

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 30TH NOVEMBER, 2021 AT 7.38 PM
IN THE PRINCES THEATRE IN THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bush, Chapman, Chittock, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, Knowles, McWilliams, Miles, Morrison, Nash, Placey (except items 79 - 85 (part)), Porter, Scott, Skeels, Steady, G L Stephenson, M E Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Kai Aberdeen (Theatre General Manager (Technical)), Keith Durran (Committee Services Officer), Will Fuller (Planning Officer), Matt Cattermole (Communications Assistant) and Eleanor Storey (Development Technician)

79. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Calver, Casey, Clifton, Land and Newton.

80. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council held on 14 September 2021 be approved as a correct record and be signed by the Chairman.

81. DECLARATIONS OF INTEREST

In respect of Agenda Item 15 – Joint Reference from the Cabinet and the Planning Policy & Local Plan Committee – A.3 – Tendring Colchester Borders Garden Community Joint Committee, Councillors G V Guglielmi and Turner each declared for the public record that they were this Council's representatives on the Tendring Colchester Border Garden Community (TCBGC) Member Group.

82. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

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

Remembrance Day Services

The Chairman was pleased to state that the Remembrance Day Services across the District had been incredibly well attended. He had personally attended the service at the Clacton-on-Sea War Memorial which had been attended by thousands of people. He thanked all those who had organised or attended such services.

Chairman's 'Santathon'

The Chairman reminded everyone that this event would take place that coming Saturday (4th December). There remained available one or two "Santa Suits" for anyone who wished to participate and help raise money for a good cause (i.e. CVST).

83. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

84. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) made the following statement in relation to Section 2 of the Local Plan:-

"At the end of last week we received the final report from the Government appointed Planning Inspector on the soundness and legal compliance of Section 2 of the new Tendring Local Plan.

This follows on from the adoption of Section 1 in January of this year, the examination hearings for Section 2 that subsequently took place in February and March and the most recent consultation, on proposed modifications to the Local Plan that took place in July and August.

The Inspector's report has now confirmed that, with the proposed modifications (most of which were put forward by this Council to address objections and ensure the plan was kept up to date), Section 2 of the Local Plan meets the Government's requirements for soundness and legal compliance and, I am delighted to say, can now legally proceed to formal adoption.

This report marks a huge milestone for this Council – not only for all the Members and Officers that have been involved in producing the Local Plan over many difficult years, but also our residents and businesses who have been patiently waiting for this plan to materialise so that our communities have clarity and certainty over what development may or may not happen in their areas. The receipt of this report alone allows the Council to give almost full weight to the policies in the new plan in making planning decisions and dealing with appeals – including our new policies on climate change.

The report also confirms that the Council has identified more than sufficient land to meet our housing and employment land needs and that we are robust in identifying a five year supply of housing land which will help protect our District from unwanted speculative planning applications for major development outside of our town and village settlement boundaries.

Adoption of the Local Plan will be a decision for Full Council in the new year following consideration by the Planning Policy and Local Plan Committee – however given the consistent and unanimous support Councillors from all political groups have given to the progress of the plan in recent years, I am really positive and optimistic that we can this final stage of the process will be completed smoothly.

On adoption of the Section 2 Local Plan, this Council will for the first time since 2007 have a fully up-to-date and Government compliant planning framework in place.

And at that point I want to pay tribute to our Officers, both past and present, as there have been a lot over the years we have been dealing with this Local Plan. Obviously, to Gary Guiver who leads the Team and his staff and to all previous Heads of Planning and Planning Portfolio Holders and Planning Policy & Local Plan Committee Chairmen and Members of that Committee from all sides. I think right back to Iris Johnson who was the Planning Portfolio Holder when the Council “kicked off” on this Local Plan which was many years ago now. There has been a huge amount of work put in by Members of this Council and we should all be very proud that we have come together on this and that we have all pulled together. We have consistently voted unanimously on this over the last few years to agree this Local Plan and to get it to where it is and I look forward to it coming, hopefully to the next Full Council meeting in January when we can formally adopt it. But this is good news Chairman of which we can all be proud.”

85. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

“I am sure Members read in the press the lively debates at the start of this month as United National delegates discussed climate action at COP26 in Glasgow, so I will not go over those international discussions this evening. I will focus on our District.

First to remind Members that our own Climate Change Action Plan is designed to deal with the action within the Council’s own domain

I am pleased to report further moves to get the message out into the Community seeking to influence our residents and our Businesses.

Lee Heley, our Climate Change officer, called a first meeting on 17th November, of a new Climate Change Programme Board he has set up, with Officers who have Climate Change responsibilities and two elected Members, Councillor Alan Coley who led TDC’s original Climate Change Member Working Group and me. This first meeting reported, amongst other things, on the items listed below:-

- ✓ *Energy Audits of all Council owned buildings are being conducted. The Council is exploring future options for EV charging points across Council owned properties in addition to carparks.*
- ✓ *A definite proposition to place 4 Electric Vehicle charging points, in the Starling Car Park in Dovercourt.*
- ✓ *The development and delivery of training for staff and suppliers on Climate Change, carbon foot printing, carbon reduction and the important role of procurement in supporting change.*
- ✓ *All future committee, portfolio holder and officer decisions to consider and evaluate the impact on the net zero emissions target, to help inform decision making.*
- ✓ *A new Report Template has been drafted and when in use will direct attention to the above requirement.*
- ✓ *Clearly, some suggestions will be expensive if put into operation such as on our progress and for example a Solar Farm that would generate 5 MW, could cost us £3 million and by 2030 would offset 710 tonnes of Carbon Dioxide emissions.*

- ✓ *We will continue to engage with parish and town councils, businesses, our residents, Essex County Council, and other partners across Tendring to raise awareness and develop shared objectives.*
- ✓ *I am still chasing the NEPP over the installation of EV charging points in their parking places on roads that approach our various sea fronts but so far have just received polite answers.*

A more startling matter was introduced to me as below:-

*The Royal Town Planning Institute and the Town and Country Planning Association (TCPA) held a Climate Change conference that I attended on 19th October for what they have called a 'Climate Guide' Webinar. I was a bit startled by a comment from Hugh Ellis, Director of Policy TCPA, who said, in the context of Climate Change planning for the future, that we should plan to **"Relocate Parts of our population, and some Communities are going to have to be removed simply because their vulnerabilities are too high"**. This extract from the recording of the meeting is suggested on a permanent basis, to prepare ourselves for flood risk. This gentleman leads on policy development, briefings and engagement with central government and politicians. This was very interesting to me as I live virtually on the sea wall in Point Clear Bay, which was under two metres of water in the 1953 East Cost floods. A further reference was made to **NPPE obligations in Section 19 of the 2004 Act**. Gary Guiver, Acting Director (Planning) advises that Section 19 says - "Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change." Which in short, is referencing the statutory basis for including climate action in planning documents. There is no need for immediate concern as I know Mr Ellis was speaking about long-term planning for the country as a whole, but his comments brought home to me that Climate Change really does matter, particularly for a Coastal District such as ours!"*

Councillor Talbot then responded to questions put to him on his Statement by Councillors I J Henderson, Scott and Allen.

Corporate Enforcement Update

The Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi) made the following statement:-

"I would like to give an update to Members on the work of the Corporate Enforcement Group. Back in 2015 I worked with Officers to create a Corporate Enforcement Strategy which was then adopted by Full Council. As a result of this a Corporate Enforcement Group was then set up in 2017 to co-ordinate enforcement responses across the Council under the Strategy.

The Group has had a few changes and tweaks but the current membership includes Portfolio Holders, Directors, Assistant Directors and senior managers of various services and it meets every two months. The purpose of this Group is to clearly explain the Council's approach to enforcement and non-compliance.

All authorised officers when making enforcement decisions shall abide by it, and the supporting documented procedures, both within the appendices and departmental processes.

The aim of the Strategy is to ensure that any enforcement is proportionate, accountable, consistent, transparent and targeted.

The primary focus is that we take a 'whole Council' approach rather than a 'service only' approach, which was the disjointed approach of previous years. It also provides direction and support to the recently formed Operational Enforcement Group which is made up of all Officers who carry out enforcement as part of their everyday activities. Although this is still in its infancy it has produced a document which clearly details 'who takes what action' across the Council and it is beginning to better co-ordinate action with Essex Police and other agencies to maximise the joint approach to tackle issues as they come up.

The Group has identified, agreed and allocated funds to purchase four mobile CCTV cameras and 26 body-worn cameras for our Public Realm Officers. It has also set aside funds for additional legal resource and has also funded a case officer post to support services to ensure that there is continuity in the way information is collected and recorded across the services, as well as assisting with case file preparation and provide advice and guidance about potential prosecutions.

The members of this group have worked together to identify future training needs to ensure that Officers have the skills, knowledge and confidence to do their duties. So far 16 members of staff have been fully trained on the issuing of Fixed Penalty Notices (FPNs) by an outside training provider.

Only this evening I have had confirmation that those CCTV cameras will be deployed in the Dovercourt area where there has been a recent spate of anti-social behaviour and criminal damage on Dovercourt seafront, including vandalism to 26 beach huts in the past two weeks. I am pleased to announce that in response to these mindless acts I have authorised the deployment of two of the newly purchased deployable CCTV cameras to that area and we are looking to have them installed by the end of the week. We are doing this to support local people and our partners in the Beach Hut Association by being pro-active as a Council in trying to combat this issue and prevent further instances occurring.

The other project that the Group has in mind is the purchase of mobile CCTV cameras that don't rely on power (i.e. they run on batteries) in order to tackle issues in the remoter, rural areas such as country lanes that are prone to instances of fly-tipping.

To give a few examples of recent enforcement actions:-

- 1) Point Clear – planning enforcement and planning appeal work in Flood Zone 3 where restricted occupation conditions had been imposed in the past. Working with the Environment Agency, Housing and planning enforcement officers will monitor the site during the 2021/2022 close season to ensure compliance and engage with owners/occupiers as necessary. The experience gained from the Point Clear work will be applied to other similar sites/investigations;*
- 2) Harwich (Orwell Terrace) – issues of poor building structure and accommodation;*
- 3) St Osyth (Clacton Road) – cases of statutory nuisance;*
- 4) Harwich (Emperor House) – misuse of community waste bins;*
- 5) Point Clear (Colne Way) – anti-social behaviour;*
- 6) Kirby Cross (Vista Avenue) – harassment case involving Essex Police;*
- 7) Clacton-on-Sea (Langham Drive) – anti-social behaviour and misuse of drugs; and*

8) *Dovercourt Swimming Pool – anti-social behaviour involving Essex Police.*

Finally, this year's "Summertime Plan" included 95 'Covid-19' visits to businesses by Community Ambassadors where there had been alleged breaches of Covid-19 regulations and 217 foot patrols across the District (amounting to 532 patrol hours).

142 incidents were referred for further action including Graffiti, fly tipping, licensing issues, PSPO warnings and waste accumulation.

The Ambassadors were key when the Safer Communities team held 3 Street Action Days over the summer period responding to ASB and waste concerns raised by residents and Councillors. The team's contracts are due to expire in March 2022 and in view of the current situation we will need to consider a potential extension, but I am sure all of us are very grateful for their sterling work.

Thank you Mr Chairman."

Councillor Guglielmi then responded to questions put to him on his Statement by Councillors Baker, J Henderson, I J Henderson, Allen and Turner.

86. PETITIONS TO COUNCIL

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

87. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No questions had been received, on notice, from members of the public on this occasion.

88. 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.

89. MINUTES OF COMMITTEES

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

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

- (a) Resources and Services Overview & Scrutiny of Monday 20 September 2021;
- (b) Community Leadership Overview & Scrutiny of Monday 27 September 2021;
- (c) Audit of Thursday 30 September 2021;
- (d) Planning Policy & Local Plan of Tuesday 19 October 2021;
- (e) Human Resources & Council Tax of Wednesday 20 October 2021;

- (f) Standards of Wednesday 27 October 2021;
- (g) Community Leadership Overview & Scrutiny of Monday 8 November 2021; and
- (h) Planning Policy & Local Plan of Thursday 11 November 2021.

90. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING

Pursuant to the provisions of Council Procedure Rule 12, Council considered the following Motion, notice of which had been given by Councillor Coley:-

“In order to preserve Tendring’s uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring.”

Councillor Coley formally moved the motion and Councillor G V Guglielmi formally seconded the motion.

Councillors Coley and Guglielmi then each explained the purpose of the motion.

The Leader of the Council (Councillor Stock OBE) then spoke to the Motion and explained that he felt that the Motion should appropriately be referred to the Planning Policy & Local Plan Committee for consideration and report as that Committee was best placed to advise Council and Cabinet on the best way forward.

The Chairman of the Council (Councillor Bray) concurred with that view and therefore decided that the motion would be referred to the Planning Policy & Local Plan Committee as the appropriate body on the grounds that it was best placed to advise Council and Cabinet on the best way forward.

91. REFERENCE FROM THE CABINET - A.1 - GROUNDS MAINTENANCE SERVICE (COUNCILLOR IVAN HENDERSON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12)

Members recalled that, at the meeting of the Council held on 13 July 2021 (Minute 50 referred), the following motion had been moved by Councillor I J Henderson and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

“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's motion consequently had been submitted to the formal meeting of the Cabinet held on 17 September 2021 (Minute 36 referred). Having duly considered Councillor Henderson's motion and in order for the Cabinet's opinion and recommendation to be reported back to Council, Cabinet had resolved:-

"That Cabinet –

- (a) recommends that the Council should not support the motion in its original format; and*
- (b) will not suggest to Council at this time that an amended motion be proposed but will consider this further at a future meeting."*

Subsequently, at its meeting held on 12 November 2021 (Minute 76 referred), Cabinet had had before it a suggested amended motion for its consideration however, following the Leader's recommendation, and to enable this matter to be brought to a conclusion at this meeting of the Full Council, without fettering the discussion of the original motion, Cabinet had decided:-

"That Cabinet does not put forward an amended motion to Full Council."

In summary therefore, on the original motion Cabinet had decided that:-

- (1) it recommends that the Council should not support the motion in its original format; and*
- (2) an amended motion is not being put forward.*

Council thereupon debated Councillor Henderson's motion having regard to the provisions, as applicable, of Council Procedure Rules 16, 19, 23, 24, 25, 28 and 29.

Councillors I J Henderson, Steady, Talbot, Allen, P B Honeywood, G V Guglielmi, Stock OBE, J Henderson, Miles and M E Stephenson each, in turn, addressed the Council on the subject matter of the Motion.

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

"It is 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."

After a consultation with the Chief Executive, the Monitoring Officer, the Leader of the Council (Councillor Stock OBE), the Environment & Public Space Portfolio Holder (Councillor Talbot), his Secunder (Councillor Bush) and the mover of the original motion (Councillor I J Henderson), Councillor Stephenson withdraw his amendment (pursuant to Council Procedure Rule 16.6 – Alteration of Motion) and in its place he moved the following amendment in its place, namely that Councillor Henderson's motion be amended to read as follows:-

“It is proposed that the necessary resources are immediately made available to ensure that Tendring’s coastal resorts present a positive visual impact throughout the 2022 summer season and that a review of the grounds maintenance policy then takes place and this be referred to the relevant Overview & Scrutiny Committee for consideration and thence to Cabinet.”

Councillor Bush seconded the revised amendment.

Councillors P B Honeywood, Turner, Coley, Morrison and Porter addressed the Council on the subject matter of the amendment.

In answer to a question from Councillor Coley, the Monitoring Officer (Lisa Hastings) confirmed that the amendment did not contravene the provisions of Council Procedure Rule 16.5 (Amendments to Motions).

Pursuant to the provisions of Council Procedure Rule 16.6(a) (Alteration of Motion), Councillor I J Henderson, with the consent of his seconder, Councillor Allen, accepted Councillor Stephenson’s and altered his motion accordingly.

Pursuant to the provisions of Council Procedure Rule 19.4 (Recorded Vote), Councillor M E Stephenson, supported by 8 other Members, demanded a recorded vote on Councillor I J Henderson’s substantive motion, as now altered. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	Fairley	Calver
Baker	Amos	Griffiths	Casey
Barry	Bray	Harris	Cawthron
Bush	Chittock	White	Clifton
Chapman	Codling		King
Davidson	Coley		Land
Davis	G V Guglielmi		Newton
Fowler	V E Guglielmi		
I J Henderson	P B Honeywood		
J Henderson	S A Honeywood		
Knowles	McWilliams		
Miles	Nash		
Morrison	Porter		
Placey	Skeels		
Scott	Stock		
Steady	Talbot		
G L Stephenson	Turner		
M E Stephenson	Winfield		
Wiggins			

Councillor Henderson’s motion was thereupon declared **CARRIED**.

92. **REFERENCE FROM THE CABINET - A.2 - THE LOCAL COUNCIL TAX SUPPORT SCHEME 2022/2023 - COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2022/2023 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2022/2023**

The Council considered the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2022/2023 (including the associated exceptional hardship policy), Council Tax Exemptions, Discounts and Premiums for 2022/2023 and the Annual Minimum Revenue Provision Policy Statement 2022/2023 (Minute 83 – Cabinet meeting of 12 November 2021).

A copy of the published Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's joint report (and its appendices) to the Cabinet meeting held on 12 November 2021 were attached as appendices to item A.2 of the References from the Cabinet.

It was moved by Councillor P B Honeywood and:-

RESOLVED That Council approves that –

- (a) the LCTS scheme for 2022/23 remains the same as the current year, as set out as Appendix A to item A.13 of the joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder as submitted to the meeting of the Cabinet held on 12 November 2021 with the maximum LCTS award being 80% for working age claimants [Appendix 2 to item A.2 of the References from Cabinet];
- (b) 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 2022;
- (c) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforementioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 3];
- (d) the locally determined council tax discounts, as set out in Appendix C to the aforesaid joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 4];
- (e) the council tax discount policy for young people leaving care, as set out in Appendix D to the above mentioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 5];
- (f) the discretionary council tax premiums, as set out in Appendix E to the aforementioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 6];
- (g) 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, discounts and premiums from 1 April 2022; and
- (h) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2022/23, as set out in Appendix F to the aforesaid joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 7].

93. **JOINT REFERENCE FROM THE CABINET AND THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.3 - TENDRING COLCHESTER BORDERS GARDEN COMMUNITY (TCBGC) JOINT COMMITTEE**

Earlier on in the meeting, Councillors G V Guglielmi and Turner had each declared for the public record that they were this Council's representatives on the Tendring Colchester Border Garden Community (TCBGC) Member Group.

Council considered the Cabinet's and the Planning Policy & Local Plan Committee's recommendations that a Joint Tendring Colchester Borders Garden Community (TCBGC) Committee be appointed for the discharge of executive and non-executive functions related to the TCBGC and that the Terms of Reference of the Joint Committee were included within Part 3 of the Council's Constitution.

Planning Policy & Local Plan Committee – 11 November 2021 (Minute 23)

At its meeting held on 11 November 2021 the Planning Policy & Local Plan Committee had considered a report of the Deputy Chief Executive & Monitoring Officer (A.1) which had sought its approval to formally recommend to Full Council that a joint Development Plan Document be prepared together with Colchester Borough Council; and further that a Joint Committee be established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community.

Having considered all of the information and advice contained in the Officer report and its appendices that Committee had:-

“RESOLVED that the Planning Policy & Local Plan Committee recommends to Full Council that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;*
- (b) a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.1 of the Report of the Deputy Chief Executive & Monitoring Officer; and*
- (c) the third elected Member of the Joint Committee to be appointed by the Full Council should be a Member from a political group that is not represented on the Cabinet.”*

Cabinet – 12 November 2021 (Minute 77)

At its meeting held on 12 November 2021 Cabinet had considered a report of the Corporate Finance & Governance Portfolio Holder (A.7) which had sought its approval for referral to Full Council the draft terms of reference of a Joint Committee to be established for the Tendring Colchester Borders Garden Community together with Tendring District Council, Colchester Borough Council and Essex County Council.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices, Cabinet had:-

“RESOLVED that Cabinet –

- (a) endorses the proposal that a joint Development Plan Document be prepared together with Colchester Borough Council, and further that a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community;
- (b) agrees that all three Councils should be represented on the appointed Joint Committee with full voting rights;
- (c) agrees that executive functions in relation to the preparation of the joint Development Plan Document are delegated to be discharged by the appointed Joint Committee in accordance with Sections 101(5) and 102(1)(b) of the Local Government Act 1972;
- (d) agrees that each Council should be represented on the appointed Joint Committee with 3 members each under Section 102(2) of the Local Government Act 1972, one of which will be a member of the Cabinet, appointed by the Leader of the Council;
- (e) agrees the Terms of Reference for the Joint Committee, as set out in Appendix A to item A.7 of the Report of the Leader of the Council, for recommendation onto Full Council in respect of non-executive functions;
- (f) endorses the Leader of the Council to delegate further executive functions to the Tendring Colchester Borders Garden Community Joint Committee, in consultation with the Monitoring Officer and the Section 151 Officer;
- (g) authorises the Acting Director (Planning), in consultation with the Leader of the Council and the Portfolio Holder for Corporate Finance and Governance to enter into a partnership agreement between the Councils, if deemed necessary, in order to support the operation of the Joint Committee and Tendring Colchester Borders Garden Community project; and
- (h) authorises the Portfolio Holder for Corporate Finance and Governance to allocate further financial contributions from the existing Garden Communities budget to support the Tendring Colchester Borders project for the purposes of local plan making.

RECOMMENDED TO FULL COUNCIL that:

- (i) a Tendring Colchester Borders Garden Community Joint Committee be appointed for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.7 of the Report of the Portfolio Holder for Corporate Finance & Governance;
- (j) Part 3 of the Constitution (Responsibility of Functions) be amended to include the Terms of Reference of the Joint Committee; and

- (k) the Terms of Reference of the Planning Policy and Local Plan Committee be amended, as set out in Appendix B to the aforementioned report.”

Councillors Turner, I J Henderson, G V Guglielmi and Stock OBE spoke during the discussion of this item.

Having duly considered the recommendations submitted by the Planning Policy & Local Plan Committee and the Cabinet:-

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

RESOLVED that Council approves that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;
- (b) a Tendring Colchester Borders Garden Community (TCBGC) Joint Committee be appointed for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix C to item A.3 of the Joint Reference from the Cabinet and the Planning Policy & Local Plan Committee;
- (c) Part 3 of the Constitution (Responsibility of Functions) be amended to include the Terms of Reference of the Joint Committee;
- (d) the Terms of Reference of the Planning Policy and Local Plan Committee be amended, as set out in Appendix D to the aforementioned Joint Reference report;
- (e) the Chairman of the Planning Policy & Local Plan Committee (currently Councillor Turner) and Councillor Bush (as the Member from a political group that is not represented on the Cabinet) be appointed to serve on the Tendring Colchester Borders Garden Community Joint Committee;
- (f) Councillor Bray be appointed as a substitute member of the Joint Committee; and
- (g) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.

94. REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.4 - COVID-19 MEMORIAL AND ANNUAL DAY OF REMEMBRANCE (COUNCILLOR MARK STEPHENSON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12)

Members recalled that, at its meeting held on 13 July 2021, Council had had before it a motion submitted by Councillor M E Stephenson pursuant to the provisions of Council Procedure Rule 12 in which he proposed that the Council create a Memorial and Annual Day of Remembrance for Covid-19. That Motion had been worded as follows:-

“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.”

At that meeting of the Council and in the absence of Councillor Stephenson, Councillor Bush had formally moved the motion. Councillor Baker had then formally seconded the motion.

After hearing arguments for and against, the Chairman of the Council (Councillor Bray) had then considered whether the motion should be dealt with at the meeting or stand referred. He had 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 had 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.

The motion had been duly submitted to the meeting of the Community Leadership Overview & Scrutiny Committee held on 8 November 2021 (Minute 24 referred). In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Stephenson had attended that meeting to answer any questions and/or points of clarification, if requested.

Having considered the motion and in order to enable this matter to be brought to a conclusion at this meeting of the Full Council, the Community Leadership Overview & Scrutiny Committee had decided to recommend to Full Council that the motion be approved subject to some additional wording. The motion, as so amended, would now read:-

“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.

That the proposed memorial be located in the Clacton-on-Sea Memorial Gardens, adjacent to Marine Parade West, with the intention that the memorial should be an uplifting positive initiative for the whole District.”

The Chairman of the Community Leadership Overview & Scrutiny Committee (Councillor Chittock) thereupon moved the amendment.

Councillor M E Stephenson addressed the Council on the subject matter of Councillor Chittock's amendment.

Pursuant to the provisions of Council Procedure Rule 16.6 (Alteration of Motion), Councillor Bush, with the consent of his seconder, Councillor Baker, accepted the amendment and altered his motion accordingly, which now became the substantive motion.

Councillor Stock OBE moved and Councillor G V Guglielmi seconded that the substantive motion be amended by the addition of the following paragraph:-

“That this matter be now referred to the Cabinet to carry it out.”

Pursuant to the provisions of Council Procedure Rule 16.6 (Alteration of Motion), Councillor Bush, with the consent of his seconder, Councillor Baker, accepted that amendment and altered his motion accordingly, which now became the substantive motion.

Councillors M E Stephenson, I J Henderson and P B Honeywood addressed the Council on the substantive motion.

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

95. REPORT OF THE CHIEF EXECUTIVE - A.5 - CHANGES IN MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following appointment had been duly made since the last ordinary meeting of the Council, namely:-

Planning Policy & Local Plan Committee

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

Council noted the foregoing.

96. 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 on this occasion as set out below:-

Question

Councillor I J Henderson asked the Partnerships Portfolio Holder (Councillor McWilliams):-

“The Government introduced some new anti-social behaviour (ASB) tools and powers on 20th October 2014. Alongside these new powers are a number of early and informal interventions which can be utilised by this Council if appropriate. List of powers available:

*Community Trigger
Civil Injunction
Criminal Behaviour Order
Dispersal Powers
Community Protection Notice
Public Spaces Protection Orders
Closure Notice
Closure Orders
Community Remedy*

Can the Portfolio Holder please provide a breakdown on how many times each of these powers have been used within this District and where?”

The Partnerships Portfolio Holder replied as follows:-

“In response to Cllr Henderson’s question I feel I should give a little background information and some context in relation to the Anti-social Behaviour, Crime and Policing Act 2014 (‘the 2014 Act’).

These powers are deliberately local in nature, as those who work within, and for, local communities will be best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response.

There are two parts to taking action under the ASB Act 2014, the first focuses specifically on putting victims at the heart of the response to anti-social behaviour. The second focuses on the use of powers provided by the 2014 Act. These are designed to be flexible to ensure that local agencies have the tools they need to respond to different forms of anti-social behaviour. There is a legal test that must be met before the powers can be used

Whilst we have specific officers in the Safer Communities team, the legislation can be used by any Council Officer if deemed to be appropriate, however some of the powers are not available to Councils, and they are specifically for Police. There is a very strict criteria to enable any Officers to use the powers.

The powers available to the Council are:

The ASB Case Review (also known as the Community Trigger)

Since 2016 TDC has undertaken 11 Case Reviews (only have last 5 years).

Civil Injunction

Since 2014 TDC has issued 1 Civil Injunction (Housing).

Community Protection Notice

TDC (Community Safety) has issued 2 CPNs.

Public Spaces Protection Order (PSPO)

TDC has 1 PSPO in place in Clacton Town Centre.

Closure Power

TDC has never issued a Closure Order.”

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

97. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 27 OCTOBER 2021 IN RELATION TO AN ALLEGATION THAT A MEMBER OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

The Council formally received and noted the Decision Notice on the outcome of the Hearing taken by the Standards Committee on 27 October 2021 in relation to an allegation that Councillor Peter Cawthron had failed to comply with the Members' Code of Conduct.

98. URGENT MATTERS FOR DEBATE

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

99. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi 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, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

100. EXEMPT MINUTES OF THE MEETINGS OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON WEDNESDAY 7 JULY AND WEDNESDAY 20 OCTOBER 2021

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

RESOLVED that the exempt minutes of the meetings of the Human Resources & Council Tax Committee held on Wednesday 7 July and Wednesday 20 October 2021, as circulated, be received and noted.

The Meeting was declared closed at 9.54 pm

Chairman