

Public Document Pack

Council

19 March 2024

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 19TH MARCH, 2024 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, Baker, Barrett, Barry, Bensilum, Bray, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Davidson, Doyle, Everett, Fairley, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Kotz, McWilliams (except items 139 - 148), Morrison, Newton, Oxley, Placey, Platt, Skeels, Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Turner and White
In Attendance:	Ian Davidson (Chief Executive)(except item 144), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer)(except item 144), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer)(except items 139 - 148), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durrant (Committee Services Officer), Bethany Jones (Committee Services Officer) and Simon Kedge (Casual Technician (Princes Theatre))

123. COUNCILLOR JIM CODLING

The Chairman of the Council (Councillor Scott) welcomed the return to Full Council of Councillor Codling following his prolonged period of ill health. The Chairman then led Members in a round of applause.

124. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillors Bush, Ferguson, Land, Thompson and Wiggins.

125. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was **RESOLVED** that the minutes of the Budget and Council Tax setting meeting of the Council held on 13 February 2024 be approved as a correct record and be signed by the Chairman.

126. DECLARATIONS OF INTEREST

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

127. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council updated Members on his recent attendance at the:-

- (1) Raising of the Commonwealth Flag at the Town Hall; and

(2) Chairman's Charity Quiz held in Alresford.

128. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

129. STATEMENTS BY THE LEADER OF THE COUNCIL

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

130. STATEMENTS BY MEMBERS OF THE CABINET

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

131. 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 as follows:-

"Chairman, Councillors and members of the public, I am delighted to present to you this year's State of Tendring address. This statement is intended to give you an overview of some of the Council's achievements over the past year and from my time as the Leader, since May last year. As you will all be aware there were a number of changes in the May 2023 elections and for some of you this is your first time as an elected District Councillor, so this is an opportunity to reflect on the journey we have been on over the past months as well as to consider the priorities and challenges that lay ahead.

Being an effective Councillor requires both commitment and hard work and as Councillors each of us represents our community and the interests of our residents and we should not understate our role in representing and doing the right thing for Tendring. Being an elected member is both rewarding and a privilege. It is undeniably a great honour to have the trust of residents placed into our hands, and we are all in a position to make a difference in the quality of other people's daily lives and the prospects they have. I believe we lead the way in Tendring, with innovative solutions, single-minded positivity, matched with a 'can-do' attitude, as we aim to work with our many partners, nationally, regionally and locally.

Every effective administration should clearly define its priorities for the duration of its term. I trust that you are all familiar with these priorities, as the new Administration collaborated to formulate and establish a new Corporate Plan, called Our Vision. This plan outlines the Council's vision and key objectives for the forthcoming four years and last week the detail for our first year was approved by Cabinet and gives more detail on how we aim to deliver on those priorities.

I bring up the Corporate Plan because we have made extensive efforts to engage with the residents of Tendring to fully grasp what matters to them, and what doesn't. This Corporate Plan serves as a blueprint for all councillors, outlining the desires and priorities of the residents. With this in mind, I would like to highlight some of the progress and achievements we've made since May 2023.

Undoubtedly, the levelling up funds have been a top priority. Work has commenced to deliver the Levelling Up Fund in Clacton, with the demolition of Carnarvon House paving the way for new homes and an overhaul of the car park. Collaborating with Essex County Council, plans are underway to rebuild the library and introduce adult community learning, while the University of Essex's Centre for Coastal Community is set to establish a base in the new hub.

Furthermore, Capital Regeneration Projects in Dovercourt are underway, where consultation has taken place ahead of improvements to Kingsway, to transform the look and feel of the town centre, and design work to bring the integration of adult community learning into the library has progressed.

The Levelling Up Partnership will provide £20m of capital funding next year pending final approval by Ministers. Government officials are to decide on the investment package following detailed discussions with the Council and partner organisations across the District during the early part of this year. We look forward to hearing their forthcoming final proposals shortly.

Next, we have the Long Term Plan for Towns, allocating an additional £20 million over a ten-year span, with a focus on Clacton. This plan aims to inject much-needed investment into Clacton Town Centre. To spearhead this initiative, we've established a new Town Board for Clacton, comprising community leaders, business figures, and local groups, all working collaboratively to shape the town's future and oversee the plan's implementation. Despite stringent government timelines, our diligent officers have managed to organise its inaugural meeting, scheduled for next week, and likely to be the first in the country.

Finally, we come to the High Street Accelerator initiative which provides £237,000 for Dovercourt town centre improvements, and this will be formally launched at a family fun day on Saturday, March 30. Notably, while these funds are administered by TDC, the voluntary sector, private sector, and residents play a crucial role in determining where these funds are directed. Additionally, we are in the process of bidding for a further £500,000 extension of this scheme, with hopes of delivering some positive news in the near future.

Chairman, I'm sure you'll agree that we have a lot happening within the framework of Levelling Up. However, there's much more in the pipeline. I'm referring specifically to the Tendring Colchester Borders Garden Community (TCBGC) project, which is another significant endeavour being undertaken by TDC. For those that can recall, the Development Plan Document (DPD) for the Garden Community was submitted to the Secretary of State in September 2023, following two rounds of formal public consultation.

The Submission Version of the DPD is a Plan containing policies, standards, and an indicative masterplan layout that will shape the growth of a planned new settlement between Colchester, Ardleigh and Elmstead Market, which forms part of the adopted Local Plans for Tendring and Colchester; and which will deliver around 7,500 new homes and opportunities for employment over the next 30 to 40 years.

A Government Planning Inspector has been appointed to examine the DPD which will involve considering all the evidence and assessing if the DPD is sound and compliant with local and national planning policy. The Inspector will be conducting a public hearing

this May before coming to their conclusions. Once the Plan is formally adopted, any future planning applications to develop the Garden Community will be determined by the Joint Committee in line with the policies set out in the Plan.

It feels an appropriate time to mention that the Council has now kick-started the review of its Local Plan to ensure our blueprint for the future growth of Tendring and the rule book for determining planning applications remains up to date, aligns with government thinking and gives us the best chance to shape the future of our District, ensuring high-quality development at the right time and in the right place. Reviewing and updating the Local Plan is also critical in ensuring the District is protected from unwanted harmful and speculative development and that our natural and historic environment can continue to be protected and enhanced.

Speaking of which, our District enjoys a wealth of attractive and historically significant buildings and areas worthy of special protection. Tendring has twenty "conservation areas", which are defined as "areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance".

In line with the Council's Heritage Strategy, a series of "character appraisals and management plans" have been produced for each of the twenty conservation areas in Tendring through joint working between our Planning Officers and heritage experts in Essex Place Services. Following public consultation, we are now in the process of formally adopting these documents and so they are "material planning considerations" when considering development proposals within the conservation areas.

Continuing on the theme of planning and housing, I'd like to provide an update on two housing projects currently in progress. Firstly, Spendells House in Walton-on-the-Naze is undergoing conversion by TDC into temporary accommodation, aimed at housing individuals and families experiencing homelessness. The existing two-story accommodation is undergoing renovations with additional facilities being added, resulting in a total of 32 flats, including one designed to be wheelchair accessible. There will also be flexibility to connect certain flats to accommodate larger families. This new facility at Spendells House will address the urgent need for emergency accommodation, reducing our reliance on costly bed and breakfast options for those in need. This initiative offers improved support for individuals in difficult circumstances by keeping them closer to home and ensuring a minimum standard of quality.

Furthermore, plans are underway to construct 13 bungalows and a flat in Lawford for older residents, along with a community building at the Honeycroft site in Waldegrave Way. Repurposing this site demonstrates a positive use of council assets. Revitalising Honeycroft and providing quality housing for our residents will significantly benefit the community and contribute to addressing our priorities. Funding for these projects is sourced from the Council's housing budget, with costs being recouped over a 30-year period.

Moving on and Freeport East continues to progress, with the limited company which will drive this forward, creating a hub for global trade and regeneration. Freeport East was formally designated by the Government in January 2023, taking a huge step forward in the drive to create 13,500 new jobs in the region and transformational change. Work has already started through the Tendring Future Skills Partnership to discuss the skills and roles of the future which are likely to be created as part of this project.

Chairman, while I believe I've highlighted the major ongoing projects in Tendring, there are plenty of smaller yet equally significant endeavours deserving recognition. These projects collectively contribute to making Tendring a truly remarkable place to live and I wanted to highlight a few tonight.

Let's start with the completion of the new Orwell Place, designed as both a community space and a car park. This transformative project, utilising the former Starlings garage and the site of the Queens Head Hotel, which was destroyed by fire a few years ago, now offers 51 car parking spaces, an events area, and public toilets, all within an inviting landscaped setting. Despite cost pressures and unforeseen challenges, the project has been successfully concluded, standing as a testament to the Council's unwavering determination and a triumph for both the Council and the District.

The Economic Growth team has successfully delivered the Sunspot project. It features 24 affordable business units, a covered market, a café, public toilets, and meeting rooms, complemented by a community garden, bus shelter, and event space. This development marks a significant step in Jaywick Sands' regeneration, offering a much-needed facility that addresses both the business community's requirements and those of the residents. Notably, the Sunspot has garnered attention in the architectural realm, earning recognition as one of the top 5 buildings in 2023 by the Observer and receiving high commendation in the MacEwen Award 2024, an annual award recognising architecture for the common good.

Regarding business, it's no secret how deeply the Council values local enterprises and their impact on the community's economy. Last October, under the Tendring4Growth banner, the Council delivered a comprehensive two-week event featuring jobs and skills fair and an awards ceremony, spotlighting the diverse range of exceptional businesses in the Tendring District. Feedback was overwhelmingly positive, and our efforts persist through regular newsletters, updates, and smaller events year-round.

The team has also delivered £1.84m in Business Adaptation Grants, expanded the Tendring 4 Growth brand including awards, administered the UK Shared Prosperity Fund and the Rural England Prosperity Fund, all while supporting businesses and partners. Let's not forget that they also wrote two successful Levelling Up bids, mentioned earlier, in line with the long-term plans for the area. I hope all this demonstrates to the business community that Tendring is open for business.

Residents voiced strong support for the Clacton Airshow in our recent consultation. The 2023 event, drawing approximately 250,000 visitors, boasted one of England's largest flight lineups, including a stunning twilight show. An economic assessment revealed its value to our local economy at around £12 million. Feedback from businesses, visitors, and locals highlighted the event's positive impact, generating excitement and pride in Tendring. Understanding its significance, we proudly announced in January our commitment to hosting the Airshow until 2027, ensuring its continuation as a cherished tradition in our District.

Tonight, I'm also proud to showcase our revamped theatre, a gem in our District. Its recent redecoration, swapping the tired salmon pink for classic theatre hues, enhances its charm. The investment is justified, with over 14,500 attendees at our record-breaking pantomime, Aladdin, during Christmas. Ticket sales surpassed the previous year by £10,000, with glowing five-star reviews echoing the joy on our audience's faces. This success reaffirms our commitment to enriching cultural experiences for our community.

Finally, the newly refurbished £250,000 concrete Clacton Skate Park opened to the public in August and has been a hugely popular facility for local people. Skate Park users were able to add their input to the specification of works and as such, influenced the finished product, which added a new free to use high quality facility for our young people.

It would take a lot longer to list all of our achievements in what has been a very busy year so far and it looks like next year is just as exciting and will deliver more for residents as our new leisure and well-being strategy, currently out for consultation, will drive our ambition to encourage everyone to be more active. That strategy is designed with our partners in mind and where would we be without them?

I am extremely proud of Tendring's ability to work with partners to build strong deliverable relationships for the good of residents and so much has been achieved. Do not just take our word that we are achieving success; there are plenty of examples of national recognition and I am happy to list a few.

The Council has achieved four Green Flags for Parks and Gardens including Clacton Seafront Gardens, Weeley Crematorium and Gardens, Cliff Park in Dovercourt and Crescent Gardens in Frinton.

Alongside this, seven beaches in Tendring have been handed prestigious awards by Keep Britain Tidy – including four of the top Blue Flags for the first time in eight years.

Two new beaches along the Essex Sunshine Coast have been awarded the prestigious Blue Flag for 2023, at Frinton and Walton-on-the-Naze's Albion beach. Brightlingsea and Dovercourt Bay also retained their Blue Flag status. We are currently waiting on the 2024 results.

In addition, Brightlingsea, Harwich, Frinton, Walton-on-the-Naze's Albion and Naze beaches, and Martello Bay in Clacton have all been given Seaside Awards in recognition of their quality.

Twenty-eight Tendring car parks have received top safety accreditation awards and achieved The Safer Parking Award Scheme, Park Mark.

The Council has also been awarded Gold Accreditation in recognition of its work supporting the Armed Forces as part of the Ministry of Defence Employers' Recognition Scheme. This scheme publicly recognises employers' efforts to support defence personnel issues, such as employing reservists and veterans. These awards celebrate our initiative, hard work and dedication to improving services.

Career Track had its OFSTED Inspection towards the end of last year and I am so proud that the team achieved GOOD in every category. This reflects the dedication, professionalism and hard work of the Assessors, alongside the fantastic contribution to public services and businesses across Tendring and North East Essex.

We have also recently heard that we have been shortlisted for a Local Government Chronicle award for our health initiative with Tendring Pedal Power and two PPMA awards. We will find out the results of this application later in the year (in June).

Our Community Leadership work continues to expand and fits into three key strands namely Health, Education and Community Safety.

The Tendring Education Strategic Board has brought together Headteachers and education professionals from Essex County Council Tendring Officers to prioritise key issues for young people and schools. Three priorities have been identified for this year, including school attendance, the curriculum and skills. All of this work aims to support our young people to reach their full potential and provide as many opportunities as possible.

We recently held a STEAM event (Science, Technology, Engineering, Art and Maths) bringing Year 6 Primary Pupils to the Town Hall to meet local businesses and have hands-on experiences. There were definitely some budding builders, engineers and health professionals in the room, and it was a pleasure to see the children's enthusiasm.

We are proud to have worked closely with health colleagues and to have been able to support the Clacton Hospital Diagnostics Hub. A fantastic local service to residents and we recently heard from the Chief Executive of the Integrated Care Board that over 250,000 procedures have been completed at the hub since its opening including CT and MRI scans, X-rays, Lung capacity tests and blood tests. This also means that there have been 250,000 fewer journeys to and from Colchester Hospital for Tendring residents, alongside the creation of 100 new jobs for local people.

Amidst our achievements, it's crucial to briefly acknowledge looming challenges. Our budget confronts mounting pressure, necessitating £3 million in savings over the next three years and tough decisions are undoubtedly ahead. Both nationally and locally, we are tackling the cost-of-living crisis, housing shortages, the implications of a new Government, climate change, and significant industrial action in transport and healthcare. Whilst internationally, conflicts persist in various countries around the world. Yet, rather than dwell on these challenges, I would rather look at what has already been achieved.

Finally, but by no means least I'd like to extend my gratitude to our remarkable staff who consistently go above and beyond their duties. Their dedication ensures that the essential tasks we often take for granted, considered part of our everyday operations, are successfully carried out. At our recent Tendring STARS event, I had the privilege of acknowledging the outstanding contributions of our staff throughout the Council.

A notable example of their commitment was demonstrated when our Sports Facilities team received commendations from the East of England Ambulance Service for their lifesaving efforts in two separate incidents last year. Their swift and decisive action, including performing CPR, resulted in two individuals returning home to their families that night. We should all take immense pride in their exemplary actions.

And so, Chairman, to conclude:

The Council continues to face many challenges in Tendring, and I urge Members to carry on contributing positively to address issues and problems as they arise. There will be difficult decisions to make; it is likely that we will have to look at different ways of delivering services that will not be easy.

Chairman, it was once said that a week is a long time in politics, so it should come as no surprise that even though the Administration has been in place since May 2023, so much has happened both locally and nationally. Tendring District Council has shown that we can rise to challenges, through sound financial management, embracing new ways of working, the ability to adapt and change our plans in often rapid circumstances and our work with partners. We must always remember that we are merely custodians of this great District and that we are here to support and deliver for the residents of Tendring.

Thank you, Chairman.”

Members showed their appreciation for the Leader’s Statement with a round of applause.

Councillors Harris, Guglielmi, P B Honeywood and Calver addressed the Council during the debate on the Leader of the Council’s Statement. Councillor M E Stephenson responded to the points made by those Members.

132. PETITIONS TO COUNCIL

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

133. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

One such question had been received, on notice, from a member of the public as follows:-

Question

From Katie Richards of the Laughing Lobster Club Wild Swimmers (262 members), on behalf of that Club and also Mental Health Swims Holland-on-Sea (212 members), Bluetits Swimmers, Clacton-on-Sea (over 1k members) and the Tendring Wanderers walking group (678 members) to Councillor Peter Kotz, Portfolio Holder for Assets:

“Will the Portfolio Holder for Assets agree to open one additional toilet all year round in Clacton-on-Sea (Russell Road site) and that one additional toilet be opened all year round in Holland-on-Sea (Kingscliff site)?

This would reflect the many more people now using our beautiful seafront to improve their physical and mental wellbeing. The people this would benefit includes sea swimmers, cyclists, joggers, walkers, dog walkers, all local residents and of course our visitors whom we highly value bringing trade to the local area. Having these two additional toilets open along the seafront through the winter season would mean there would not be too far between facilities (and nearby to our swim/walk locations). This would be such a relief for so many of our members and enable people to spend more time outdoors, rather than having to rush home and cut short their activities.”

The Chairman of the Council read out the following statement to Members:-

“Councillors, we have on our Agenda this evening a Question to the Portfolio for Assets (Councillor Kotz) that has been submitted by Katie Richards of the Laughing Lobster Club Wild Swimmers, on behalf of that Club and also Mental Health Swims Holland-on-Sea, Bluetits Swimmers, Clacton-on-Sea and the Tendring Wanderers walking group.

Unfortunately, Katie is unable to attend this evening due to her family commitments. However, having considered her request and pursuant to Council Procedure Rule 29 (Interpretation of Procedure Rules) I am making a ruling as to the construction or application of Council Procedure Rule 10.7 so as to allow another member of the public to ask the question on Katie’s behalf.

I therefore cordially invite Kim Wilson to now come forward and ask the Question.”

Kim Wilson thereupon put the question to the Portfolio Holder for Assets.

The Portfolio Holder for Assets replied as follows:-

“Thank you Mr. Chairman. I thank Katie Richards for giving notice of her question and I also thank Kim Wilson for asking the question at the meeting tonight.

The Public Health Act 1936 gives local authorities a power to provide public conveniences, but it imposes no duty on them to do so: the service is discretionary.

Tendring District Council currently provides 28 public conveniences with 18 open year-round in addition to 8 Changing Place facilities.

A comprehensive review of public conveniences was conducted in 2016 by the then Commercialisation Portfolio Holder Working Party. Recommendations included to reduce annual revenue budgets by the agreed closure or seasonal closure of a number of sites across the Tendring District.

Sites identified for closure or seasonal closure were highlighted to be of low use, to be in disrepair due to aging infrastructure or subject to antisocial behaviour.

These factors contributed to higher maintenance and cleaning costs and made certain sites a target for vandalism and drug taking.

Following that review, a public convenience strategy was adopted in 2017 which included the agreement for closures or seasonal closures. The strategy also allowed the Council to follow a schedule of refurbishments in remaining sites and to meet, the then Council’s vision, for providing high quality and affordable services. This could not be provided at that time if all sites were to remain or be opened all year-round.

Busy areas of the District such as town centres and popular seafront areas have a facility open all year. The two areas mentioned have a public convenience open all year round less than half a mile away. While we understand the importance of the location of public conveniences it is an impossible task to provide facilities in all requested areas.

The opening of the requested sites would mean four public conveniences open all year round in 1.5 miles of coastline with increased cleaning and maintenance budgets needed to supply this service. It would be hard to justify such a decision having regard

to the overall financial position of the Council and the need to scrutinise and prioritise all expenditure.

Longer standing Members may recall the Council considering a petition to construct new public conveniences in this area at its meeting on 24 January 2023. This was certainly a few months before I became a Member of this Council. Subsequent consideration by the then Cabinet included concern as to the overall financial position of the organisation. The then administration appears to have agreed on the need to consider the requested increase in provision within the context of a review of the public conveniences strategy including the needs of all parts of the District and a wide view of priorities.

While there is no will at this point to change the opening hours of the public conveniences there is a review planned this year of all facilities and the current strategy where all options and proposals will be considered. We will, of course Mr. Chairman, continue to provide the best services we can to the best of our capabilities.”

134. REPORT OF THE LEADER OF THE COUNCIL - 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 would receive a report from the Leader of the Council which would notify 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.

There was no such report required of the Leader of the Council on this occasion.

135. 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) Human Resources & Council Tax of Monday 26 February 2024; and

(b) Planning Policy & Local Plan Committee of Tuesday 27 February 2024.

136. MOTIONS TO COUNCIL

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

137. REFERENCE FROM THE CABINET - A.1 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2024/25 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

Council considered a Reference Report (A.1), which enable it to review and approve the Annual Capital and Treasury Strategy for 2024/25 (including the Prudential and Treasury indicators).

Members were informed that, on 12 March 2024 (Minute 104 referred), the Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder in relation to the Annual Capital and Treasury Strategy for 2024/25 (including the Prudential and Treasury Indicators).

At that meeting it had been:

“RESOLVED that Cabinet –

- a) *notes the contents of the attached earlier Officer report to the Corporate Finance and Governance Portfolio Holder; and*
- b) *agrees the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) and that it be submitted to Council for approval.”*

A copy of the published Corporate Finance and Governance Portfolio Holder’s report to the Cabinet meeting held on 12 March 2024, together with the Annual Capital and Treasury Strategy 2024/25, were attached as appendices to the reference report (A.1).

Councillor Guglielmi addressed the Council on the subject matter of this item.

It was moved by Councillor M E Stephenson and:-

RESOLVED that the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) be approved.

138. REFERENCE FROM THE CABINET - A.2 - REQUEST TO CHANGE THE COMMENCEMENT TIME OF MEETINGS OF THE PLANNING COMMITTEE

Council was aware 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. The Planning Committee had been made aware that it 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)).

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.*

Full Council had duly considered that request at its meeting held on 28 November 2023 (Minute 79 referred). Following debate, Council had resolved 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.

It was reported that in accordance with that decision of Full Council this matter had been referred to the Review of the Constitution Portfolio Holder Working Party at its meeting held on 13 December 2023. The Working Party had decided at that time that all Members of the Council be surveyed as to which of the following options for the start time of Planning Committee meetings they supported and that they be requested to give their reasons as to why they had supported that option:-

- (1) afternoon, following the Committee's site visits;
- (2) 5.00 p.m.;
- (3) 6.00 p.m.

The collated results of that survey had been duly reported to the Working Party at its meeting held on 18 January 2024. Having considered and discussed those results the Working Party had decided to recommend to the Cabinet, via the Corporate Finance & Governance Portfolio Holder, that it should endorse the Planning Committee's request.

Cabinet had duly considered that recommendation at its meeting held on 16 February 2024 (Minute 91 referred) and had decided that it would recommend to Full Council:-

"That, in accordance with the outcome of consultation with Members, the commencement time of meetings of the Planning Committee should be amended to 5.00 p.m. and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda."

Councillor M E Stephenson moved that the permanent commencement time of meetings of the Planning Committee be changed from 6.00 p.m. to 5.00 p.m. and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda.

Councillors Griffiths and Everett each addressed the Council during the debate on Councillor Stephenson's motion.

Councillor Everett thereupon moved and Councillor Turner seconded that Councillor M E Stephenson's motion be amended to read as follows:-

"That the permanent commencement time of meetings of the Planning Committee be changed from 6.00 p.m. to 5.00 p.m. and that if a Ward Member / referrer or scheduled public speaker for a planning application so requests, the Officers, in consultation with

the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda."

Councillors P B Honeywood, Harris, Fairley, Bray, Turner, Morrison, Everett and M E Stephenson each addressed the Council during the debate on Councillor Everett's amendment.

Pursuant to the provisions of Council Procedure Rule 16.6(b), Councillor M E Stephenson accepted the alteration to his original motion.

Councillors Harris, Bray, P B Honeywood, M A Cossens, Scott, I J Henderson, Calver, Turner, Doyle, Baker and M E Stephenson each addressed the Council during the debate on Councillor Stephenson's motion, as altered.

Pursuant to the provisions of Council Procedure Rule 19.5, Councillor P B Honeywood, supported by eight other Members rising in their places, requisitioned a record of the voting on Councillor M E Stephenson's motion, as altered. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Baker	Alexander	Barrett	Bush
Barry	Amos		Ferguson
Bensilum	Bray		Land
Calver	Codling		Thompson
Casey	A I Cossens		Wiggins
Chapman BEM	M A Cossens		
Davidson	Fairley		
Doyle	Griffiths		
Everett	Guglielmi		
Fowler	Harris		
Goldman	P B Honeywood		
I J Henderson	S A Honeywood		
J Henderson	McWilliams		
Kotz	Platt		
Morrison	Skeels		
Newton	Turner		
Oxley			
Placey			
Scott			
Smith			
Steady			
G L Stephenson			
M E Stephenson			
Sudra			
Talbot			
White			

Councillor Stephenson's motion was thereupon declared **CARRIED**.

139. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.3 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, Council considered the recommended changes to the Constitution put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for that purpose.

It was reported that, on 16 February 2024 (Minute 91 referred), Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder, which requested it to approve the recommended changes to the Constitution for referral onto Full Council. The main proposals covered a number of miscellaneous amendments to the Articles of the Constitution, Access to Information Procedure Rules, Overview and Scrutiny Procedure Rules, the Financial Procedure Rules, the Webcasting Protocol, the Members' Referral Scheme for Planning Applications (Planning Code & Protocol), the Members' Allowances Scheme, the Functions and Delegated Powers of Portfolio Holders, Committees and Proper Officers and Officer Employment Procedure Rules, in order to ensure the Council's Constitution remained effective, efficient and consistent at an operational level.

A summary of the proposed changes compared to the existing Parts of the Constitution was provided under each heading in the background section of the Joint Report of the Monitoring Officer and the Cabinet (A.3) and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it was in accordance with legislation, where necessary.

Having considered the outcome of the annual review of the Constitution and the Cabinet's recommendations arising therefrom, and in order to enable those recommendations to be approved and adopted:-

It was moved by Councillor M E Stephenson that Council resolved that:

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to L attached hereto the Monitoring Officer's and Cabinet's joint report (A.3);
- (b) Council notes and endorses that a comprehensive review of the Constitution will be undertaken and that it is likely to take place in 2025-2026; and
- (c) Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated.

Councillor Guglielmi addressed the Council during the debate on Councillor Stephenson's motion.

It was moved by Councillor Harris and seconded by Councillor Alexander that Councillor M E Stephenson's motion be amended by the addition of the following new paragraph:-

“(d) that the terms of reference of the Planning Committee and the Members’ Referral Scheme for Planning Applications be amended to allow the relevant Ward councillor(s) (or in exceptional circumstances, a member of the Planning Committee with the approval of the Chairman of the Planning Committee) to ‘call-in’ to the Planning Committee any planning application submitted to remove a Tree Preservation Order.”

Councillors Baker, I J Henderson, Harris and M E Stephenson addressed the Council during the debate on Councillor Harris' amendment.

Pursuant to the provisions of Council Procedure Rule 16.5(e), and following an undertaking given by the Monitoring Officer that the purpose of his amendment would be considered, in due course, by the Review of the Constitution Portfolio Holder Working Party, Councillor Harris withdrew his amendment with the consent of his seconder.

Councillor Bray referenced a further amendment that he had intended to move in relation to the order of business on Planning Committee Agendas. However, in the light of the above, Councillor Bray informed Council that he would now pursue that intention via the Review of the Constitution Portfolio Holder Working Party.

Councillor M E Stephenson's motion, on being put to the vote, was declared **CARRIED**.

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

Council would consider any reports submitted to it by an Overview and Scrutiny Committee.

No such reports had been submitted for consideration at this meeting.

141. REPORT OF THE CHIEF EXECUTIVE - A.4 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, pursuant to the provisions of Section 16(2) of the Local Government and Housing Act 1989 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following change had been duly made since the last ordinary meeting of the Council, namely:-

Councillor Richard Everett had been removed from the membership of the Planning Committee.

That seat remained vacant pending the Council's consideration of matters reported under Minute 143 below.

Council noted the foregoing.

142. REPORT OF THE CHIEF EXECUTIVE - A.5 - CHANGE IN MEMBERSHIP OF POLITICAL GROUPS

The Chief Executive formally advised Council that, prior to the commencement of the meeting of the Full Council held on 30 January 2024 and pursuant to Regulation 10(d) of the Local Government (Committees and Political Groups) Regulations 1990, a majority of the members of the Conservative Group had served formal notice on the Council that they no longer wished Councillor Richard Everett to be treated as a member of the Conservative political group.

The Chief Executive further informed Members that, following that meeting of the Full Council, Councillor Everett had served formal notice on the Council that he wished to be treated as a member of the Tendring Residents' Alliance political group. That notice had been duly counter-signed by the Leader of the Tendring Residents' Alliance Group (Councillor Jeff Bray).

It was reported that Councillors Everett and Bray, via that notice, had informed Officers that they wished to exercise their right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out. The results of that review were reported to Council under Minute 143 below.

Council noted the foregoing.

143. REPORT OF THE CHIEF EXECUTIVE - A.6 - REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS ON THE COUNCIL

Council was aware that, following the formation of the Tendring Residents' Alliance political group (as previously reported to Council at its meeting held on 28 November 2023), the by-election held in the Bluehouse Ward on 11 January 2024 and Councillor Everett's decision to join the Tendring Residents' Alliance political group (following his exclusion from the Conservative political group) a review of the allocation of seats to political groups on relevant Committees and Sub-Committees needed to be carried out in accordance with Section 15(1) (e) of the Local Government and Housing Act 1989 and Regulation 17(b) and (d) of the Local Government (Committees and Political Groups) Regulations 1990.

Council, with the assistance of the contents of the Chief Executive's report (A.6), formally conducted the review referred to above.

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

RESOLVED that -

- (a) Council approves the review of the allocation of places on relevant Committees, as set out in Table 2 of the report (A.6), insofar as it represents the application of the "Principles";
- (b) based on the principles set out in this report, the allocation of places on relevant Committees be as follows in Table 8 (based on Table 4 as amended by Tables 6 & 7 above) on the basis that these apply the principles referred to above;

Table 8

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tending Independents	Tending Residents' Alliance
Audit Committee	5	2	1	1	0	1	0
Community Leadership O & S Committee	9	3	1	1	1	2	0
Human Resources & Council Tax Committee	7	2	1	2	0	2	0
Licensing & Registration Committee	10	3	0	2	1	2	1
Miscellaneous Licensing Sub-Committee	5	2	0	1	0	1	0
Planning Policy & Local Plan Committee	9	3	1	1	1	2	1
Planning Committee	9	2	1	1	1	3	1
Resources and Services O & S Committee	9	3	1	0	1	3	1
Standards Committee	7	2	1	1	1	2	0

(c) Council endorses and approves the appointment of Members to serve on the relevant Committees et cetera, as set out in Appendix 1 to the report (A.6).

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

RESOLVED - (d) that Councillor Casey be appointed to the unallocated seats on the Licensing and Registration Committee and the Miscellaneous Licensing Sub-Committee.

144. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.7 - PAY POLICY STATEMENT 2024/25

The Chief Executive and the Assistant Director (Governance) & Monitoring Officer each declared an Interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon.

Council was reminded that the Localism Act 2011 Section 38 (1) required the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement articulated the Council's approach to a range of issues relating to the pay of its workforce.

Council was aware that the Human Resources & Council Tax Committee had historically overseen the preparation of a draft Pay Policy Statement for recommendation onto Full Council for approval and adoption for the subsequent financial year to ensure that remuneration was set within the wider pay context, also giving due consideration to the relationship between the highest and lowest paid in the organisation.

Members were informed that the draft Pay Policy Statement had been considered by the Human Resources and Council Tax Committee at its meeting held on 26 February 2024 (Minute 30 referred) and that that Committee had decided to recommend the statement to Full Council for its approval.

In order to comply with the requirements of the Localism Act 2011, Section 38(1) that the Council must adopt and publish an annual Pay Policy Statement:-

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

RESOLVED that the Pay Policy Statement 2024/25, as set out in the Appendix to item A.7 of the Report of the Assistant Director (Partnerships), be approved and adopted.

145. REPORT OF THE MONITORING OFFICER - A.8 - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDING

Members were 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 (A.8) concerned an omission that the Local Government and Social Ombudsman ('the Ombudsman') had determined was maladministration.

Members were made aware that this report was also required under section 5 of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government and Social Care Ombudsman as was mentioned in Part 3 of the Local Government Act 1974. The Chief Executive and Section 151 Officer had been consulted in the preparation of this report.

Council was informed that the complaint concerned the way the Council had handled a planning enforcement and anti-social behaviour report from a member of the public. The member of the public had reported to the Council alleged breaches of planning control (and anti-social behaviour) which they said had meant they could not use and enjoy their own property in the area concerned.

By way of background, it was reported that Councils could take enforcement action if they found that planning rules had been breached. However, councils should not take enforcement action just because there had been a breach of planning control. Planning enforcement was discretionary and formal action should happen only when it would be a proportionate response to the breach. When deciding whether to enforce, councils should consider the likely impact of harm to the public and whether they might grant approval if they were to receive an application for the development or use.

Council was advised that, in this case, the Council had received and acted on an initial report of planning breaches (and anti-social behaviour). This had included meeting with the individual concerned. A further communication from the individual was then not directly responded to by the Council in a timely way. The Council had though, across that time, undertaken extensive works to establish the degree of the planning breach and to inform action on the reports received. Interaction with the landowner in respect of matters at the site concerned had also been undertaken to address issues raised by the member of the public.

Members were told that the non-response to the second communication referenced above was, the Ombudsman had concluded, maladministration. The Ombudsman had been satisfied that the member of the public concerned had suffered avoidable frustration and uncertainty during the period to date. The planning enforcement case was still open.

The Ombudsman had identified the following as an acceptable remedy and the Council had agreed to this as a suitable remedy:

- a) Within one month to provide a written apology for the delay identified and it's planning enforcement investigation. *This had been done.*
- b) Within one month to make a symbolic payment of £250 to recognise the avoidable frustration and inconvenience caused. *The detail to facilitate this payment had been sought.*
- c) Decide if and what planning enforcement action was warranted and progress any action in a reasonable time. *Detailed further assessment work on the alleged planning breach had continued. It was envisaged, at this stage that the timeline for a decision as to whether enforcement action was lawful and warranted might be within the next several weeks."*
- d) Provide a monthly update to the member of the public about progress. *This was ongoing while the case was still live.*

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

RESOLVED that Council notes the report (A.8), including the progress made with the agreed actions.

146. 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.

147. SEATING PLAN FOR MEETINGS OF THE FULL COUNCIL IN THE 2023/2024 MUNICIPAL YEAR

Council considered whether to approve the seating plan for its meetings to be held during the remainder of the 2023/2024 Municipal Year. The seating plan had been amended to reflect the formation of the Tendring Residents' Alliance political group and the result of the Bluehouse Ward by-election in January 2024.

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

RESOLVED that the seating plan for full Council meetings to be held in the Princes Theatre during the remainder of the 2023/2024 Municipal Year be approved.

148. 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.

The Meeting was declared closed at 9.39 pm

Chairman