

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 22ND NOVEMBER, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Harris (Chairman), V Guglielmi (Vice-Chairman), Amos, Baker, Bray, Calver, Cawthron, Chapman BEM, Chittock, Clifton, Codling, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles, Land, McWilliams, Miles, Morrison, Placey, Porter, Scott, Skeels, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive)(except item 56), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), John Higgins (Head of IT and Corporate Resilience), Ian Ford (Committee Services Manager), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

35. SILENT TRIBUTE TO HER LATE MAJESTY QUEEN ELIZABETH THE SECOND

This being the first meeting of the Full Council since the death of Her Late Majesty Queen Elizabeth the Second, the Chairman of the Council led Members and Officers present in a silent tribute to the memory of her long, blessed and glorious reign.

36. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alexander, Allen, Barry, Bush, Casey, Coley, Newton, Steady, G L Stephenson and M E Stephenson.

37. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the ordinary meeting of the Council held on Tuesday 12 July 2022 be approved as a correct record and be signed by the Chairman.

38. DECLARATIONS OF INTEREST

The Leader of the Council (Councillor Stock OBE) declared an Interest in Agenda Item 21, Report A.10 – Freeport East Limited: Appointment of Alternate Director insofar as he was a Director of Freeport East Limited.

The Chief Executive (Ian Davidson) also declared an Interest in Agenda Item 21 insofar as he was named within that report. He informed Council that he would withdraw from the meeting at the appropriate juncture.

39. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

Veterans and Services Day

The Chairman announced that he had been proud during August 2022 to host the first Veterans and Services Day. Thousands of people had attended to pay their respects to veterans, members of the Armed Forces and to the emergency services. He hoped that this would become an annual event and grow larger.

Clacton Air Show 2022

The Chairman felt that it had been a huge success. He had been very honoured to have two World War II veterans to take the salute from the “Tigers” British Army Parachute Team, who had been treated as heroes by the public and by the members of the Armed Forces who were present. He placed on record his sincere thanks to the Council Officers and everyone else involved in making this event such a huge success.

Kinder Transport Memorial

The Chairman reminded Council that, on 1 September 2022, the Kinder Transport Memorial had been unveiled in Harwich by Dame Stephanie Shirley, who had herself been one of the “Kinder”. The Memorial commemorated the 10,000, mostly Jewish, children who had been rescued from the Nazi regime in 1938/39.

The Chairman informed Members that he had had the great honour of meeting her and other refugees and descendants at this event. He had been humbled to hear their about their experiences. He felt that this was not just an historic event for Harwich or the wider District but was a moment of reflection for the whole world. He urged those Members who had not yet been to go and see the statue and experience the “talking” memorial bench as soon as possible.

The Chairman then invited Councillor I J Henderson, the current Mayor of Harwich Town Council to address the Council.

Councillor Henderson informed Members that he had found it to be an emotional experience not just on the day but working with the committee in the months leading up to the unveiling in fund raising and organising the event. Visiting the foundry in Manningtree with the committee to see the statue being made and reading the inscriptions on the statue had brought home to him just how much this meant to the refugees and their descendants. It was an honour that Harwich had been recognised for its role as a safe haven for those children who had been rescued from the Nazi regime and Harwich Town Council were very pleased to take ownership of the memorial for preservation and safekeeping.

Councillor Henderson outlined the parts played by the then Mayor of Harwich, the local residents, the local Doctors and Dovercourt Holiday Camp (of later Hi-de-Hi fame) in making the children feel safe and secure on their arrival.

Members marked their appreciation for Councillor Henderson’s speech with a round of applause.

The League of TDC Chairmen Group

The Chairman announced that he wished to formulate a “League of Chairmen” group in order to nurture the relationships between the TDC Chairman ‘of the day’ and their predecessors as Chairman. The group would include all past Chairmen whether they

were still TDC Members or not. They would be invited to join with the aim of working together for the good of the District and charity. The immediate past TDC Chairman, Councillor Bray, had agreed to assist in forming the group. Further details would be announced at the next Full Council meeting.

Colchester – City Status

The Chairman informed Members that the next day (Wednesday 23 November 2022) would see Colchester officially become a City. He felt that this was a well-deserved recognition and success. On behalf of TDC he recorded his congratulations to all those who had played their part in securing city status. Colchester had been of immense strategic military importance in England's history stretching from Roman times to the modern era as an Army Garrison town.

40. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

41. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no statements made by the Leader of the Council on this occasion.

42. STATEMENTS BY MEMBERS OF THE CABINET

Demolition of Carnarvon House, Carnarvon Road, Clacton-on-Sea

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

"I am delighted to announce that thanks to some sterling work by Officers, £420,001 has been awarded to the Council from the Brownfield Land Release Fund to demolish Carnarvon House so that it can be prepared for future re-development.

The office building in Carnarvon Road has been owned by TDC and in recent years was leased to the NHS as office space until it was no longer needed.

It has been empty since July 2021 when the NHS vacated it and it was used as a temporary location base for filming the movie "Morris Men", shot in and around Tendring, which was screened here in the Theatre in the October half term for its premiere.

Carnarvon House has served the public well for a number of decades but the building is of its time and I don't think many people will be sad to see it go; sadly it is not a structure that can be made energy efficient, nor can be adapted to any sustainable use, and with this grant funding we will be able to create an important space in the town centre, which will make a huge difference to the town.

Being able to pay for this work from Government funding, and not local taxpayer contributions, is a huge help to the Council – while demolition also removes ongoing costs we face with owning an empty building.

In the short term Carnarvon House will be demolished, with some internal work, such as asbestos removal and soft furnishing before the building comes down in the New Year. In the longer term, the site is proposed for development as a flexible use community space and housing. Hopefully, the Planning Committee will look at this favourably when the planning application is passed to them."

Action on Climate Change Update

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

"Following my report to the last Council meeting on the 12th of July, 19 weeks ago, Members asked me to contact ECC, as the highway authority, to enquire about their plans for EV charging points in the roads within Tendring. I will not report the detail but suffice to say the County Council Portfolio Holder Councillor Lee Scott, was most supportive of my request, recognising our special situation as a coastal authority, needing facilities for holiday visitors. He offered to set up a meeting using MS Teams with both of us as Councillors being accompanied by our Officers. With annual holidays intervening a meeting was eventually set up by Essex County Council for Councillor Scott on EV charging on the 7th of September. I was accompanied by Councillor Alex Porter and by Ian Taylor. County Councillor Lee Scott attended from the County Council but was on his own with no officers to support him. Councillor Porter spoke about the need to address problems in our Town Centre where EV charge points could encourage increased business in the centre, and Ian Taylor referred to modest progress with our off-street provision, but the need was in our roads, where nothing was happening at this moment in time. Councillor Scott then left the meeting saying he would ask his officers to prepare a meeting with his responsible officers and Members and with representatives of a Private Company, and this I happily accepted. Unfortunately, this is over two months ago and to date I have heard nothing back.

It is of note that the Monday following our meeting, Essex County Council set up an officer meeting to discuss EV Strategy in Essex – a coincidence, or saying it "with tongue in cheek," perhaps on the 7th when we met, they had no policy? Only yesterday after I had written this report Lee Heley telephoned me to say that he had just received an invitation from ECC to attend a meeting on 14 December 2022 to present their draft strategy.

The Government have said it will provide £450m of funding to local authorities for the rollout of new electric vehicle (EV) charging infrastructure for 300,000 electric vehicle (EV) chargers by 2030.

£500 million will be invested to bring public charge points to communities across the UK with a Local Electric Vehicle Infrastructure (LEVI) fund of £450 million for projects such as EV hubs and on-street charging solutions. In March, the Government invited LA's to bid for £10 million in funding for options such as the On-Street Residential Charge point Scheme (ORCS), but this of course is a matter in the hands of ECC as our Highways Authority.

All the above colleagues is outside of our control, but my report to Members is supposed to be about what Climate Change activity is taking place in Tendring. To this end I have received the following reports:

Ian Taylor informs me that we will see eight electric vehicle charging points installed in the Starlings car park and events space which will be complete early next year.

The Council has also met with UK Power Networks regarding costs for installation of EV points in our TDC car parks.

Officers are currently gathering data from EV charge point operators for options for the Council to provide a range of slow (7kw) and medium (22kw) EV points across selected car parks in Tendring.

Options for delivery will include Charge Point Operators delivering EV points where they fund installation and benefit from charging income, or the Council delivering EV points with 60% grant funding, and so benefiting from charging income - or a mix of both. We expect a full report on this early in the new year.

One item of special interest to me arises from a query I raised with Morrisons supermarkets Head Office in Bradford, about the 20 charging bays they have installed in the new Centenary Way super store. They kindly supplied me with all the information I asked for, but of special interest were two of the bays that have 300kW chargers which can deliver an 80% charge in as little as eight minutes, for cars capable of refuelling at this capacity. I just wonder if this points the way forward.

In terms of our overall use of electricity, Richard Barrett says that the Council continues to take the opportunity at each new procurement milestone, to ensure the electricity used across our various sites is delivered from carbon neutral sources.

I have reported before that we are keen to develop the use of Solar Panels on our TDC properties. Tim R. Clarke informs me that the Building Research Establishment (BRE) has been commissioned to undertake work to develop business cases for the installation of solar panels on our estate. Tim says the work is progressing well and we have supplied BRE with electricity usage data and other information, in respect of the sites we have asked them to advise us on, that will enable our Officers to develop options on the way forward. The BRE will also provide us with their view on what we could do to install solar Photo Voltaic panels on our council homes, and we expect a draft report early in December, to be part of our policy considerations in the New Year.

The Council has purchased £102,000 worth of trees to be planted at Burrsville Park, Great Clacton, Jaywick and Parkeston. Ian Taylor, wearing his Open Spaces hat, says these are 8ft high of mixed varieties and that we have received further funding to maintain the trees for the next three years. This funding has come from the Government's Urban Tree Challenge Fund, via the Essex County Council's Essex Tree Initiative bid. Tendring have been awarded 45 percent of the whole successful ECC bid amounting of over £300,000.

The Council is also waiting for final confirmation of a bid for tree planting and green projects at The Cliff, Dovercourt from the Government's Levelling Up Fund – this is in the region of £87,000.

It is of note that ECC's target of planting 375,000 trees across Essex by 2025 is well on the way with 143,059 trees planted so far. Surely a 'Star' on the back of their hand for the County Council.

Energy Efficiency surveys of the General Fund building stock have been completed and the process for prioritising, funding, and resourcing the various projects is under way. Andy White tells me that £60,000 from the TDC Climate Action Fund, has been agreed to support additional building surveyor resource within the team, to help deliver projects including energy saving building work. These will ultimately save money and carbon emissions.

I thank Lee Heley for contacting the responsible officers on my behalf, so that I can, in turn, inform all Members of what is being done in their name. Thank you.”

Councillor Talbot then responded to questions raised on his statement by Councillors I J Henderson and Scott.

43. REPORT OF THE CHIEF EXECUTIVE - A.1 - PETITION TO COUNCIL: NELSON ROAD, CLACTON-ON-SEA

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of a petition submitted by Councillors Alexander and Griffiths on behalf of Ms Maria Monteith, the lead petitioner, on 30 September 2022. The petition had been supported by 60 residents of Nelson Road, Clacton-on-Sea (and further supported by 33 other local residents) and had requested that the Council *“...urgently exercised its planning enforcement powers to serve a Breach of Condition Notice on Lane Homes Construction Group in order to ensure that the contractor responsible for the new nine build houses makes good the unmade pavement and drop kerbs in Nelson Road that are required by the planning permission for this site.”*

Accordingly, this matter had been investigated and a report prepared and presented to the meeting of the Planning Committee held on 25 October 2022.

At that meeting, and in accordance with the Council's approved scheme, Ms Monteith, as the lead petitioner, addressed Members and outlined the action that the petitioners wanted the Council to take. The Ward Members, Councillors Alexander and Griffiths, had also addressed the Planning Committee. The Committee had then discussed and deliberated on the petition and the report and had decided:-

“That the Planning Committee instructs our Director of Planning to write, formally, to the Portfolio Holder responsible for Highways at Essex County Council to escalate this matter with a view to a speedy and satisfactory resolution – bearing in mind this is a matter that has been unresolved for in excess of a year and should have been concluded prior to occupation of the new homes.

The letter will explain that there has been a strong petition from a significant number of local residents that, with good reason, demonstrates that this is a matter of great public interest which is causing a great deal of local distress and which is undermining the public's faith in both their District and County Councils in carrying out their duties. Furthermore, the state of the footway has given rise to genuine concerns about the safety of pedestrians and damage to residents' vehicles – which could potentially give rise to claims against the Highway Authority as it falls within its duty to maintain the public highway.

With the full support and backing of the Members of this Planning Committee, the letter will demand that the completion of the footpath is given a higher priority and is resolved

as a matter of urgency, utilising the available enforcement powers if necessary, and that this Council is provided with an explanation of the current position and a timetable for completing the works – which can be reported back to the Planning Committee and local residents.”

Ms Monteith was subsequently informed, in writing, of the Planning Committee's decision and the decision had been published on the Council's website by way of the Minutes of that meeting.

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

RESOLVED that the contents of this report be noted.

44. REPORT OF THE CHIEF EXECUTIVE - A.2 - PETITION TO COUNCIL: GREEN SPACE DEVELOPMENT AND SALE - HOLLAND HAVEN

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally report the receipt of an e-petition submitted by Sharon Tyler, as lead petitioner, on 8 October 2022. The petition had been signed by 171 persons and stated:-

“We the undersigned petition the Council to not sell or develop the green spaces by The Gap and at Haven Avenue/The Esplanade in Holland-on-Sea.”

In accordance with the Council's approved scheme for dealing with petitions, this matter would now be investigated and a report would be prepared and presented to the Cabinet on the basis that it contained between 30 and 500 signatures and related to a matter that was an Executive function under the law.

Members were aware that the next practicable ordinary meeting of the Cabinet was on 16 December 2022.

At that meeting, and in accordance with the Council's approved scheme, Sharon Tyler, as lead petitioner, would be invited to address the Cabinet, explain the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Cabinet's decision would be confirmed in writing to Ms Tyler and the decision would be published on the Council's website via the Minutes of that meeting.

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

RESOLVED that the receipt of the Petition and the contents of the report be noted.

45. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No Questions had been submitted pursuant to Council Procedure Rule 10.1 for this meeting.

46. REPORT OF THE LEADER OF THE COUNCIL - A.3 - EXECUTIVE DECISIONS TAKEN AS A MATTER OF URGENCY

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

Local Covid-19 Additional Relief Fund Scheme for Business Rates for 2021/22

It was reported that, on 23 September 2022, the Leader of the Council, in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent that his decision relating to the approval of a local Covid-19 additional relief fund scheme for Business Rates for 2021/22 be taken under the Council's "Special Urgency" procedure and that it also be exempted from the call-in procedure.

The Leader of the Council's decision had been as follows:-

"That a Local Covid-19 Additional Relief Fund Scheme 2021/22 be adopted."

It had been felt that any delay likely to be caused by the usual key decision forward plan and call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

"In accordance with the associated legislation, the proposed local relief scheme for 2021/22 had to be adopted before 30 September 2022."

Council noted the foregoing.

47. 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) Community Leadership Overview & Scrutiny of Tuesday 28 June 2022;
- (b) Audit of Thursday 30 June 2022;
- (c) Resources and Services Overview & Scrutiny of Thursday 30 June 2022;
- (d) Human Resources & Council Tax of Thursday 7 July 2022;
- (e) Tendring/Colchester Border Garden Community Joint Committee of Monday 18 July 2022;
- (f) Standards of Wednesday 3 August 2022;
- (g) Audit of Thursday 29 September 2022;

- (h) Planning Policy & Local Plan of Monday 10 October 2022;
- (i) Human Resources & Council Tax of Tuesday 11 October 2022;
- (j) Resources and Services Overview & Scrutiny of Monday 17 October 2022; and
- (k) Standards of Wednesday 26 October 2022.

48. MOTIONS TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12

No motions on notice, pursuant to Council Procedure Rule 12, had been submitted by members of the Council for this meeting.

49. REFERENCE FROM THE CABINET - A.4 - THE LOCAL COUNCIL TAX SUPPORT SCHEME 2023/2024 - COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2023/2024 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2023/2024

The Council considered the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2023/2024 (including the associated exceptional hardship policy), Council Tax Exemptions, Discounts and Premiums for 2023/2024 and the Annual Minimum Revenue Provision Policy Statement 2023/2024 (Minute 73 – Cabinet meeting of 4 November 2022).

A copy of the Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's published joint report (and its appendices) to the Cabinet meeting held on 4 November 2022 were attached as appendices to item A.4 of the Reference from the Cabinet.

It was moved by Councillor P B Honeywood and:-

RESOLVED that Council approves that –

- (a) the LCTS scheme for 2023/24 remains the same as the current year, as set out as Appendix A to item A.6 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 4 November 2022 with the maximum LCTS award being 80% for working age claimants [APPENDIX 2 to item A.4 of the Reference 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 2023;
- (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 4 November 2022 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 4 November 2022 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 4 November 2022 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 4 November 2022 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 2023; and
- (h) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2023/24, as set out in Appendix F to the aforesaid joint report as submitted to the meeting of the Cabinet held on 4 November 2022 be approved [APPENDIX 7].

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

No reports from an overview and scrutiny committee had been submitted for Council's consideration and determination at this meeting.

51. REFERENCE FROM THE STANDARDS COMMITTEE - A.5 - PROPOSED FORMAL ADOPTION OF THE LOCAL GOVERNMENT ASSOCIATION'S MODEL MEMBERS' CODE OF CONDUCT

Council considered the recommendation of the Standards Committee in relation to the formal adoption of the Local Government Association's Model Members' Code of Conduct as Tendring District Council's code as regards the conduct, which was expected of all elected Councillors, voting co-opted members and appointed members (Sections 27 & 28, Localism Act 2011).

Council was aware that the Standards Committee, at its meetings held on 6 April 2022 (Minute 30 referred) and 3 August 2022 (Minute 5 referred) had reviewed the elected Members' Model Code of Conduct ("the Model Code"), as authored by the Local Government Association (LGA), in comparison to Tendring District Council's (TDC) Members' Code of Conduct ("the Code"), for eventual determination as to whether to recommend the Model Code to Full Council for adoption.

At its meeting held on 3 August 2022 the Standards Committee had unanimously resolved, inter alia, that it:-

"(c) recommends to Full Council that the LGA Model Code be approved and adopted."

A copy of the published report (minus appendices) of the Monitoring Officer to the meeting of the Standards Committee held on 3 August 2022, was attached as Appendix 1 to item A.5 of the Reference from the Standards Committee. The LGA's Model Councillors' Code of Conduct was attached as Appendix 2 to that reference report.

Councillor Baker asked a question on how the word "mandatory" would be defined in relation to recommendation (c) of the reference report. The Monitoring Officer (Lisa

Hastings) informed the meeting that she would circulate a briefing note on this to Members after the meeting.

It was moved by Councillor Land and:-

RESOLVED that Council approves:-

- (a) the adoption of the Local Government Association's Model Members' Code of Conduct, as set out in Appendix 2, for the purposes of Sections 27 & 28 of the Localism Act 2011, with a commencement date of the Annual Meeting of the Council in May 2023;
- (b) that all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils;
- (c) that all the duly elected Tendring District Council members at the Council's elections in May 2023 attend mandatory training sessions on the new Code of Conduct; and
- (d) that the new Code of Conduct be incorporated into Part 6 of the Council's Constitution in due course.

52. REFERENCE FROM THE STANDARDS COMMITTEE - A.6 - TERMS OF OFFICE AND RECRUITMENT OF MEMBERS OF THE COUNCIL'S STATUTORY INDEPENDENT REMUNERATION PANEL AND ALSO THE COUNCIL'S STATUTORY INDEPENDENT PERSONS

Council considered the recommendations of the Standards Committee in relation to the terms of office and future recruitment of the members of the Council's Independent Remuneration Panel and its Independent Persons.

Council was aware that the Standards Committee, at its meeting held on 3 August 2022 (Minute 6 referred), had considered the Independent Remuneration Panel's and Independent Persons' terms of office, with the aim of exploring alternative options as to future recruitment, with a view to making recommendations to full Council on this matter.

Having duly considered all of the information and advice contained in the Officer report the Standards Committee had unanimously resolved:-

"That the Standards Committee:-

(a) notes the contents of the Deputy Chief Executive's report;

(b) recommends to Full Council that alternative arrangements for the Independent Remuneration Panel are explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment; and

(c) recommends further to Full Council that the term of office for those Independent Persons, who express an interest in doing so, be extended for a further year without an application process, in order to allow the review within resolution (b) above to be undertaken."

A copy of the published report of the Deputy Chief Executive & Monitoring Officer to the meeting of the Standards Committee held on 3 August 2022, was attached as an appendix to item A.6 of the Reference from the Standards Committee.

It was moved by Councillor Land and:-

RESOLVED that Council approves:-

- (a) that alternative arrangements for the Independent Remuneration Panel are explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment; and
- (b) that the term of office for those Independent Persons, who express an interest in doing so, be extended for a further year without an application process, in order to allow the review within recommendation (a) above to be undertaken.

53. REFERENCE FROM THE STANDARDS COMMITTEE - A.7 - REVIEW OF THE MONITORING OFFICER'S PROTOCOL

Council considered the recommendation of the Standards Committee in relation to its review of the Monitoring Officer Protocol.

Council was aware that the Standards Committee, at its meeting held on 26 October 2022 (Minute 13 referred), had reviewed the Monitoring Officer Protocol and had decided whether, if any changes were felt to be required, to recommend those to Full Council for formal approval and adoption.

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

“That, having reviewed the Monitoring Officer’s Protocol, the Committee agrees that the suggested proposed amendments to that Protocol, as set out in the Monitoring Officer’s report, be submitted to Full Council for formal approval and adoption.”

A copy of the published report (minus appendices) of the Monitoring Officer to the meeting of the Standards Committee held on 26 October 2022, was attached as Appendix 1 to item A.7 of the Reference from the Standards Committee.

It was moved by Councillor Land and:-

RESOLVED that Council approves:-

- (e) the proposed amendments to the Monitoring Officer, as shown in Appendix 2 to item A.7 of the Reference from the Standards Committee, and
- (f) that the revised Monitoring Officer Protocol, as set out in Appendix 3 to the aforesaid reference report be adopted and be incorporated into Part 6 of the Council’s Constitution in due course.

54. REFERENCE FROM THE LICENSING & REGISTRATION COMMITTEE - A.8 - ADOPTION OF A NEW STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)

Council considered the recommendation of the Licensing and Registration Committee that it agreed and adopted the Council's new Statement of Licensing Policy (Licensing Act 2003).

Members were reminded that the Council was required to determine its Statement of Licensing Policy every five years in accordance with Section 5 of the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011 and by the Policing and Crime Act 2017). The Licensing Act 2003 stated that a Council's Statement of Licensing Policy would set out the Council's policy with respect to the exercise of its licensing functions within the 2003 Act.

It was reported that the Council had last adopted a Statement of Licensing Policy in 2016 for the period 2016-2021. As such, and in order to comply with its legal duty under the aforementioned Section 5, the Council was seeking to adopt a new Statement as soon as practicable.

Members were informed that the review and renewal of the Statement had been subjected to the required public consultation and a final draft of the Statement had been scrutinised and agreed by the Licensing and Registration Committee at its meeting held on 3 November 2022.

The Statement had to be adopted by Full Council on the recommendation of the Licensing and Registration Committee and then published on the Council's website and by way of a public notice in a local newspaper.

It was moved by Councillor Winfield and:-

RESOLVED that -

- (a) the Council's new Statement of Licensing Policy, as set out as an Appendix to item A.8 of the Reference from the Licensing and Registration Committee, be agreed and adopted;
- (b) the Council's new Statement of Licensing Policy be published via the Council's website and by way of a public notice in the local newspaper; and
- (c) the Council's new Statement of Licensing Policy will come into force from 23 November 2022.

55. REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE - A.9 - INFORMATION GOVERNANCE

Council considered a report of the Portfolio Holder for Corporate Finance and Governance, which presented to it an update on proposals for IT changes. That ongoing work was aimed at reaching an outcome whereby Members could undertake their role effectively, whilst ensuring that information held by the Council was safe, secure and compliant with relevant legislation. This work would also include looking at various different IT solutions and the associated costs.

Council was aware that, like all modern twenty-first century organisations, it was reliant upon information, data and digital services to deliver its services. The Council securely stored and held guardianship over some 60 terabytes of residents', customers', visitors',

Members' and Officers' personal and special category data. To put that into context, 60 terabytes of data represented the equivalent of 390 million document pages.

It was recognised that Members were reliant upon access to their emails to undertake their role as a Councillor. Members also had a responsibility to ensure that the sometimes sensitive personal or organisational information that they were sent was kept safely and confidentially.

It was reported that throughout 2018-2021 the Council's IT Service had implemented and achieved compliance with increasing NCSC technical security standards. The UK had adopted its UK Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) legislation on 25 May 2018. The key Principles of UK Data Protection legislation required that the data was stored: **lawfully, fairly and transparently, adequate and relevant and limited** to what was necessary, **accurate** and where necessary kept up to date, **kept for no longer than was necessary** in a form which permitted identification of data subjects, **ensuring 'integrity and confidentiality'** protecting against unauthorised or unlawful processing and against accidental loss/ destruction/ damage **through using appropriate security**.

Council was informed that the Department of Levelling Up, Housing and Communities (DLUHC) had commenced local authority security resilience audits in 2021. In December 2021 the DLUHC 'Health Check' scan had identified the Council's auto-forwarding of emails practice as a risk and had recommended that the practice be phased out as soon as possible. Those DLUHC local government cyber-security audits were being rolled-out to all authorities during 2023.

The original proposal to cease the auto-forwarding of emails had also emerged from an information governance / GDPR review undertaken by Internal Audit. The associated review, which supported that approach, had been undertaken in line with the Council's existing risk management processes and had included input from the Council's Data Protection Officer, Section 151 Officer, Internal Audit Manager and Senior Information Risk Owner (SIRO).

Members were made aware that Internal Audit's findings and the DLUHC audit had been considered and agreed by the Audit Committee who after considering the matter at its January 2020 meeting, had resolved that:

"The Committee supports the implementation, as soon as possible, of the proposal set out within the report for providing the necessary IT equipment and training to Members to ensure that only Council equipment is used when conducting Council business in order to reduce the financial and reputational risk associated with processing personal data."

Subsequently, the March 2022 Corporate Risk Register had reported the need to cease the practice of auto-forwarding of Councillors' emails.

Council was advised that the UK Data Protection legislation (6th Principle) required that information and data were processed in a manner that ensured appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss/ destruction/ damage through using appropriate technical or organizational measures (integrity and confidentiality). In all matters of council business, the Council was the Data Controller and had legislative responsibility to

ensure, and to evidence, that information was being managed and protected in accordance with the principles of the legislation.

The risk of cyber-attack was not new, but it was escalating in terms of frequency, severity and complexity. To counter those sophisticated attacks the Council's protected domain used a range of best of breed, commercial-grade security services from multiple vendors.

It was noted that the original proposal of ceasing auto-forwarding of emails had been met with concern from some Members as they felt that it might curtail their ability to access information and fulfil their role. Therefore, the Portfolio Holder had instructed Officers to explore different solutions (including some new processes of creating an app for Members to be able to access their emails securely on their own devices), whilst being mindful of ensuring the security of such information and protection against cyber-attacks.

The Resources and Services Overview and Scrutiny Committee had included Cyber-security in their work programme. In consultation with the Chairman of that Committee, (Councillor M E Stephenson), it was proposed that their remit be extended to include the issue of Members' access to their information and the alternative solutions available, mindful of the recommendations of the Audit Committee and the issues of confidentiality, Data Protection and cyber security. All Members would have the opportunity to have an input into this and any recommendations would be brought back to a future Council meeting.

As this Council had all-out elections in May 2023, it was proposed that any and all changes would be implemented for the newly elected Council.

It was also proposed that a workshop be scheduled for all Members to highlight the requirements of Data Protection and the prevalent issues of cyber breaches and security requirements. This would assist in mitigating the risks of breaches.

In terms of the proposed review by the Resources and Services Overview and Scrutiny Committee, it was highlighted that the Council's existing adopted Risk Management Framework sought to address a number of key elements such as the identification of risks, the analysis of those risks and whether they could be 'tolerated' or needed to be 'treated etc., with the latter including reviewing potential options. With the above in mind, it was felt logical / pragmatic to structure the proposed review around those existing risk management principles, which formed part of the original work undertaken by Officers and the Audit Committee. That approach would also complement a wider review of various cyber related issues as part of the Cyber Assessment Framework recently published by the National Cyber Security Centre (NCSC) that had been considered at the first meeting on 27 October 2022 of the Resources and Services Overview and Scrutiny Committee's Cyber Security Task and Finish Group.

Members were invited to submit any comments or thoughts on the subject of cyber security and email forwarding for the Resources and Services Overview and Scrutiny Committee Task and Finish Working Group to take into consideration.

During the debate on this matter, Councillors G V Guglielmi, Talbot, Turner, Baker, I J Henderson, Clifton, Miles, Porter, Scott, Chapman BEM and Stock OBE addressed the Council.

With the acquiescence of the Chairman, Councillor G V Guglielmi read out a statement on behalf of the Chairman of the Audit Committee (Councillor Coley) who had been unable to attend the meeting.

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

RESOLVED that –

1. Full Council acknowledges that the ongoing risk of the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues;
2. the Resources and Services Overview & Scrutiny Committee extend its work programme of cyber security to include reviewing the different proposals of Members' access to emails, in line with the Council's Risk Management Framework, and make recommendations to Cabinet and Council along with relevant costings;
3. such proposals be mindful of the recommendations of the Audit Committee, Data Protection Act requirements and cyber security;
4. a workshop be scheduled for all Members to ensure awareness of the requirements of the Data Protection Act 2018 and cyber security; and
5. the implementation of any and all changes required be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and that the new Councillors be given the training as detailed in 4 above.

56. REPORT OF THE DEPUTY CHIEF EXECUTIVE & MONITORING OFFICER - A.10 - FREEPORT EAST LIMITED: APPOINTMENT OF ALTERNATE DIRECTOR

The Chief Executive (Ian Davidson) declared an Interest in this matter insofar as he was named within the report and withdrew from the meeting whilst this item was deliberated and determined by Members.

The Leader of the Council (Councillor Stock OBE) also declared an Interest in this matter insofar as he was this Council's Member representative Company Director on the Board of Freeport East Limited.

It was reported that, at its meeting held on 25 March 2022, Cabinet had resolved (minute no. 151 referred) that:

- *the Leader and Officers participate in the governance proposals set out in the Full Business Case for Freeport East on the principle that Tendring District Council becomes a member of the body set up to govern Freeport;*
- *any decision to formally become part of the governing body would be taken by the Leader, in accordance with previous delegations, following consultation with his Portfolio Holder Working Party; and*
- *it approves the Leader of the Council appointing a Member representative to that governing body.*

Subsequently, having considered the recommendations made by the Freeport East Portfolio Holder Working Party, at its meeting held on 31st August 2022, the Leader had made the following Executive Decision on 17th October 2022, namely that:

- i) Tendring District Council joins the Freeport East Company as a founding Member;*
- ii) Tendring District Council enters into a Members' Agreement with other partner organisations in Freeport East; and*
- iii) The Leader of the Council is to join the Board of the Company as the Member representative Company Director from Tendring District Council.*

Council was made aware that Clause 16 of the Articles of Association provided for Alternate Directors to be appointed by any Public Sector Director (the Appointor) who was an officer or employee, or an elected member, of their appointing Member as an alternate. Each alternate would be appointed to exercise the Appointor's powers and to carry out the Appointor's responsibilities. The appointment or removal of an Alternate must be effected by notice in writing to the Company signed by the Appointor. Such appointment or removal would take effect when the notice was received by the Company or on such later date (if any) specified in the notice. The Board would be responsible for registering any Alternate Directors at Companies House.

Council was informed that the Leader of the Council had decided, in acting as a Director of the Company that he wished to appoint Ian Davidson, Chief Executive as the Alternate Director. However, this proposal required the endorsement of Full Council in accordance with Part 3.4 of the Constitution, Schedule 1, Responsibility for Local Choice Functions i.e.

Full Council had delegated the authority to the Chief Executive for the appointment of any individual –

- (a) to any office other than an office in which they are employed by the authority;*
- (b) to any body other than –*
 - (i) the authority;*
 - (ii) a joint committee of two or more authorities; or*
- (c) to any committee or sub-committee of such a body.*

and the revocation of any such appointment.

However, it was appreciated that the Chief Executive could not exercise those powers for his own appointment(s) and therefore it was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

RESOLVED that Full Council endorses the appointment of Ian Davidson, acting as Chief Executive of Tendring District Council, as Alternate Director to Freeport East Ltd.

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.

One question on notice had been submitted by a Member for this meeting as set out below.

Councillor Bill Davidson asked Councillor Carlo Guglielmi, the Portfolio Holder for Corporate Finance and Governance:

“Will the Portfolio Holder for Corporate Finance and Governance please advise the Council of:

- (a) the amount that TDC received from the Government in revenue support grant for the year 2013-14; and*
- (b) the amount that TDC received from the Government in revenue support grant for the year 2022-23?”*

The Corporate Finance and Governance Portfolio Holder replied as follows:-

“Thank you, Councillor Davidson, for your question.

The Revenue Support Grant received in 2013/14 was £6.720 million.

The equivalent funding received in 2022/23 is £444,000.

It is also worth taking this opportunity to echo the comments made at the meeting of Cabinet on 4 November.

In terms of responding to the financial challenges we are facing, we are doing this in a very open, honest, and inclusive way, and will be engaging with all Members throughout the budget setting process, as I had already announced at the Cabinet meeting of 7th October.

What won't be helpful is looking back to reflect on politics from 10 years ago, especially as translating historic decisions in the context of the issues we currently face today, would largely be based on conjecture.

As it has always been my view and firm belief, we need to look at the position that is in front of us. In February we will therefore make the necessary recommendations to the Budget meeting, by very much having the Council's financial sustainability at the heart of any decisions we need to take.”

58. URGENT MATTERS FOR DEBATE

No urgent matters had been submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p) for this meeting.

59. 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 25 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

60. **EXEMPT MINUTES OF THE MEETINGS OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON THURSDAY 7 JULY AND TUESDAY 11 OCTOBER 2022**

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 Thursday 7 July and Tuesday 11 October 2022.

The Meeting was declared closed at 9.03 pm

Chairman