron, G V Guglielmi, V E Guglielmi, King, Steady, G L Stephenson and M E Stephenson.

40. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the ordinary meeting of the Council held on 18 May 2021 be approved as a correct record and be signed by the Chairman.

41. DECLARATIONS OF INTEREST

There were none on this occasion.

42. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Bray) made the following announcements:-

Falklands War Memorial Service

The Chairman thanked all those who had been involved in arranging and attending the recent Falklands War Memorial Service at the Clacton War Memorial which had been hampered by being subject to the ongoing Covid-19 restrictions. He particularly thanked Councillor Amos for his help and support.

Commemorations and Public Support

The Chairman reminded Members that Clacton Town Hall had recently been “lit up” or had flags flown in order to commemorate and/or celebrate the following:-

- (i) NHS Anniversary;
- (ii) St John’s Ambulance;
- (iii) LGBT+ Pride Week;
- (iv) Euro 2020 – the England Football Team.

The Chairman congratulated the England Football Team on their performances in reaching the Euro 2020 Final where they had then unfortunately narrowly lost to Italy in a penalty shoot-out.

Fish & Chip Shop Challenge

The Chairman informed Members that he would be requesting them to nominate their favourite fish & chip shops (with the owner/manager’s permission). The Chairman and Vice-Chairman would then visit those premises in turn and try out their product. Those premises whose meals that they had enjoyed would receive a ‘certificate of recommendation’ from the Chairman and Vice-Chairman. The Chairman and Vice-Chairman would also choose an overall winner and that premises would receive the ‘Golden Fish Award’. The objective of this exercise, in addition to a bit of light-hearted fun was also to promote the businesses involved given the traditional link between the coast and fish & chip shops in Britain.

‘Santa-thon’

The Chairman announced that he would be organising a ‘Santa-thon’ at the end of this year which would involve a 5k fun run whose participants would run the course dressed as Santa Claus. His intention was to link this event to the ‘Santa Shopping Day’ event in Clacton Town Centre on Saturday 4 December 2021. Each entrant in the fun run would pay a small fee the proceeds of which would go to the Chairman’s Charity Fund (for CVS Tendring). Those taking part would also receive a free Santa suit and a commemorative medal upon completion of the Run.

43. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements made by the Chief Executive on this occasion.

44. STATEMENTS BY THE LEADER OF THE COUNCIL

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

Covid-19 Restrictions – Easing

The Leader referred to the imminent easing of Covid-19 restrictions on Monday 19 July 2021 and stated that, whilst it was not a complete and utter end and whilst everyone was fully aware of the rising rate of infections due to the Delta variant, this was nevertheless a cause for optimism (if a little muted). He requested that Members now showed leadership in their respective communities by helping to make sure that their local residents did not now act in an excessive manner.

Euro 2020 Football Tournament

The Leader paid tribute to the England football team who had so lifted the nation's spirits during this difficult time. He condemned utterly any criticism of the players' performance and especially those comments of a 'racist' nature that had been made on social media towards certain members of the squad. He knew that his fellow Group Leaders shared in that condemnation.

The Leader therefore requested that the Chairman of the Council write, on behalf of the whole Council, to the English FA to thank the England team for enthusing the nation and for its success in reaching the Final and also for being such great ambassadors for what it meant to be English in 2021.

Councillors I J Henderson, Allen and Scott, in their capacities as Group Leaders then endorsed, on behalf of their respective Groups the sentiments contained in Councillor Stock's statements.

45. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

The Environment & Public Space Portfolio Holder (Councillor Talbot) made the following statement:-

"Colleagues, at our last meeting I said would report the responses from our Towns and Parishes to my invitation to them to inform Council, via Tim R. Clarke, our Climate Change officer, of any specific actions they may be taking or considering in their authority area.

I am told that so far replies have been received from Manningtree, St Osyth, Harwich, Little Clacton, Frinton & Walton, Bradfield and Ardleigh, and I thank those Councils for their replies, some of which are so expansive as to form the base for future action on my part. Since Councils meet at different times and arrange their business to suit themselves locally, there may be additional replies still in the pipeline.

To read out all that has been written would take too long but a precis of the responses would include:

- *the intention to try paperless agendas;*
- *to include consideration on each agenda of any Climate Change implications of decisions made;*
- *lending support to PACE's (Platform for Accelerating the Circular Economy) plastic free initiative;*
- *use of LED lights where they are a Town or Parish responsibility;*
- *looking for sites for potential electric car charging points.*
- *considering local tree planting;*
- *considering undertaking a climate change audit;*
- *appointing a specific Council Member tasked with working on ideas that can be implemented;*
- *looking closely at green energy suppliers for the Village Halls etc.;*
- *considering seriously Climate Change implications of planning applications, of which they are advised, and passing their view to our Planners; and*
- *the proposals from Manningtree, Mistley and Lawford who have agreed to set up a Joint Environmental Working Party!*

It is quite clear that our Towns and Parishes have got 'The Bit Between Their Teeth' on this issue and are looking at many diverse ways of moving towards an abatement of the worst effects of Climate Change.

Ian Taylor, Head of Public Realm, is currently exploring the installation of six EV Charging Points in the 'Starlings' development in Dovercourt, with the infrastructure in place for more Charging Points later if desired.

He informs me that we can get grant aid for this project, but this is only possible if we leave the car park accessible 24/7 and free of charges in the evening. There are matters to be addressed such as local concern over the car park being open all night, but we should try to satisfy these and not miss the chance and lose grant aid. Perhaps, I have suggested, by use of CCTV cameras."

Waste & Recycling Collection Service

Councillor Talbot then made a further statement as follows:-

"And now a statement on a completely different area of my portfolio that is the Waste and Recycling collection service we offer to all Tending properties.

A very major item on the agenda is the Government's consultation on Household and Business recycling in England which began on 7 May and finished on 4 July.

Jon Hamlet, Street Scene Manager sent me a significant brief on the Government's legislation in the Environment Bill for a core set of dry recyclable waste streams to be collected from ALL households and flats in England by end of the 2023/24 financial year. We will be obliged by law to collect the following Dry Recycling, separating different materials from each other:

- *Glass bottles and containers;*
- *Paper and card;*
- *Plastic bottles;*
- *Plastic pots, tubs and trays; and*
- *Steel and aluminium tins and cans.*

Do not breathe a sigh of relief yet colleagues, as Jonathan goes on to say that in addition to the above items, the Government also proposes, for later implementation, that the required recyclable waste streams will also include the following items:

- *Aluminium foil and food trays;*
- *Steel and aluminium aerosols;*
- *Aluminium tubes, e.g., tomato puree tubes;*
- *Metal jar and bottle lids;*
- *Food and drink cartons, including TetraPak's; and*
- *Plastic films, bread bags and carrier bags.*

It is also proposed that a Garden Waste service be introduced, – BUT this one is a free service.

All this means that, quite apart for the huge cost of what will be virtually a new Waste Contract with very substantial changes and consequent charges imposed on us, and all

authorities, we in Tendring will lose the income, building up each year, that arises from our successful Garden Waste paid for service.

Jon Hamlet estimates that this will cost an additional £1.2 million per year, but goes on to say it is expected to be met by Government funding and ongoing funding through 'deposit return scheme' revenue, but he personally questions how funding will be allocated, as each authority will have very differing cost pressures.

There is also a requirement for a universal food waste service. We do currently operate one, but there are in Tendring 12,000 households who do not receive such a service, so this must be catered and paid for.

On the horizon, with all English authorities needing materials, vehicles, and labour at roughly the same time up to end of 2024, there may well be shortages of all the wherewithal, to meet the new deadlines imposed upon us."

Councillor Talbot then responded to questions put to him by Councillors Baker, Scott and Bush.

Update on Leisure & Tourism Matters

The Leisure & Tourism Portfolio Holder (Councillor Porter) made a statement updating Members on the following leisure and tourism related matters:-

Harwich Sports Centre

Councillor Porter informed Council that Harwich Sports Centre which had been closed as a result of Covid-19 would be re-opening at 4.40 p.m. on Wednesday 14 July 2021.

Heritage Trail

Councillor Porter informed Council that the Heritage Trail would be formally opened by the Chairman of the Council on Friday 16 July 2021.

Clacton-on-Sea 150th Birthday

Councillor Porter reminded Members that Sunday 18 July 2021 would mark Clacton-on-Sea's 150th birthday. Several events to mark this important anniversary would be taking place on that day and later on 26th and 27th August 2021 there would be taking place the 'Clacton 150 Flypast'.

Clacton Seafront – New use for Recycling Boxes

Councillor Porter reported that, following a request from local residents, recycling boxes had been placed on Clacton Seafront so that people could leave their sand buckets and spades for other families to then make use of on the beach.

Councillor Porter then responded to questions put to him by Councillors Miles and Bush.

46. PETITIONS TO COUNCIL

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

47. 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.

One question had been received, on notice, from members of the public on this occasion.

Question

Pursuant to the provisions of Council Procedure Rule 10.7, the Chairman of the Council (Councillor Bray), on behalf of Zoe Tipple & Kayleigh Seal from Unsealed Eco Refill Store, The Grove, Clacton-on-Sea asked the Leader of the Council (Councillor Stock OBE):-

"In the Council's published Tending Climate Emergency action plan 2020 - 2023 it states that:-

"In 2019 the Leader of Council made a commitment to become single use plastic free by the end of 2020. Whilst an internal campaign was commenced this target is likely to be delayed due to the impact of COVID-19 and the resultant and necessary purchase of cleaning and hand sanitising products, all of which are in plastic bottles. Nonetheless efforts towards meeting this target will continue."

We have signed up to the Surfers against Sewage (SAS) Plastic Free Communities initiative and one of the many objectives to achieve before receiving official Plastic Free Community status is to have the support of our local council. Our objective states...

'Local council makes a resolution to support our local plastic free community. Council motion to state that the council will lead by example and phase out single use plastic. Council motion states council will support plastic free initiatives in the area.'

In light of the statement by Councillor Neil Stock regarding the Council's single use plastic free pledge would the Council pass a resolution to support our efforts to become a Plastic Free Community and pass the motion to lead by example and support plastic free initiatives in the area?"

Councillor Stock OBE replied to the question as follows:-

"May I say first that this question has been put on the Agenda tonight under Council Procedure rule 10.1, which is "Questions by the Public", and this question whilst in the name of two members of the public clearly comes from a business "Unsealed Eco Refill Store". I will answer the question, but I have to make it clear in doing so that it is not my intention to confer any business advantage or commercial endorsement on the questioners.

Thank you for your question and thank you for supporting what we are trying to achieve as a Council.

The Council continues to be committed to reducing its use of single-use plastic and I thank you for reminding me of what I said back in December 2019, that “we should cease use of single-use plastics across our business where it is possible to do so” and I went on to say that would mean no more plastic cups. But I do also think it is worth remembering that while many single-use plastics are bad news, and we can probably all do more to use less plastic, there are also many reasons why plastic can be good – even some single-use plastics. I think immediately of the eighty million and rising Covid jabs that have been given in the past few months to protect the population in this country alone. Every single dose was administered using a single-use plastic syringe, and what a fantastic thing that is!

Councillor Michael Talbot, our Cabinet member for Environment and Public Space, has taken on responsibility for climate change, and he has done so with a huge amount of vigour and a determination to ensure that we actually make a difference in how we act and what we do, rather than just paying lip service to the idea. I will be asking him to take this matter away for further consideration and discussion with our officers.

As he reported in his statement earlier the Government are intending to make major changes following their ‘Consultation on Household and Business recycling in England’, where all forms of plastic are being considered. In my view I think it more than possible that, in future, single use plastic may be severely restricted at source by controlling the current users.”

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

There was no such report of the Leader of the Council for Members to consider on this occasion.

49. MINUTES OF COMMITTEES

It was moved by Councillor Stock OBE and:-

RESOLVED that the minutes of the following Committees, as circulated, be received and noted:-

- (a) Resources and Services Overview & Scrutiny of Monday 24 May 2021;
- (b) Audit of Thursday 27 May 2021;
- (c) Community Leadership Overview & Scrutiny of Monday 28 June; and
- (d) Planning Policy & Local Plan of Tuesday 29 June 2021.

With reference to Minute 5 of the meeting of the Community Leadership Overview & Scrutiny Committee held on 28 June 2021, Councillor I J Henderson stated that he was very pleased to see that the subject of the safeguarding and education position of children in the District who were missing out on mainstream education had been included in that Committee’s work programme for 2021/22. He hoped that the Committee would, in due course, invite the Chairman of the House of Commons’ Parliamentary Select Committee on Education, Robert Halfon MP for Harlow to attend

one of its meetings to give an update on the Government's actions (or lack thereof) to tackle this important problem in the community.

With reference to Minute 7 of the meeting of the Planning Policy & Local Plan Committee held on 29 June 2021, Councillor Davis asked the Chairman of that Committee (Councillor Turner) to clarify what came next regarding the ultimate adoption of the Council's Local Plan.

Councillor Turner replied as follows:-

"Thank you Councillor Davis for your question. It is appreciated. It gives me great pleasure to inform this Council that on Friday 16 July, with an end date of 31st August, we are publishing a series of modifications to the Local Plan for a final round of public consultation. This will be what is called a desk-bound consult, meaning that the documents will be published on the Council's website and any comments can be made online or by post.

As it states in our minutes we had our Public Inquiry at the end of February. We received the letter from the Inspector on 19th May suggesting various changes i.e. modifications. This was to make our plan sound and legally compliant. The details of these modifications were put before the Committee on 29 June and I am pleased to say that they were unanimously agreed together with a forward work plan. All Members can still make submissions to the Inspector during the six week consultation. We can only make comments on the modifications which will be forwarded to the Inspector for final consideration.

All being well we hope to receive that final letter of approval in the Autumn and be in a position to present a report to the Committee then a very few weeks later to the Full Council for ratification. With a fair wind and luck we can have all this done and dusted by the end of the year."

50. MOTION TO COUNCIL - GROUNDS MAINTENANCE SERVICE

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

"That this Council accepts that its ground maintenance service is failing the tourist economy of the Tendring District as the lack of regular grass cutting and weed clearance is resulting in a negative visual impact for those seeking to enjoy Tendring's Sunshine Coast.

It is further proposed that the necessary resources are immediately made available to ensure that Tendring's coastal resorts present a positive visual impact throughout the 2021 summer season and that a review of the grounds maintenance policy then takes place to ensure that this issue does not reoccur in future years."

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

Councillor Henderson confirmed that he did not wish to exercise his right under Council Procedure Rule 12.4.2 to state his reasons why he felt that it would be appropriate for the motion to be dealt with at the meeting.

The Chairman (Councillor Bray) decided that the motion would be referred to the Cabinet as the appropriate body on the grounds that it clearly related to Executive functions which were the responsibility of the Cabinet and that it was important that Cabinet had an opportunity to comment on the motion prior to any debate on the motion at Full Council.

Councillor Henderson then explained the purpose of the Motion in accordance with the provisions of Council Procedure Rule 12.4.2.

Councillor Henderson'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.

51. MOTION TO COUNCIL - COVID-19 MEMORIAL AND ANNUAL DAY OF REMEMBRANCE

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

"That Tendring District Council acknowledges the heartache, pain and suffering that Covid-19 has inflicted upon our residents and their families and that this Council supports the provision of a memorial to allow us all to recognise and commemorate the loss of so many loved ones.

The memorial to be situated in a form acceptable to those who have lost loved ones, be that a garden, plaque or public artwork, taking into consideration their wishes, at a suitable location, where families could gather together throughout the year at a day and time significant to them.

That this Council also considers an Annual Day of Remembrance to be established, where all members of the community could gather together for a service of Remembrance.

In addition, the commemoration would also remember all those key workers and volunteers, who continue to provide, throughout this pandemic, help and support and comfort to the bereaved in their time of need."

In the absence of Councillor Stephenson, and in accordance with the provisions of Council Procedure Rule 12.3, Councillor Bush formally moved the motion. Councillor Baker then formally seconded the motion.

Councillors Bush and Baker then gave their reasons why they felt that it would be appropriate for the motion to be dealt with at the meeting, namely that there would be a loss of impetus if it wasn't considered now and that in fact it would be timely to consider the motion now given the imminent lifting of Covid-19 restrictions on 19 July 2021 and that in the rush to return to a sense of 'normality' there would be a loss of remembrance of the impact of the coronavirus on society.

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 an appropriate body on the grounds that it would be wrong to rush to a decision on this motion particularly given that the 'war on Covid' was not yet won and that Councillor Stephenson who had

submitted the motion was not present to explain the purpose of the motion and to advocate for it. He suggested that the motion be referred to an overview and scrutiny committee for an examination in detail as it was important to get this sensitive issue right.

The Chairman (Councillor Bray) 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 Community Leadership Overview & Scrutiny Committee on the grounds that it was the appropriate body to examine the motion in detail and to report back to Council at a later date.

The motion thereupon stood referred to the Community Leadership Overview & Scrutiny Committee for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

52. RECOMMENDATIONS FROM THE CABINET

There were no recommendations submitted from the Cabinet for the Council to consider on this occasion.

53. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COUNCIL'S TWO OVERVIEW AND SCRUTINY COMMITTEES - A.1 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2021/2022 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD 2019 TO 2021

Council's approval was sought for the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the remainder of the 2021/22 Municipal Year and Council was further requested to note the work undertaken by those Committees in the period 2019 to 2021.

Members were reminded that under the Overview and Scrutiny Procedure Rules, the Constitution stated, in relation to the Work Programme (Rule 7), that:

"Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Full Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis.

In preparing, co-ordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6 of the Constitution;*
- the planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council's Business Plan;*
- the need for statutory timetables to be met;*
- the wishes of all members of the committee;*
- requests from the Cabinet to carry out reviews; and*
- requests from Group Leaders in accordance with Rule 8."*

Members also recalled that the General Role and Functions of the Overview and Scrutiny Committees (as set out in Article 6.01 of the Council's Constitution) were to:-

1. *Review or scrutinise executive decisions made by the Cabinet (including those delegated to Portfolio Holders and Officers) or are due to be made by the Cabinet or a Portfolio Holder including performance in relation to individual decisions over a period of time;*
2. *Act as a consultee on policy development and review of policies;*
3. *Submit to Full Council for approval an annual overview and scrutiny work programme;*
4. *Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.*
5. *Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;*
6. *Deal with any call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers (key decisions only)) in accordance with the Overview & Scrutiny Procedure Rules; and*
7. *Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.*

In undertaking the General Role the following principles applied:-

- (i) *The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;*
- (ii) *Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and*
- (iii) *Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.*

Under Article 6.02(ii) of the Constitution the Resources and Services Scrutiny Committee was required to - *"perform the role of overview and scrutiny and its functions in relation to the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:*

- *Financial Forecast and Budget setting and monitoring (including the General Fund and the Housing Revenue Account)*
- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)*
- *Procurement and Contract Management*
- *Transformation and Digital Strategies*
- *Customer Service and Standards"*

Under Article 6.02(i) the Community Leadership Overview and Scrutiny Committee was required to - *"perform the role of overview and scrutiny and its functions in relation to:*

-
- *Community Leadership - developing the external focus of overview and scrutiny on 'district-wide issues' (and where appropriate sub-regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.*
 - *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
 - *Community Safety*
 - *Health and Well-being*
 - *Economy, Skills and Educational Attainment*
 - *Community engagement, development and empowerment*
 - *Leisure and Tourism (except matters relating to budgets)*
 - *Housing Strategy and Homeless Service (except the Housing Revenue Account)*
 - *Emergency Planning"*

Meetings of task and finish groups could also be called as required following the terms of reference being agreed by the relevant Committee.

It was reported that, in addition, and on 21 March 2021, Council had approved and incorporated into the Constitution, a Cabinet and Overview and Scrutiny Protocol which included the following in respect of work programming by the two Overview and Scrutiny Committees:

- "9.1 Around the start of each Municipal Year, the Overview & Scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Cabinet Member(s) will be inputted alongside the views received from others. The Cabinet's adopted priorities in support of the Corporate Plan will be considered, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas).*
- 9.2 The Chairmen and Vice-Chairmen of the Overview & Scrutiny Committees will meet quarterly with representatives of the Cabinet in order to ensure ongoing opportunities for Cabinet input into Overview & Scrutiny Committee work plans, ongoing opportunities for Overview & Scrutiny to input into Cabinet policy development or to address performance issues and to build on the positive working relationship between the two functions.*
- 9.3 Overview & Scrutiny Committees may legitimately expect to receive a written report with relevant details for each item on its work programme and, where possible, this report should always be circulated with the agenda for the meeting."*

Council was informed that the overview and scrutiny committees had each formally reviewed the work carried out during 2019-2021 and considered items for inclusion in their respective proposed work programmes for 2021/2021 as follows:

Community Leadership Overview and Scrutiny Committee – 28 June 2021; and
Resources and Services Overview and Scrutiny Committee – 5 July 2021.

Council was made aware that this formal approval had followed informal meetings of the Members of the Committees to explore issues and matters that could be included in the work programmes. The Chairmen of the two Committees had then met to consider all

proposals and to confirm the allocation of subjects between the two Committees, based on their respective terms of reference, and to consider areas of joint working to avoid overlaps of work (if they were to be completed separately). The resulting draft work programmes had then provided to the Leader of the Council and his colleagues on the Cabinet and to the Chief Executive for senior staff to contribute comments. From that process, revised draft work programmes with suggestions for joint panels and dates of enquiries had then been submitted to the formal meetings identified above of the two Overview and Scrutiny Committees.

A copy of the proposed work programmes for the overview and scrutiny committees and a summary of the main issues addressed by the overview and scrutiny committees during the period 2019-2021 were attached as Appendices A and B respectively to the reference report for Council's consideration.

It was moved by Councillor Chittock and:-

RESOLVED that Council –

- (a) approves the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the remainder of the 2021/22 Municipal Year, as set out in Appendix A; and
- (b) notes the work carried out by those Committees in the period 2019-2021, as set out in Appendix B.

54. REPORT OF THE CHIEF EXECUTIVE - A.2 - CHANGES IN MEMBERSHIP OF COMMITTEES

Further to Minute 33 of the meeting of the Council held on 18 May 2021, the Chief Executive formally reported that, pursuant to the provisions of 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 a review of the allocation of seats to political groups had been carried out. The results of that review were that the Conservative Group and the Tendring First Group had each had to lose one seat and the Tendring Independents Group had had to gain two seats.

Consequently, and in accordance with the wishes of the Leaders of the Conservative, Tendring First and Tendring Independents Groups and the authority delegated to the Chief Executive, the following appointments had been duly made since the last ordinary meeting of the Council, namely:-

Human Resources & Council Tax Committee

Councillor Baker had been appointed to serve in place of Councillor Knowles.

Planning Committee

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

Council noted the foregoing.

55. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - ANNUAL CAPITAL AND TREASURY STRATEGY 2021/22 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)**

The Council had before it the recommendation submitted to it by the Cabinet in respect of the proposed approval of the Annual Capital and Treasury Strategy for 2021/2022 [Minute 27 of the Cabinet meeting held on 25 June 2021 referred].

It was moved by Councillor Stock OBE and:-

RESOLVED that the Annual Capital and Treasury Strategy for 2021/2022 (including Prudential and Treasury Indicators), be approved and implemented.

56. **REPORT OF THE MONITORING OFFICER - A.4 - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

Members were aware that the Council's 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. This report concerned two decisions/omissions that the Local Government and Social Care Ombudsman had determined were maladministration.

It was reported that, on 20 May 2021, the Ombudsman had determined a complaint submitted to it in relation to a planning application matter. The complaint had concerned the use of a neighbouring property and the approval of a planning application for that property. The complaint had set out alleged impropriety in the process leading to approval of the application. The Ombudsman had considered those allegations and had not upheld them. The Ombudsman had however identified an issue with Council notifications to those properties abutting or adjoining the site that had been subject to the planning application concerned. Whilst those neighbours had been correctly notified, a further two properties that had been recognised by the Council's Planning Officer as relevant had not had notification letters sent to them. The conclusion of the Ombudsman was that those two properties should have been sent notification letters. As such the Ombudsman had found maladministration on the Council's part; but that there had been no injustice to the complainant. The Council had agreed with the request from the Ombudsman for advice to be sent to Planning Department staff on this matter and its wider implications for applications. This advice had been circulated and the Ombudsman had accepted that this had concluded the matter. The Council intended, by following the advice circulated, to avoid a similar issue arising.

It was further reported that, on 30 June 2021, the Ombudsman had determined another complaint submitted to it in relation to a different planning application. This planning application had been for prior approval for a change of use of a barn on land adjacent to the complainant's home and business. In this case the prior approval application had been received and, a few days later, the relevant payment for it had been received. However, due to a discrepancy in address details given on the application form and with the payment, the link had not been made between the two within the eight weeks permitted to determine such an application. Accordingly, the application had been deemed approved once the eight weeks had passed since it had been received. This was maladministration on the Council's part.

The failure in the processing of the prior approval application meant that the complainant had not been notified of it and therefore had been denied the opportunity to make representations on it. This had amounted to injustice. The Council had apologised for its error and had offered the sum of £100 in recognition of the error. The Ombudsman had considered that the sum payable to the complainant should be £500 in this case. Arrangements for this sum to be paid were underway together with a further apology for the error. Internal procedures had already identified the potential issue of planning application fees not being linked to an application and those changes had been implemented. This in turn had been acknowledged by the Ombudsman.

Council was made aware that the Ombudsman's next Annual Review Letter, summarising complaints submitted to the Ombudsman in 2020/21 and the outcome of those complaints, was expected to be received later on during July 2021.

Council noted the foregoing.

57. 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.

Three questions had been submitted by Members on this occasion as set out below:-

Question One

Councillor I J Henderson asked the Portfolio Holder for Housing (Councillor P B Honeywood):-

"Will the Portfolio Holder for Housing please advise Members how many TDC owned homes to rent have been built by Tendring District Council since this Conservative led administration took control of the Council in 2009?"

Councillor Honeywood replied as follows:-

"Thank you for your question. I can advise you that the Council has built nine properties – five in Jaywick Sands, two in Brightlingsea and two in Bradfield. The Council has also created a new flat in Dovercourt in what used to be a garage space below Churchill Court. An explosion damaged property on Cloes Lane in Clacton has also been purchased by the Council and rebuilt. This brings the total to eleven properties."

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

Question Two

Councillor J Henderson asked the Portfolio Holder for Housing (Councillor P B Honeywood):-

"Please can the Portfolio Holder look to upgrading the CCTV at Dovercourt Lifestyles? With ongoing increased vandalism and anti-social behaviour in this area, it is important

to have clear and efficient CCTV to present to the Police to help them deal with these crimes.”

Councillor Honeywood replied as follows:-

“Thank you Councillor Henderson for your question. The Council is planning to review all of its CCTV provision, including that of our Sports Facilities as a requirement of recently adopting our CCTV Code of Practice. This will be an opportunity to review the number of cameras at Dovercourt Bay Lifestyles, within the context of our adopted standards. This will take place later in the year and, following this, a series of recommendations will be brought forward for consideration. I will be in a position to update you further at that point.”

Question Three

Councillor J Henderson asked the Portfolio Holder for Environment & Public Space (Councillor Talbot):-

“It is almost four years since I met with the Portfolio Holder and officers to discuss the issues of dog fouling in Harwich and Dovercourt / Tendring. Ideas I put forward were not taken up by the Portfolio Holder at that time. Enforcement and progress has not happened within this department and complaints have increased.

I urge again, that our dog wardens be supplied with fold up bicycles, as this will help to enable them to patrol our seafronts in a more environmentally friendly and efficient way. The current driving in vans does not get any enforcement results on dog fouling and is not environmentally friendly. Does the Portfolio Holder agree with me that more enforcement is now needed, as his current soft approach has failed?”

Councillor Talbot replied as follows:-

“Thank you for your question Councillor Jo Henderson and as you rightly say I organised a meeting for you at Weeley on the afternoon of 8th September 2017, following a series of reports from you that the ‘Dog Poo’ problem in Dovercourt was out of control and not receiving either a clean-up or the prosecution of offenders. The meeting had the Head of Service, accompanied by Darren O’Neil and one of our two Dog Wardens.

You spoke then about high visibility jackets and a suggestion of having fold up bikes for the patrol to use. We spoke about notices, and I suggested using stencils on the sea wall and pathways. A good meeting with no answers but lots of suggestion, but with a warning from the Head of Service that there was no pool of money waiting to be spent on this.

I was conscious at that meeting that Dovercourt Councillors had consistently complained that many of their residents do not pick-up their Dog waste, and long standing Members may remember special attention given to this by Council, highlighted on Tuesday 29th June 2004 when we gave a number of radio interviews reporting the relative success of some unique dog mess signs in Dovercourt, whereas the owners took no notice of signs encouraging them to pick-up after their pets these signs, written underneath the request to Dog Owners to pick-up their waste, was apparently addressed to their dogs. The footnote said, “For Dogs” GRRR; BARK; WOOF WOOF –

good dog! These unique signs were the brainchild of Bill Smith, our officer at the time, and had been reported in the National Press, giving rise to a lot of publicity.

I report these background notes so that newer Members realise that Dovercourt Dog Poo is not a new issue!

One of the first things to mention is of course that people need to take personal responsibility for their dogs and their waste. I think that must be the primary message that we as the District Council as well as local Members and Town, Parish and the District Councils need to be spreading, rather than criticising. My Cabinet colleagues and I would much rather that dogs were cared for and controlled, and that waste was cleared up without a single enforcement action.

I thank Councillor Henderson again for her suggestion, but as four years ago, after examination by the team, I'm afraid that portable bicycles are not found to be of practical use for dog wardens, whose primary role as a dog warden is the collection and transportation of stray dogs and although the vans themselves may look large from the outside the storage space inside is very limited and is for equipment such as, graspers, shields, sprays, and other items that are kept securely in the van and would not be able to be carried whilst riding a bicycle. When our dog warden conducts a foot patrols, they will carry very limited equipment and will never venture to far from the van.

Having said that, for example, let us just say a dog warden parks his van in West End Lane car park and sets off on patrol on a bicycle and as he/she arrives in old town Harwich they discover a stray dog. The warden would then need to transport that dog back along the prom whilst carrying a foldable bicycle too. I think you will already guess that I do not support the suggestion that Dog Wardens be supplied with bikes!

Our wardens travel in marked vehicles, and I feel that visible presence would be lost if the wardens were riding bicycles. The dog wardens have to cover a very large area throughout Tendring and work to the corporate enforcement principles of the 4 E's (Engage, Explain, Educate and Enforce).

In the coming months 8 new seaside ambassadors will be on patrol in the high-profile areas of Tendring which will include beach areas and they will have the power to issue an FPN for dog fouling if the Engage, Explain and Educate phases are not heeded.

Again, thank you to Councillor Henderson for suggesting ideas. I think that we are in the process of deploying alternative enforcement options. I hope that you will join me in supporting the ambassadors and in appealing to dog owners to behave responsibly so that enforcement is not needed, but if citizens continue to offend, then YES Councillor Henderson, I do agree with you that more enforcement is now needed, and as it happens it has been the subject of some recent internal discussion."

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

58. URGENT MATTERS FOR DEBATE

There were no urgent matters for Council to debate on this occasion.

The Meeting was declared closed at 8.53 pm

Chairman