

**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 28 MARCH 2017 AT 7.34 PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Chapman (Chairman), Platt (Vice-Chairman), Amos, Baker, Bennison, Bray, Broderick, B E Brown, J A Brown, M Brown, Bush, Callender, Calver, Cawthron, Chittock, Coley, Cossens, Davis, Everett, Fairley, Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, Watson, White, Whitmore, Winfield and Yallop (except items 158 – 165)

**In Attendance:** Chief Executive (Ian Davidson)(except item 164), Corporate Director (Corporate Services) (Martyn Knappett), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of People, Performance and Projects (Anastasia Simpson), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Committee Services Officer (Katie Sullivan)

**144. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bucke, Honeywood and Ferguson.

**145. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION – GREAT AND LITTLE OAKLEY WARD**

The Returning Officer reported that, at the by-election in the Great and Little Oakley Ward of the District, held on 9 February 2017, Michael Bush had been duly elected as a Councillor for the Great and Little Oakley Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Michael Bush had since made a Statutory Declaration of Acceptance of Office.

Councillor Bush had also given notice that he wished to be treated as a member of the United Kingdom Independence Party (UKIP) Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Leader of the UKIP Group, Councillor Stephenson.

Members congratulated Councillor Bush with a round of applause.

The Council noted the foregoing.

**146. MINUTES**

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 7 February 2017, be approved as a correct record and signed by the Chairman.

**147. DECLARATIONS OF INTEREST**

There were none made at this time.

**148. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman's and Vice-Chairman's engagements for the period 24 January 2017 to 23 March 2017 were tabled at the meeting.

**Swimming Teachers**

The Chairman reported that, following a trial, 10 unemployed members of the public covering an age range of between 17 – 51 years old had achieved Level 1 for Swimming Teachers and were shortly to embark on their Level 2.

**Lisa Hastings**

The Chairman welcomed back Lisa Hastings, Head of Governance and Legal Services & Monitoring Officer following her recovery from a surgical operation.

**Councillor Michael Bush**

The Chairman congratulated Councillor Bush on his election to the Council.

**149. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

Further to Minute 137 (7.2.17) the Chief Executive informed Council that the review of the arrangements for security and for filming at meetings of the Council was underway. He confirmed that this review would be extended to also include Committee etc. meetings in due course.

The Chief Executive stated that initial steps had been undertaken which included a guidance note for the public which had been placed on seats in the public gallery and also that Officers were present in a 'front of house' role to welcome the public and to deal with any issues as they arose.

The Chief Executive also informed Council that when the review was finalised the outcome of that review would be presented at an All-Member Briefing in order to receive Members' feedback and comments on its contents.

**150. STATEMENTS BY THE LEADER OF THE COUNCIL**

The Leader of the Council made the following statements -

**New Prisons**

*"The Government has committed to creating 10,000 modern prison places by 2020 backed by £1.3 billion to transform the estate. As part of this review the Ministry of Justice wrote to all local authorities in early 2016 to enquire whether they had any sites which matched certain criteria and which may be suitable for a new prison.*

*20 local authorities responded, of which Tendring was one, on the grounds that a new prison would secure inward investment and economic development as well as creating many, many much-needed jobs. Three employment sites in the District were put forward which came closest to matching the Ministry of Justice criteria.*

*We received no further communication, or reply, from the Ministry of Justice and doubtless all Members will be aware that last week the Justice Secretary announced that sites at Full Sutton, Hindley, Rochester and Port Talbot have been earmarked for*

*development of new prisons. There are no plans to build a prison in Tendring.”*

The Leader of the Council then responded to a question asked by Councillor J Henderson.

#### Douglas Carswell MP

*“The Member of Parliament for Clacton, Douglas Carswell, announced over the weekend that he has quit UKIP and will now sit as an Independent MP.*

*There has understandably been much speculation about whether there will be yet another by-election following this decision, and there has been much national and international press coverage of the issue and hence of this District, and the Clacton constituency in particular, as a result.*

*For the benefit of clarity there is no vacancy and hence there will be no by-election, and there appears to be no likely prospect of one occurring unless and until Mr. Carswell chooses to resign.*

*So, in the meantime, I would advise all residents in the Clacton constituency to continue to go to Mr. Carswell as their member of Parliament for help and support on any issue that they see fit.”*

#### Use of Council Resources and Comments about Essex Police

*“My third and final statement relates a little bit to the previous one, in terms of some of the subject matter, but not entirely.*

*In particular, I was less than impressed with the large number of emails that populated my official Tendring District Council inbox over the weekend – sent from Members to all other Members, and sometimes including an even wider audience as well.*

*It is not my position to lecture Members on their obligations under the Code of Conduct which we all signed before taking office and nor is it my position to comment on the appropriate use of Council resources; I will leave that to others, although I might be tempted to remind Members that we have all agreed to certain standards of behavior and maybe some Members might be well-advised to refresh their memory as to what those obligations and duties are.*

*I make this statement tonight to commend and congratulate the vast majority of Members who admirably refrained from hitting the “reply-to-all” button when I am sure that like me, it was sometimes getting very hard to resist.*

*I can understand the excitement surrounding the shenanigans of Mr. Carswell but I really didn't need to be copied in on all those angry little messages.*

*But what concerned me much, much more disturbingly though was the email that was savagely critical of the Police, and with a recipient list that even included senior Police officers, sent out let us not forget, just two days after the Police lost one of their own in the line of duty, protecting the very heart of our democratic institutions at Westminster.*

*If we want to challenge or question policing in Tendring or anywhere else there are ways and means of doing it but we do not publicly bash the very men and women who put on the uniform to protect and serve, on behalf of us all, and immediately make themselves a target. We can attack the Government for its policies or its funding of the Police, we can*

*criticize the Home Secretary or the Minister for Policing and these days of course we can even call to account the Essex Police and Crime Commissioner – and as a Council we have done. But we must never seek to undermine the serving officers of Essex Police.*

*So I want to make it absolutely clear as Leader of Tendring District Council that I and this Council absolutely support and applaud what the men and women of Essex Police do for us and for our residents and our communities.”*

**151. STATEMENTS BY MEMBERS OF THE CABINET**

There were no statements by members of the Cabinet on this occasion.

**152. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL**

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

*“Madam Chairman, Councillors, members of the public, I am proud to present to you this year’s State of Tendring address. This statement is intended to give you a summary of the Council’s achievements over the past year; to reflect on the journey we have travelled, and to consider the challenges that lie ahead.*

*We now approach the mid-term point of the electoral cycle, following the 2015 Election, and quite frankly, we should all be extremely proud of what we have achieved and the progress that has been made. Our success has continued despite the year-on-year financial challenges.*

*We continue to demonstrate strong community leadership through all aspects of our work. We are an integral part of local, regional and national partnership working, we lead the way with innovative solutions to local challenges, all the time aiming to improve the lives of our local Tendring residents.*

*Here are a few examples:*

*Starting with our Coastal projects and festivals following the completion of the £36million coast defence and regeneration project, we are now embarking on a new £5million scheme to stabilise the cliffs along the Clacton to Holland coastline. This project has come about due to the outstanding success of the previous coastal work completed in October 2015, which was completed on time and under budget.*

*We have had a second Beach Festival in 2016 with 50,000 people attending, and there are plans progressing to make the most of our beach economy, developing a series of Tendring Festivals, with the jewel in the crown, the Clacton Air Show.*

*The 25<sup>th</sup> Clacton Air Show gave us another fantastic two days, as well as evening flights. An estimated 250,000 enjoyed the event. The evening flights ensured that more people stayed in the District enjoying Tendring and boosting the local economy. The Air Show team were also delighted to be recognised at a national level, receiving the national award for the Event of the Year by the National Outdoor Events Association (NOEA).*

*Other outdoor events during 2016 included the Beat the Street programme attracting over 10,000 participants and of course, the ever-popular Tour de Tendring.*

*Progress across different areas of the District includes developing the unique tourism*

*offer of Harwich and Dovercourt; and we have forged strong and positive relationships with a wide range of partners. This collaborative working has led to a number of achievements such as an 'Historic Harwich' brand, which is now being proudly displayed in the windows of local businesses, together with a tourism website and a soon to be released promotional film. And as the 400<sup>th</sup> anniversary of the sailing of the Mayflower to America approaches, we are working with national partners to ensure the integral part which Harwich played in this iconic story is recognised world-wide and we take full advantage of the once-in-a-lifetime tourism opportunity that 2020 brings.*

*Progress also continues to be made in Jaywick Sands. Residents have seen road improvements through the District's joint work with Essex County Council. We have purchased 28 hectares of land (that's 69 acres) and plans are being developed to deliver new homes, business and infrastructure. We are now starting to see real investments and plans taking shape within the area. Three very exciting planning proposals have recently been agreed, showcasing Art Deco designs. Changes are taking place in close collaboration with the community. We are a Council that listens and works with our residents.*

*Further to the success in Jaywick, we successfully applied for Coastal Community Team status for Harwich and Dovercourt, resulting in Tendring being the only Local Authority in the country with two CCTs.*

*As a Council, we like to be dynamic and at the cutting edge. The revolutionary work developing Garden Communities continues to take shape, with the ambition to build infrastructure and create sustainable jobs alongside new homes. Our partnership working with Essex, Braintree and Colchester goes from strength to strength and central government has now made £1.2 million available to support the work. Local Delivery Vehicles are being formed to bring forward development quickly and to a high quality and Tendring will have Officers leading and working within those Local Delivery Vehicles. The plans are innovative, they are ambitious and they are a superb example of how Tendring District Council collaborates successfully with partners to deliver housing outcomes based on Garden City principles. This project, the most significant of its kind in the UK, is not simply about building new homes; it is about creating fantastic new communities with industry and commerce providing jobs and employment, with health and education facilities tailored to meet local needs and with IT and transport infrastructure that is fit for the future.*

*The local plan continues to be developed which will guide development within the District to 2033 and beyond. There is of course always a difficult balance to be struck between the requirement for significant new development and the protection of the status quo, but all sane commentators agree that until the Local Plan is finalised and approved we will continue to be at risk of unwanted development. Getting the local plan agreed, swiftly and without delay, will ensure that this district is not subject to speculative planning applications that win on appeal despite this Council's strong objections; Getting the local plan agreed, swiftly and without delay, will also ensure that we can start to deliver the housing that is needed for our own residents as families grow and expand and as people attempt to get their foot onto the property ladder. And getting the local plan agreed, swiftly and without delay, will ensure that we can start to attract new businesses and employers to the district to create new jobs and employment and to give the economy of Tendring a much-needed boost. Madam Chairman, we really do need to get the new Local Plan agreed, swiftly and without delay!*

*Just last week The Housing and Finance Institute formally recognised our work across several different measures, awarding us "Housing Business Ready" status and commenting that "Tendring Council is amongst the very best in the country for*

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*understanding the importance of housing to its locality. Tendring Council creates housing opportunities that support its residents and strengthens local communities.”*

*We are proud to work with a range of partners and the Tendring Community Safety Hub is a great model of partnership working which has been highly praised through an LGA Peer Review. Tendring has 42 agencies signed up to the Hub and all agencies are working together to tackle crime and disorder across the District. Her Majesty's Inspectorate of Constabulary recognises the importance of the role of the Hubs in Essex. In the recent HMIC inspection of policing across Essex the standards for the extent to which the force is effective at keeping people safe and reducing crime have improved from 'requires improvement' to 'Good' in the past year, and that huge improvement is, in part, specifically down to the work of the ground-breaking Tendring Hubs.*

*The data shows that Tendring has seen decreases in the following crimes:*

- *Anti-Social Behaviour –reduced by 3.1%*
- *Theft–reduced by 9.4%*
- *Burglary – reduced by 5.2%*

*However, our work does not stop here. The statistics show that and there have been increases in other crimes, such as domestic abuse and motor vehicle thefts.*

*Our priorities for 2017/18 include:*

- *Tackling Anti-Social Behaviour and the Prevention of Crime*
- *Protecting Vulnerable People from Hidden Harms*
- *Reduce Re-offending*

*Looking at success, the Tendring Community Policing team recently raided a suspected brothel in Clacton Town Centre. Arrests were made for brothel keeping, money laundering and immigration offences.*

*We continue to work alongside partners to keep residents safe and improve our community.*

*Community leadership is all about strengthening the community, removing any obstacles so that together we can improve public services for all, whether you live, work or visit Tendring we have something that we can offer to all. No one individual can bring new business to the District, build new roads or equip children for the future, now more than ever we must do these things together, as one Council and one Tendring.*

*We continue to work with those that need us most and we must continue to care for the vulnerable and protect people from life's worst hazards and misfortunes. We do this through our work with Family Solutions, supporting families that need us most, as well as supporting the Tendring Mental Health Hub and the local Citizen's Advice Bureau to ensure that members of our community receive appropriate and timely support and interventions.*

*We support the development of Skills and Education across Tendring. The Tendring Jobs and Careers' Fair continues to go from strength to strength, attracting over 2,000 job seekers. In 2016, 700 jobs were available on the day with 55 exhibitors attending. The 5<sup>th</sup> Jobs and Career's fair, is taking place on Tuesday 3<sup>rd</sup> October 2017.*

*We are supporting schools within Tendring, through our partnership working with the Tendring Education Improvement Group and local Universities. This work has led to a £1.2 million investment in a new Education centre within Tendring which aims to support*

*children reaching their full potential and aspirations, whether this is going to University or through further vocational training.*

*There are Memorandums of Understanding with both local universities, which strengthen our commitment to partnership working and our influencing role.*

*We are proud of our own Tendring Learning provider, Career Track, which is constantly delivering between 65 to 70 apprenticeships at any one time and supporting many local young people and businesses throughout Tendring.*

*All of this is happening despite saving £12 million from our revenue budget since 2011/12, and we are well aware that a further £5 million in savings still has to be found over the next 3 years. £1.56 million savings being required in 2017/18 alone. We know this will mean that in some cases we may now have to stop doing certain things, but we are ready for this challenge and responding to what our residents want and expect from a modern, forward-thinking Council.*

*We have agreed a new Customer-focussed strategy, where we are improving digital access to our residents; this is the first time we have seen that residents are asking for more Council forms to be available electronically and we are responding to our residents. This also enables our Officers to give our most vulnerable residents more time, offering an enhanced service to our most needy.*

*We are rationalising our offices, looking at moving from three to two main sites, becoming a more flexible and responsive Council to ensure better service delivery and wherever possible saving money.*

*We will take every opportunity to become leaner and be increasingly more self-sufficient, we are looking at rationalising our public conveniences, keeping those in tourist areas and essential locations but where they are underutilised looking at different options. We are not an asset rich Council but we are reviewing our assets to determine what we need going forward and making the most of investment opportunities.*

*We are acknowledged as a Council that demonstrates excellence and we can proudly celebrate obtaining the highly prestigious Investors In People Gold Standard. This sits alongside many other accolades such as the Clacton Air Show, Event of the Year by the National Outdoor Events Association. These awards celebrate our initiative and enterprise, our insistence on hard work and personal responsibility; these are the constants within the character of Tendring. We also held our second Tendring STARS event for staff, recognising the exceptional contributions from staff right across the Council. This year the event was held in the Prince's theatre and it was also a pleasure to see that the event also included volunteers and partners who work alongside of the Council contributing to the success of everything that we do.*

*But Madam Chairman, there is still so much more to do and to this end we have identified some key priorities to deliver improvement for our District.*

*We have a new Corporate Plan for 2016-2020 which has Community Leadership at its heart. Our residents expect the Council to represent and support them with their issues, whether it is services delivered by Tendring District Council or a host of other issues where we can offer support and represent their views. These include health, education and community safety. We have worked closely with representatives on these issues and I believe that this work has had a real impact and a positive effect on improvement. For example, we are supporting a primary school, opening a Mental Health Hub. Our staff have supported this school through training school staff, creating a model for the*

*hub in partnership with the Head teacher. Plans are in place to up-scale this project, to support other schools across the District. This is an example of us not only bringing partners together but also providing tangible evidence of our direct work, supporting health and education.*

*We will ensure that this ethos to both influence improvements and where possible provide tangible support will continue to be part of our work.*

*Madam Chairman, we will continue to focus on key priorities:*

*Our Council/Our Community working with our communities and effectively with partners providing high quality affordable services. Alongside transferring and managing our assets, within a balanced budget.*

*Health and housing – providing quality living environments and local regeneration to promote wellbeing and healthier lifestyles, including the introduction of the Park Run in Clacton with an average of 100 participants each week, Dig4Jaywick and working with partners to raise awareness of the impact of housing on health.*

*Employment and Enjoyment, supporting business growth and making the most of opportunities, such as the Galloper wind farm and influencing plans for the Superfast Essex programme, rolling out broadband across the whole District.*

*And Madam Chairman, I want to take a moment to thank all Members of this Authority for the hard work you do on behalf of the residents of Tendring. I want to thank my Cabinet members for their dedication and hard work and for working together to deliver many of the things I have highlighted and to scrutiny members who have really helped to shape the Council's work and budget. There has also been some excellent cross party working together in scrutiny and other committees, such as the Local Plan Committee. Through working together, we can achieve so much more for residents within our District. At the end of the day, despite whatever political differences we may all have, I am sure we are all here to make a difference to our community and the lives of residents within Tendring.*

*A great example of Councillors coming together includes the work being undertaken to review ward boundaries. The Member Working Party which had cross party representation included many constructive and helpful suggestions. The work of that group has enabled the Council to submit a proposal to the Local Government Boundary Commission for England to reduce from 60 to 48 Councillors. I appreciate that this was not an easy task but I thank you all for your ideas, pragmatism and support.*

*I would also like to thank our Chief Executive and his Officers, we are very fortunate to have such commitment, hard work and talent within Tendring, delivering quality services across the District and constantly striving to improve and respond to residents. We really do have the very best local government officers working for us here in Tendring; there are none better and without them I really don't know where we would be.*

*And so Madam Chairman, to conclude:*

*We face many challenges in the forthcoming year, so I urge all Members to carry on contributing positively to address issues and problems that the Council faces. There will be difficult decisions to make; it is likely that we will have to look at different ways of delivering some services and stopping other services completely; that will not be easy.*

*We face uncertain times ahead both nationally and internationally, not least with Article*



*50 about to be invoked bringing about the official start of Brexit; nobody knows what that will look like or how it will affect us and meanwhile the cuts imposed upon us by Government continue to bite, but at least we can be reassured that:*

- We are part of a Council that listens and is dedicated to meet the needs of our residents*
- We have excellent Officers who continue to go above and beyond to support us.*
- And despite our many and varied political differences we are a Council that when push comes to shove is prepared to come together for the good of the district and for the good of our residents.*

*So I urge us all to be responsible, fair and take a consistent approach to making big decisions irrespective of political persuasions and to continue to build upon the support of strong partnerships developed locally and regionally.*

*Madam Chairman, I urge all members to carry on contributing positively, to addressing problems and issues the Council faces in the coming year. It will be difficult; some decisions will challenge us but we cannot shy away from them. This Council has always been at its best when facing its most challenging circumstances; if we continue to think big, be resolute in the face of adversity and never stop believing in what we are doing, then I have no doubt that this Council will continue to go from strength to strength.”*

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

Councillors I J Henderson, Scott, Miles, Calver, Land, Broderick, Porter and Bray all addressed the Council during the debate on the Leader’s Statement.

### **153. PETITIONS TO COUNCIL**

There were none on this occasion.

### **154. 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.

There were no questions on this occasion.

### **155. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2**

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees or Sub-Committees.

There was one question on this occasion as set out below:

#### Question

From Councillor Richard Everett to Councillor Neil Stock, Chairman of the Local Plan Committee:

*“At the meeting of the Local Plan Committee held on Thursday, 19th January, 2017, a methodology for calculating the Five-Year Housing Land Supply was discussed. The Local Plan Committee:*

- *agreed a flawed methodology for calculating the five-year housing land supply;*
  - *noted an underestimation of the real position of a five-year housing land supply;*
- and*
- *noted that a formal housing land supply statement would be reported in March which has not since materialised.*

*Given that these decisions were taken on incomplete and incorrect data, and excluding an essential element of supply permitted by the High Court ruling last year (the Modwen Judgement), does the Chair of the Local Plan Committee feel that it was wise voting for a flawed methodology that gives speculative developers a green light for their development?*

*Further does he feel that the underestimation of the real position on housing land supply is fair to the people of Tendring who wish to be able to defend against greedy developers dumping their housing in inappropriate places, such as Ardleigh, Great Bentley, Great Oakley, Kirby, Little Clacton and Weeley to name just a few.”*

Councillor Stock replied as follows:

*“Chairman, let me start by saying that I expect difficult and demanding questions from opposition Members who dislike or disagree with decisions that have been made by the Council under my leadership; they are a right and proper part of the democratic process and an essential and vital element of the scrutiny and challenge that is necessary for good government.*

*But I have to say that this question appears to represent none of those values and quite frankly Chairman it is difficult to know where to start to answer a question from a Member who within his question and by statements he has made previously in this chamber and elsewhere challenges the integrity of everyone who sits on the Local Plan Committee; has gone to the Police claiming that Officers and / or Members are corrupt and is attempting to seek a judicial review against a decision taken by a committee upon which he was sitting when the decision was made.*

*Members will be aware that the position in Tendring, in respect of a 5-year supply of housing land is a quickly improving one; supply was calculated to be 3 years at 31 March 2016 it is estimated that it will be 4.4 years by the end of this month.*

*Councillor Everett refers to decisions made by the Local Plan Committee on 19 January this year – a meeting of the committee that was not only attended by Councillor Everett as a member of it but where I am informed that Councillor Turner as acting Chairman allowed him more than generous opportunity to put his case and argue his point. Although obviously the Committee disagreed with him and voted the other way – I know it’s not nice to lose a vote but that is how democracy works.*

*Councillor Everett firstly suggests that the methodology agreed by the committee was flawed. Far from being flawed, the methodology is robust and it is consistent with Government policy and guidance. Members may be aware that the Government does not prescribe exactly how to calculate housing land supply and so Councils look to policy, guidance, best-practice, the courts and legal precedents (including the one that Councillor Everett mentions) to assist. This thorough approach was taken by Officers in reaching the methodology recommended to and adopted by the Local Plan Committee in January.*

*The methodology is both robust and appropriately cautious in its approach. Some, like*

*Councillor Everett, would argue that supply in the District is higher than shown by this methodology but equally many others would argue that it is overly optimistic. As supply in the District approaches 5 years, developers are becoming more interested in challenging the Council's position.*

*The Committee noted that a formal statement of housing land supply for 2016/17 would be reported to the Local Plan Committee as soon as possible **after** March 2017, not **in** March. The period of measurement ends at the end of March and so could not be reported in the timeframe suggested by Councillor Everett.*

*The Council takes seriously its responsibility to present accurate information and was recently congratulated by the Chief Executive of the Housing and Finance Institute, for our understanding of the District's housing position, including supply.*

*It would be grossly unfair to the people of Tendring to rely on an over-optimistic and unrealistic calculation that could easily lead to challenge and a worsening of the housing land supply position. As Chair of the Local Plan Committee and as Leader of this Council I want to ensure the Council's position is responsible and in the long-term interests of the District.*

*But obfuscation tactics, threats of legal action from UKIP councillors, wishful thinking and pretending to be an expert is not in interests of this District and will only delay the new Local Plan so that those large planning applications that we are struggling to prevent will become much more likely.*

*Chairman, getting the local plan agreed, swiftly and without delay, is the only way to ensure that this district is in charge of its own destiny when it comes to planning decisions."*

Councillor Everett then responded to Councillor Stock's reply and, in turn, Councillor Stock then responded.

**156. REPORT OF THE LEADER OF THE COUNCIL – A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

Council had before it a report of the Leader of the Council, which in accordance with the requirements of Rule 17.4 of the Access to Information Procedure Rules and Rule 16(i) of the Overview and Scrutiny Procedure Rules, notified Members of an Executive Decision taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

It was reported that the decision in question had been taken by the Leader of the Council and related to his agreement that the Council submit a bid to bring a time trial stage of the Men's Cycle Tour of Britain 2017 to the District of Tendring.

It was moved by Councillor Stock and **RESOLVED** that the contents of the report be noted.

**157. MINUTES OF COMMITTEES**

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

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

- (a) Community Leadership and Partnerships Committee of Monday 9 January 2017;
- (b) Local Plan Committee of Thursday 19 January 2017;
- (c) Audit Committee of Thursday 26 January 2017;
- (d) Corporate Management Committee of Monday 13 February 2017;
- (e) Community Leadership and Partnerships Committee of Monday 20 February 2017;
- (f) Council Tax Committee of Wednesday 22 February 2017;
- (g) Service Development and Delivery Committee of Monday 27 February 2017;
- (h) Corporate Management Committee of Monday 13 March 2017;
- (i) Human Resources Committee of Tuesday 14 March 2017; and
- (j) Audit Committee of Thursday 16 March 2017.

Community Leadership and Partnerships Committee – 9 January 2017 – Minute 29 – East Anglia Rail Franchise

Councillors I J Henderson and Scott each raised questions and concerns with regard to the proposed closure of ticket offices on certain stations to which the Chairman of the Community Leadership and Partnerships Committee (Councillor Fairley) responded.

Service Development and Delivery Committee – 27 February 2017 – Minute 38 – Update on Review of Spendells & Honeycroft Sheltered Housing Schemes

Councillor I J Henderson raised questions and concerns with regard to Essex County Council's (ECC) intention to withdraw Housing Related Support Funding from the end of the current financial year which would leave this Council with a £100,000 deficit in the Housing Revenue Account. The Chairman of the Service Development and Delivery Committee (Councillor Griffiths) responded thereto.

Corporate Management Committee – 13 March 2017 – Minute 59 – Corporate Budget Monitoring Report for the Third Quarter of 2016/17

Councillors I J Henderson, Scott and Stephenson all commented on the Corporate Management Committee's decision to request Cabinet to urge ECC to reconsider its decision to end the Supporting People funding. The Committee had expressed its disappointment that this Council had not made a public protest about this and that this was a precedent for future ECC decisions. The Committee was also concerned that any public blame for any future decision to remove Sheltered Housing Wardens as a result of the ensuing budgetary pressures would be placed at the door of TDC.

The Chairman of the Corporate Management Committee (Councillor Steady) responded to the points raised.

**158. MOTIONS TO COUNCIL**

There were no motions submitted to Council, pursuant to Council Procedure Rule 12, on this occasion.

**159. RECOMMENDATIONS FROM THE CABINET – ANNUAL TREASURY STRATEGY 2017/2018 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)**

The Council had before it the recommendations submitted to it by the Cabinet in respect of the proposed merger of the Annual Treasury Strategy for 2017/2018 [Minute 166 of the Cabinet meeting held on 17 March 2017 referred].

It was moved by Councillor G V Guglielmi and **RESOLVED** that the Annual Treasury Strategy for 2017/2018 (including Prudential and Treasury Indicators), be approved and implemented.

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

There were none on this occasion.

**161. REPORT OF THE CHIEF EXECUTIVE – A.2 – ST JAMES WARD BY-ELECTION**

The Chief Executive formally reported that Notice of the vacancy in the St James Ward had been given and requests to fill the vacancy had been received. The by-election would be held on Thursday 6 April 2017.

Council noted the foregoing.

**162. REPORT OF THE CHIEF EXECUTIVE – A.3 – REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS**

It was reported that, following the by-election in the Great and Little Oakley Ward and in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups had been subsequently carried out.

The outcome of that review was that the UKIP Group were entitled to one extra seat..

Consequently, on 27 February 2017 and in accordance with the wishes of the Leader of the UKIP Group and the authority delegated to the Chief Executive, the following appointment had been made:

Planning Committee

Councillor Davis was appointed to fill the vacant seat.

Council noted the foregoing.

**163. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) – A.4 - OPERATION OF POLITICAL PROPORTIONALITY RULES IN ALLOCATING SEATS ON COMMITTEES ETC. TO NON-ALIGNED MEMBERS**

The Council had before it a report of the Corporate Director (Corporate Services) which sought to enable Council to:

- consider the operation of political proportionality rules in allocating seats on Committees etc. to Non-Aligned Members; and

- then choose one of the three available options which would be implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Council was reminded that the political proportionality rules that applied in allocating seats on Committees etc. were set out in the Local Government and Housing Act 1989 and applied only to political groups and not non-aligned Members.

It was reported that Members had requested clarification on this and therefore Officers had reviewed how the political proportionality rules applied in allocating seats on Committees etc. to Non-Aligned Members (i.e. Members who were not a member of any political group on the Council). This was also in the light of the fact that six Members were not a member of any political group which equated to 10% of the Council's total membership.

Following that review Officers had put forward three options for Members to consider, namely:

#### **Option One – Maintain the Status Quo**

This Option was an alternative approach that departed from Section 15 of the 1989 Act and could only be implemented in strict accordance with Section 17 of that Act i.e. only if no Member of the Council voted against.

This Option would see the Council continue its current practice of including the Non-Aligned Members in the initial calculation and allocate seats to them as if, in effect, they were a group in themselves. At the present time this would equate to 10% of the overall seats on Committees etc.

Appendix A to the Report of the Corporate Director (Corporate Services) set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

#### **Option Two – Do Not Include The Non-Aligned Members In The Initial Calculation**

This Option was an alternative approach that departs from Section 15 of the 1989 Act and could only be implemented in strict accordance with Section 17 of that Act i.e. only if no Member of the Council voted against.

This Option would see the Council not include the Non-Aligned Members in the initial calculation or allocation of seats but would instead see the Non-Aligned Members assigned the remaining "left-over" seats once the Political Groups had taken their allocations.

Appendix B to the aforementioned report set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

#### **Option Three – Do Not Include The Non-Aligned Members At All**

This Option complied with Section 15 of the 1989 Act.

This Option would see the Council not include the Non-Aligned Members at all and the initial calculation would be carried out as if the Council had, in effect, 54 Members and not 60. Therefore, no Non-Aligned Members would receive any Committee seats unless they were unilaterally donated by a Group Leader. This would need Council approval.

Appendix C to the above-mentioned report set out an example of how, based on the current information, such a calculation would look for the Annual Meeting of the Council in April.

Members were made aware that, in preparing the three examples, Officers had assumed that UKIP would win the St James Ward By-Election. This was based solely on the fact that the late John Hughes had been elected for UKIP in the St James' Ward at the Council Elections in May 2015. Obviously the figures would be recalculated in the event that another Party won the By-Election.

Having considered the three options together with the advice of the Head of Governance and Legal Services & Monitoring Officer:

It was moved by Councillor Stock and seconded by Councillor Talbot that Option One (Maintain the Status Quo) be approved and implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Councillors Everett, Scott, Parsons, Miles, Griffiths, Fairley, Porter, Stephenson, I J Henderson, Broderick, Calver, G V Guglielmi and Bray all addressed the Council during the debate on Councillor Stock's motion.

Councillor Stock undertook, in his capacity as Leader of the Council, to write to the Prime Minister to urge the Government to undertake a review of the Local Government and Housing Act 1989.

Councillor I J Henderson asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Stock's motion be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Amos	Bray	Bennison	Bucke
Baker	Everett	Bush	Ferguson
Broderick	Porter	Davis	Honeywood
B E Brown	Stephenson	Hones	Yallop
J A Brown	Watson	Khan	
M Brown		Newton	
Callender		Pemberton	
Calver		Raby	
Cawthron		Whitmore	
Chapman			
Chittock			
Coley			
Cossens			
Fairley			
Fowler			
Gray			
Griffiths			
G V Guglielmi			
V E Guglielmi			
Heaney			
I J Henderson			
J Henderson			

King  
Land  
Massey  
McWilliams  
Miles  
Nicholls  
Parsons  
Platt  
Poonian  
Scott  
Skeels Jnr.  
Skeels Snr.  
Steady  
Stock  
Talbot  
Turner  
Watling  
White  
Winfield

Councillor Stock's motion was declared **LOST** as the requirements of Section 17 of the Local Government and Housing Act 1989 had not been met insofar as at least one Member of the Council had voted against.

It was then moved by Councillor Stock and seconded by Councillor G V Guglielmi that Option Two (Do Not Include The Non-Aligned Members In The Initial Calculation) be approved and implemented with effect from the Annual Meeting of the Council on 25 April 2017.

Councillors Porter and I J Henderson addressed the Council during the debate on Councillor Stock's motion.

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Amos	Everett	Bray	Bucke
Baker	Hones	J A Brown	Ferguson
Bennison	Pemberton	Gray	Honeywood
Broderick	Porter	Watson	Yallop
B E Brown		Whitmore	
M Brown			
Bush			
Callender			
Calver			
Cawthron			
Chapman			
Chittock			
Coley			
Cossens			
Davis			
Fairley			
Fowler			
Griffiths			
G V Guglielmi			



V E Guglielmi  
Heaney  
I J Henderson  
J Henderson  
Khan  
King  
Land  
Massey  
McWilliams  
Miles  
Newton  
Nicholls  
Parsons  
Platt  
Poonian  
Raby  
Scott  
Skeels Jnr  
Skeels Snr  
Steady  
Stephenson  
Stock  
Talbot  
Turner  
Watling  
White  
Winfield

Councillor Stock's motion was declared **LOST** as the requirements of Section 17 of the Local Government and Housing Act 1989 had not been met insofar as at least one Member of the Council had voted against.

Council was advised that, as Options 1 and 2 had both failed to meet the statutory requirements, Option 3 (Do Not Include The Non-Aligned Members At All) would, by default, apply with effect from the Annual Meeting of the Council on 25 April 2017 as this Option complied with Section 15 of the Local Government and Housing Act 1989.

Council noted the foregoing.

**164. PAY POLICY STATEMENT 2017/18**

Further to minute 22 of the meeting of the Human Resources Committee held on 14 March 2017 the Council gave consideration to a proposed Pay Policy Statement for 2017/18 which would meet the requirements of the Localism Act 2011 (Section 38(1)).

The Chief Executive declared a pecuniary interest in this item and left the meeting during the consideration thereof and the voting thereon.

Councillors I J Henderson and Scott addressed the Council during the debate on this item.

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

**RESOLVED** that

- (a) the Pay Policy Statement 2017/18, as set out in the Appendix to item A.5 of the Report of the Corporate Director (Corporate Services), be adopted; and
- (b) the costs of applying the salary payments from SCP8 on the National Joint Council pay spine be met from existing salary/vacancy provision within budgets.

**165. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The meeting was declared closed at 10.07 p.m.

Chairman