

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 28TH NOVEMBER, 2023 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Scott (Chairman), Casey (Vice-Chairman), Alexander, Amos, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, A Cossens, M Cossens, Davidson, Doyle, Everett, Fairley, Ferguson, Fowler, Griffiths, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Kotz, Land, McWilliams, Morrison, Newton, Oxley, Placey, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Turner, White and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Lee Heley (Corporate Director (Place & Economy)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Madeline Adger (Leadership Support Manager), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

63. SILENT TRIBUTE

The Chairman of the Council (Councillor Gary Scott) led the Council in a silent tribute to the memory of former Councillors Robert Bucke and Peter Cawthron who had both recently deceased.

64. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Baker, Codling, Guglielmi, Platt and Thompson.

65. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was moved by Councillor Scott, seconded by Councillor M E Stephenson and:-

RESOLVED that the minutes of the ordinary meeting of the Council held on 26 September 2023 be approved as a correct record and be signed by the Chairman.

66. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members on this occasion.

67. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that, since the last meeting of the Full Council on 26 September 2023, he had attended the following civic events:-

3rd October – Tendring Youth Awards 2023

5th October – Tendring for Growth Awards

13th October – Baby Loss Awareness event

16th October – Grand Opening ceremony for the Little Pals Forest School Nursery

17th October – Clacton Carnival presentations
27th October – Baby Loss Awareness Tree Planting
28th October – Clacton Lions Charter Night Dinner
29th October – Halloween Judging at Elmstead Market
30th October – Launch of Civic MoU with University of Essex
11th November – Armistice Day Service at Alresford
12th November – Remembrance Sunday Parade & Service at Clacton Town Hall and seafront Memorial Gardens
18th November – Victorian Christmas market for Charity
21st November – Latimer presentation to CVST
23rd November – Pride of Tendring Awards Judging Panel

The Chairman invited Members to join him in the Chairman’s Parlour after the meeting for Mince Pies and refreshments.

68. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive made the following announcement:-

“Mr. Chairman, Members, I need to inform Council that, due to unforeseen circumstances, two meetings have needed to be cancelled.

With the approval of the Chairman of the Standards Committee (Councillor Michael Talbot), the formal meeting of that Committee due to have taken place on Wednesday 6th December 2023 has been cancelled and will be re-arranged in due course for early in the New Year. However, we are still hoping to provide Committee Members with the planned training on conducting Standards Hearings but, unfortunately, Officers will not be in a position to confirm this until tomorrow morning at the earliest.

In addition, with the approval of the Chairman of the Review of the Constitution Portfolio Holder Working Party (Councillor Mark Stephenson), the meeting of that Working Party which was due to be held tomorrow afternoon has been cancelled.

The business that would have been transacted at that meeting will be re-arranged for the next meeting of the Working Party which is due to be held on Wednesday 13th December 2023.

Thank you, Chairman.”

69. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council stated that he had also attended a good number of meetings on behalf of the Council. Particular highlights had included the Tendring Youth Awards and the signing of the Memorandum of Understanding with the University of Essex.

70. STATEMENTS BY MEMBERS OF THE CABINET

Portfolio Holder for Leisure & Public Realm

The Portfolio Holder for Leisure & Public Realm (Councillor Barry) updated Council on his activities over the last six months. One priority had been to deliver a Leisure and Activity Strategy for the District. He stated that he had worked diligently with Officers

and in consultation with relevant partners to lay the groundwork for an inclusive and far-reaching approach that would improve health and well-being opportunities for all of the District's residents. Work on a delivery framework for that Strategy was also at an advanced stage.

He went on to state that he intended to revive the Tour de Tendring cycle event in May 2024. It had last taken place in 2019. This was an open, mass participation event and it would be expanded to have starts in both Dovercourt and Clacton that would hopefully enable even more people to take part. There was also an intention to utilise the relationship with the Arts Council to enhance the event with some Street Theatre and entertainment on the day.

Councillor Barry also took the opportunity to pay tribute to the professionalism of staff at Walton and Dovercourt Leisure Centres who had intervened on separate occasions to provide CPR and use the defibrillator to save the lives of two individuals who were suffering heart attacks. He commended the calmness and quick thinking of these employees in very difficult and challenging circumstances. Those officers were Sam Wilkinson, Glen Alston, Jane Hodges and Alan French (Walton Leisure Centre) and Cheryl Williams, Tom Crane and Sam Norman (Dovercourt Leisure Centre).

Councillor Barry then responded to questions asked by Councillors J Henderson and Fairley.

71. PETITIONS TO COUNCIL

No petition had been received, in accordance with the scheme approved by the Council, on this occasion.

72. 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.

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

73. REPORT OF THE LEADER OF THE COUNCIL - A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

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

(1) Accept Swimming Pool Support Fund Allocation from Sport England

It was reported that, on 9 October 2023, the Assistant Director (Economic Growth, Culture and Leisure) (Mike Carran), acting on behalf of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny

Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision relating to the Swimming Pool Support Fund allocation from Sport England, would be exempted from the call-in procedure.

The Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision had been as follows:-

"To accept funding to the value of £388,717 from the Government's Swimming Pool Support Fund, as administered by Sport England."

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

"The funding needed to be accepted by the Council by Tuesday 9th October, in order to secure the Government funding. If the Executive Decision was subject to call in, then it would not be possible to accept the funding on time, which would result in the Council missing out on this significant funding."

Background

In the 2023 Spring Budget, the Chancellor announced the Swimming Pool Support Fund (SPSF), making available £60 million for public swimming pool providers. The funding was to be distributed in two phases:

Phase 1 (which this decision refers to) offers £20 million to alleviate immediate cost pressures by providing revenue support, via a competitive grant application process. The SPSF is to fund increased costs associated with the operation of swimming pools for utility and pool chemical costs. Successful bids can receive a minimum of £10,000 and a maximum of £500,000, for all the facilities. The Council has been informed by Sport England that its bid to the fund for £388,717 towards in the increase in costs experienced at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles has been successful.

With that in mind, this decision is to accept the funding, to mitigate against that increase in costs. The funding can only be used to offset increased energy and chemical costs at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles and cannot be passed on to any other provider.

It should be noted that if any of the facilities do not remain open for three years following acceptance, the Council will need to contact Sport England for their approval, or the money could be 'clawed back'. The specific condition in the funding agreement is as below:

- The period during which the Applicant must comply with the terms of this Agreement (including continuing to operate or procure the operation of the Facilities) starts on the date of this Agreement and ends on the third anniversary of the date of this Agreement. The Applicant must obtain Sport England's approval if it wishes to close or limit the availability of any of the Facilities before the end of this period, and Sport England will consider any request for approval in accordance with clause 4.6 of Schedule 3.

clause 4.6 for reference:

Sport England will consider a request for approval under clause 4.4 or clause 4.5 acting reasonably and taking into account the Applicant's plan for the provision of public access to swimming facilities in its local area. The Applicant will provide Sport England with any information that Sport England may request in order to enable it to assess the request."

It was moved by Councillor M E Stephenson and:-

RESOLVED that the contents of the report be noted.

74. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson and:-

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

- (a) Audit of Thursday 5 October 2023;
- (b) Planning Policy & Local Plan of Thursday 5 October 2023;
- (c) Tendring / Colchester Borders Garden Community Joint Committee of Monday 9 October 2023; and
- (d) Human Resources & Council Tax of Thursday 12 October 2023.

75. MOTIONS TO COUNCIL

No Motions on Notice had been submitted in accordance with Council Procedure Rule 12 for this meeting.

76. REFERENCE FROM THE CABINET - A.2 - ADOPTION OF A NEW CORPORATE PLAN FOR THE PERIOD 2024-2028

Council was informed that, at its meeting held on 10 November 2023 (Minute 47 referred), the Cabinet had considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.2), which had sought its approval and recommendation to Full Council, of the final proposals for 'Our Vision' (the Corporate Plan 2024/28) following full consultation with the public, key partners and stakeholders.

It had been reported to Cabinet that the consultation process had included submission to the Resources and Services Overview and Scrutiny Committee, and consultation with residents and key partners (other Local Authorities, health service bodies, Fire & Rescue, Police and voluntary sector) and businesses. The feedback from the consultation process had been summarised within the Leader's report.

It was felt that the final proposals for the Corporate Plan continued to follow the principles which had previously been agreed by the Cabinet, namely a "Plan on a Page" and with Community Leadership at its heart.

Cabinet was informed at their meeting that, through the consultation, there was broad support for the key themes, proposed at the 21 July 2023 meeting of Cabinet namely:-

*Pride in our area and services to residents;
Raising aspirations and creating opportunities;
Championing our local environment;
Working with partners to improve quality of life; and
Financial Sustainability and openness.*

Members had also been made aware that the three themes with the most relevance to the lives of respondents had been: “Pride in our area and services to residents”; “Championing our local environment”; and “Financial Sustainability and openness.”

The consultation outcomes had been set out in Appendix C to the Leader’s report, and based upon the findings and further reflection, some changes to the proposed text for the Themes, including an additional one around Tourism, had been shown in red in Appendix B to the Leader’s report.

The previously agreed timetable for completion of the Corporate Plan had still stood and sought approval by Full Council at this meeting.

In order to ensure that the views of local residents, businesses and partners (as expressed in the consultation findings set out in this report) were fully considered and to then facilitate the adoption of an informed Corporate Plan 2024-28 Cabinet had:-

“RESOLVED that -

- (1) *the outcome of the consultation (set out at Appendix C to the Leader’s report (A.2)) on the emerging Corporate Plan (‘Our Vision’) themes and supporting text, approved on 21 July 2023 (and repeated at Appendix A), be received and considered, including:*
 - a. *The consistently positive relevance of the themes in the emerging corporate plan to respondents and their lives – and particularly the themes around ‘Championing the Local Environment’, ‘Pride in our Area’ and ‘Financial Sustainability and Openness’;*
 - b. *The strong messaging from residents around services provided by partner organisations (including the condition of pavements and roads and access to health services) that underpins the proposed theme of ‘Working with partners to improve quality of life’;*
 - c. *The need to recognise the long term socio-economic necessities around a skilled workforce to sustain and enhance the vibrancy of the District and the consequential needs to promote actions designed to “Raise aspirations and create opportunities” (and the adoption of a Corporate Plan theme around this); and*
 - d. *Almost one third of respondents wishing to see more tourism to further promote our area and boost economic opportunities and almost half of respondents supporting the current levels of tourism to the District which, combined, suggest that there should be a new theme in the Corporate Plan around “Attracting visitors to our District and encouraging them to stay longer” (which itself accords with the Council’s existing Tourism Strategy;*

- (2) *based on (1) above, the final proposals for 'Our Vision', the Corporate Plan 2024/28, as set out in Appendix B be approved and recommended to Full Council for approval; and*
- (3) *Officers be requested to review the Council's Communication Strategy and Community Engagement Strategy and their operation, taking into account the feedback received through the consultation with the public, partners and businesses, with a view to the outcomes being presented to a future meeting of the Cabinet."*

Council had before it a copy of the published Leader of the Council's report (and its appendices) to the Cabinet meeting held on 10 November 2023, which was attached to item A.2 of the Reference from Cabinet.

Councillors M E Stephenson, Bush and I J Henderson addressed the Council on the subject matter of this item.

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council approves and formally adopts the final proposals for 'Our Vision', the Corporate Plan 2024/28, as set out in Appendix B to item A.2 of the report of the Leader of the Council, as submitted to the meeting of the Cabinet held on 10 November 2023 [Appendix 3 to item A.2 of the Reference from Cabinet].

77. **REFERENCE FROM THE CABINET - A.3 - THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS/DISCOUNTS/PREMIUMS FOR 2024/25 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2024/25**

Council was informed that, at its meeting held on 10 November 2023 (Minute 53 referred) the Cabinet had considered a joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.8), which had sought its agreement for recommending to Full Council the following:

- *Local Council Tax Support Scheme 2024/25 (LCTS);*
- *Exceptional Hardship Policy);*
- *Discretionary Council Tax Exemptions, Discounts and Premiums for 2024/25; and*
- *Annual MRP Policy Statement for 2024/25.*

Having conducted the annual review of the above matters, those Portfolio Holders had proposed to Cabinet:-

- (i) to continue with the principles of providing financial stability wherever possible to Tendering claimants;
- (ii) to keep the 2024/25 LCTS scheme the same as for 2023/24, which provided for a maximum discount of 80% for working age claimants;
- (iii) to not make any changes to the associated hardship policy;
- (iv) to not make any changes for 2024/25 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care;
- (v) to now charge from 1 April 2024 a 100% council tax premium on properties empty for one to five years;

- (vi) to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes'); and
- (vii) to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2024/25.

Cabinet had been made aware that the Government was also considering introducing council tax premium exemptions as they had recognised that there were circumstances where it might not be appropriate for premiums to apply e.g. properties undergoing probate. It was understood that those would be mandatory exemptions, which would therefore be applied from 2024/25 alongside any newly enacted legislation.

Members were informed at that Cabinet meeting that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at this Full Council meeting, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

Given the recommendation to continue with the existing LCTS scheme, it had not been proposed at Cabinet to formally refer it for scrutiny to the Resources and Services Overview and Scrutiny Committee, on grounds that it would be considered by Full Council at this meeting.

In order to proceed towards the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement Cabinet had:-

“RESOLVED that Cabinet agrees that -

- (a) *the LCTS scheme for 2024/25 remains the same as the current year (2023/24);*
- (b) *the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and*
- (c) *the discretionary Council Tax exemptions, discounts and premiums for 2024/25 be as set out in the appendices to the Portfolio Holders' joint report.*

RECOMMENDED TO COUNCIL that –

- (i) *the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;*
- (ii) *the Assistant Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;*
- (iii) *the locally determined council tax discounts, as set out in Appendix C, be approved;*
- (iv) *the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;*

- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;*
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;*
- (vii) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder and subject to (vi) above, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2024; and*
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2024/25, as set out in Appendix F, be approved."*

Council had before it a copy of the published Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's joint report (and its appendices) to the Cabinet meeting held on 10 November 2023 as attached to item A.3 of the Reference from Cabinet.

Councillors M E Stephenson, Bray and Harris addressed the Council on the subject matter of this item.

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council approves that –

- (a) the LCTS scheme for 2024/25 remains the same as the current year, as set out as Appendix A to item A.8 of the joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder as submitted to the meeting of the Cabinet held on 10 November 2023 with the maximum LCTS award being 80% for working age claimants [APPENDIX 2];
- (b) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;
- (c) 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 10 November 2023 be approved [APPENDIX 4];
- (d) 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 10 November 2023 be approved [APPENDIX 5];
- (e) 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 10 November 2023 be approved [APPENDIX 6];
- (f) a discretionary council tax premium of 100% is charged on properties occupied periodically ("second homes") from 1 April 2025;
- (g) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder and subject to (f) above, be authorised to undertake the necessary

steps to implement the council tax exemptions, discounts and premiums from 1 April 2024; and

- (h) the Annual Minimum Revenue Provision Policy Statement for 2024/25, as set out in Appendix F to the aforesaid joint report as submitted to the meeting of the Cabinet held on 10 November 2023 be approved [APPENDIX 7].

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

No reports had been submitted to Council by an Overview and Scrutiny Committee for Council's consideration on this occasion.

79. REFERENCE FROM THE PLANNING COMMITTEE - A.4 - REQUEST TO CHANGE THE COMMENCEMENT TIME OF MEETINGS OF THAT COMMITTEE

Council was informed that, the Planning Committee, at its meeting held on 28 September 2023 (Minute 41 referred) had considered, at the request of its Chairman (Councillor Fowler), whether to amend the start time of future meetings of the Planning Committee.

An update sheet had been circulated to Members prior to that meeting with advice from the Council's Monitoring Officer that had stated that the Planning Committee did not have the delegated power and that only Full Council could amend the permanent start time of a Committee's meetings under the Council's Constitution (Council Procedure Rule 35.1 (Ordinary Meetings of Committees)). The Monitoring Officer had also suggested a way forward for the Planning Committee on this matter.

Having discussed the matter, the Planning Committee had resolved, by six votes in favour to one against, that -

- (a) *the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;*

- (b) *the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-*

Tuesday 24 October 2023 commencing at 5.00 p.m.

Tuesday 21 November 2023 commencing at 5.00 p.m.

- (c) *Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.*

It was moved by Councillor Fowler that the permanent commencement time of meetings of the Planning Committee be changed from 6.00 p.m. to 5.00 p.m.

Councillor M E Stephenson moved and Councillor I J Henderson seconded, by way of an amendment, that the proposal from the Planning Committee for its scheduled meetings to commence at 5.00 p.m., rather than 6.00 p.m., be referred to the Review of

the Constitution Portfolio Holder Working Party for its consideration, and recommendation thereon to Cabinet, and thence back to Council for its final determination.

The Leader of the Council (Councillor M E Stephenson) addressed Council on his amendment as follows:-

"I have seen the change proposed by the Planning Committee and I'm actually a great believer that Committees should be able to manage their own business in the way that works best for the Members of those Committees. However, Full Council has approved a schedule of meetings based on a defined start time for Planning Committee Meetings of 6pm. And we should not lightly set aside such decisions. In fact, when other changes in arrangements for the Planning Committee have been considered (such as whether to continue with site visits) we have had a custom and practice of considering these through the Constitutional Review Working Party. I think that route has worked in the past and I think this proposal should be referred there and, via Cabinet, come back here after that Group has considered the proposal. I'm moving that as a proposal because I think we can then try to make sure we give all Councillors the opportunity to reflect on the positives and any negatives of the proposal. In the meantime, as I started by saying, I would hope that we can give the Planning Committee the freedom to regulate its affairs and allow the Chairman to call special meetings at 5pm on the scheduled dates for meetings. I will do my best to bring this matter back to Council at the earliest opportunity following consideration by the Constitutional Review Working Party."

Councillors M A Cossens, Calver, Griffiths, Harris, P B Honeywood and Fowler addressed the Council on the subject matter of Councillor Stephenson's amendment.

The amendment on being put to the vote was declared **CARRIED**.

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

80. REPORT OF THE CHIEF EXECUTIVE - A.5 - TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE - APPOINTMENT OF TDC REPRESENTATIVE (MEMBER FROM A POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET)

Council was aware that, under the jointly agreed terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC must be appointed by Tendring District Council. Those terms of reference for the TCBGCJC had been jointly approved by Essex County Council, Colchester City Council and Tendring District Council (TDC).

This was in accordance with the terms of reference of the TCBGCJC, which were set out in Schedule 5 to Part 3 of the Council's Constitution.

Members recalled also that, at its meeting held on 30 November 2021 (Minute 93 refers), this Council had decided that those three Members would consist of:-

- (i) *the Chairman of the Planning Policy and Local Plan Committee;*

-
- (ii) a member of the Cabinet who will be duly appointed by the Leader of the Council; and*
 - (iii) a Member from a political group that is not represented on the Cabinet.*

In addition, a Member would be appointed, who would act as TDC's Substitute Member of the TCBGCJC when required.

At the Annual Meeting of the Council held on 23 May 2023 (Minute 21 referred) Council had resolved that –

- (a) the appointment of the Chairman of the Planning Policy and Local Plan Committee to serve on the Tendring / Colchester Borders Garden Community Joint Committee be endorsed;*
- (b) Councillor Guglielmi be appointed as the Member from a political group that is not represented on the Cabinet to serve on the Tendring / Colchester Borders Garden Community Joint Committee;*
- (c) Councillor Baker be appointed to serve as this Council's Substitute Member on the Tendring / Colchester Borders Garden Community Joint Committee; and*
- (d) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.*

Subsequently, the Leader of the Council (Councillor M E Stephenson) had appointed Councillor Bush as the member of TDC's Cabinet to serve on the TCBGCJC.

Since that time, Councillor Guglielmi had subsequently become a member of the TCBGCJC by right in his capacity as the recently elected Chairman of the Planning Policy & Local Plan Committee (Minute 10 – 5.10.23 referred). That meant that there was, automatically, a vacancy for a Member from a political group that was not represented on the Cabinet.

It was moved by Councillor M E Stephenson, seconded by Councillor P B Honeywood and:-

RESOLVED that Councillor M A Cossens be now appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee in order to fill the current vacancy.

The Vice-Chairman of the Tendring / Colchester Borders Garden Community Joint Committee (Councillor Bush) welcomed Councillor Cossens to the Joint Committee.

81. REPORT OF THE CHIEF EXECUTIVE - A.6 - RESIGNATION OF COUNCILLOR IAN LENNARD

The Chief Executive formally reported that, on 3 November 2023, Councillor Ian Lennard had resigned as a Member of Tendring District Council. In his letter of resignation, he had wished all Members, and Officers, the very best in the Council's continuing important work.

The relevant declaration of vacancy in the office of District Councillor for the Bluehouse Ward had been given and the formal Notice of the vacancy had been posted at the Town Hall and on the Council's website.

The Chief Executive further informed Council that, if the by-election was contested, the Poll would take place on Thursday 11 January 2024.

Council noted the foregoing.

82. REPORT OF THE CHIEF EXECUTIVE - A.7 - APPROVAL OF NON-ATTENDANCE AT MEETINGS

Council was informed that the last meeting, which Councillor Codling had attended, had been that of the Miscellaneous Licensing Sub-Committee meeting on 16 August 2023.

It was reported that Councillor Codling had emailed the Committee Services Manager on 11 October 2023 to inform the Council that, unfortunately due to health issues, he would be unable to attend Council et cetera meetings for the next three to four months i.e. until mid-January 2024 at the earliest.

Council was reminded that, if a Councillor did not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualified them unless the Full Council had approved the reason for non-attendance before the end of that period.

In the event that Council did approve his non-attendance, Councillor Codling would need to attend a meeting of Council, or a Council Committee, before 16 August 2024 in order to remain a Councillor (or otherwise be subject to a fresh approval of absence by Council prior to that date).

Members were made aware that this report could have been submitted to the Full Council meeting, due to be held on 30 January 2024, as that meeting was the last scheduled meeting of the Full Council before the six-month period expired, however, it had been submitted to this meeting of Full Council, in case that January meeting should need to be cancelled, for example, as a result of Winter bad weather, or a lack of business.

It was moved by Councillor M E Stephenson, seconded by Councillor P B Honeywood and:-

RESOLVED that the Council approves Councillor Codling's reason (namely health issues) for non-attendance at meetings of the Council in the event of his not attending a meeting before 16 February 2024.

83. REPORT OF THE CHIEF EXECUTIVE - A.8 - MEMBERSHIP OF COMMITTEES & DEPUTY LEADER OF THE LABOUR GROUP

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

Audit Committee

Councillor Pam Morrison had been appointed to serve in place of former Councillor Ian Lennard.

Planning Committee

Councillor Lynda McWilliams had been appointed to serve in place of Councillor Jeff Bray.

Planning Policy & Local Plan Committee

Councillor Maria Fowler had been appointed to serve in place of former Councillor Ian Lennard.

In addition, the Chief Executive formally reported that Councillor Peter Kotz was the new Deputy Leader of the Labour Group in the stead of former Councillor Ian Lennard.

Council noted the foregoing.

84. **REPORT OF THE CHIEF EXECUTIVE - A.9 - RESIGNATIONS FROM THE CONSERVATIVE GROUP AND THE FORMATION OF A NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL**

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeffrey Bray and Peter Harris on 20 November 2023, had each served formal notice on the Council that they no longer wished to be treated as a member of the Conservative political group.

He further formally reported that, also on 20 November 2023, Councillor Bray and Councillor Harris, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was to be the Tendring Residents' Alliance Group. The Leader of the Tendring Residents' Alliance Group was to be Councillor Bray and Councillor Harris was to be the deputy Group Leader.

Council was informed that, 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 would be carried out. The outcome of that review, as agreed by Group Leaders, would be reported to the next ordinary meeting of the Full Council, which was due to be held on 30 January 2024.

Council noted the foregoing.

85. **REPORT OF THE MONITORING OFFICER - A.10 - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDING**

Council was reminded that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or

omission had given rise to maladministration. This report concerned an omission that the Local Government and Social Ombudsman ('the Ombudsman') had determined was maladministration.

It was reported that the complaint concerned the way the Council had handled a planning application for the change of use of land near the complainant's home. The Ombudsman's conclusion on this point was that there had been no fault in the Council's consideration of the change of use application. However, the Ombudsman had found fault in the Council's failure to include a specific condition limiting activities around that new use of the site.

The Council had acknowledged the frustration and uncertainty caused to the complainant by the failure to attach the specific condition referred to above. The Council had also reaffirmed its commitment to investigate any noise nuisance complaints, which might arise from the land with the approved change of use.

No financial payment had been made to the complainant in respect of the finding and the Ombudsman had not recommended such a payment.

Council noted the foregoing.

86. 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.

No such questions had been submitted for this meeting of the Council.

87. 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.

88. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson 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 26 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.

• EXEMPT MINUTE OF THE MEETING OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON THURSDAY 12 OCTOBER 2023

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

RESOLVED that the exempt minute of the meeting of the Human Resources & Council Tax Committee held on Thursday 12 October 2023 be received and noted.

90. SEASONAL SALUTATIONS

The Chairman of the Council (Councillor Scott) wished everyone a Merry Christmas and a prosperous New Year. He hoped that everyone would have a wonderful time during the festive season.

The Meeting was declared closed at 8.27 pm

Chairman