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**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,  
HELD ON TUESDAY 21 NOVEMBER 2017 AT 7.33 PM  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

**Present:** Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bray, Broderick, B E Brown, J A Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, Heaney, I J Henderson, J Henderson, Hones, Honeywood, King, Land, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady (except items 74 – 79 (part)), Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Planning and Regeneration) (Ewan Green), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Leadership Support and Community (Karen Neath), Head of Planning (Catherine Bicknell) (except items 80 – 96), Committee Services Manager (Ian Ford) and Communications and Public Relations Manager (Nigel Brown)

**74. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bennison, Coley, G V Guglielmi, V E Guglielmi, Khan, Poonian and Watling MP.

**75. MINUTES OF THE LAST MEETING OF THE COUNCIL**

**RESOLVED**, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 September 2017, be approved as a correct record and signed by the Chairman.

**76. DECLARATIONS OF INTEREST**

Councillor I J Henderson declared an interest in relation to Agenda Item 21 (Report of the Head of Leadership Support and Community – A.5 – Community Governance Review) insofar as he was also a member of Harwich Town Council.

Councillor Miles declared an interest in relation to Agenda Item 10 (Questions pursuant to Council Procedure 10.1) insofar as she supported Mr S Walker in his campaign against the closure of public conveniences and she was a local Ward Member for Walton.

**77. ANNOUNCEMENTS BY THE CHAIRMAN**

The Chairman welcomed back to Council the Committee Services Manager (Ian Ford) following his prolonged absence from his duties caused by a broken leg.

In addition, the Chairman extended a warm invitation to all Members and Officers to join him in the Chairman's Parlour after the meeting to enjoy seasonal refreshments.

**78. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

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

The Leader of the Council made the following statements –

**Disability Confident 'Leader' Status**

*"I am delighted this evening to be able to inform Councillors that the Council has achieved Disability Confident 'Leader' status, for the Council's recruitment practices and support for disabled employees, in the workplace.*

*This is the highest accolade for an employer that is positive about employing disabled people. The assessment process was rigorous and thoroughly tested by disabled people throughout. A number of recommendations were made and implemented, including an updated accessibility section on the website which allows adjustments to be made including audio, font size and colour.*

*Council Officers have been working towards this accreditation for the past 12 months. Tendring is the only Council to have achieved 'Leader' status across Essex."*

Councillor Stock responded to a question put by Councillor Miles.

**Sport England Initiatives**

*"I have got some really exciting news which I want to share with Council.*

*Last month I was involved in what can only be described as a very unusual but incredibly exciting bidding process aimed at changing people's lives.*

*Sport England is currently looking to pilot and test some new initiatives aimed at addressing inactivity across the country's population. Across Essex 22% of the adult population does less than 30 minutes of physical activity a week and in Tendring that rises to 37% of the adult population who are inactive. Similar issues apply in parts of Basildon and Colchester.*

*Inactivity leads to a variety of health conditions and is certainly contributing to the chronic obesity and diabetes crisis sweeping the country.*

*Sport England want to explore new ways of getting people more active as the current systems just don't work for everyone. There doesn't seem to be a magic bullet and Sport England recognise that some of the new approaches they want to try will fail but they want to work with willing and engaged partners who are up for the challenge of working with them to pilot new approaches. They don't know how this will work and I suppose that is the point which makes this unusual as we are bidding for a huge slice of funding but don't as yet know how it will be used.*

*Working in partnership with Basildon, Colchester and Essex County Council we have submitted a bid for a slice of the £130m which Sport England are prepared to put on the table to bring about a whole system change and they are particularly keen to focus on those living in circumstances of deprivation, poor mental health, old age, social and*

*financial hardship. Unfortunately we seem to tick a lot of these boxes!*

*Given the size of the prize it is not surprising that community and system Leaders from across the four Councils are supporting the bidding process and I am pleased to say that we already have got down to the last 19 from the 100 plus who applied.*

*The outcome of the bidding process will be announced very shortly and could mean significant funding being made available to see how we can make a real difference to residents' health and well-being but even if we are not successful the work which has been undertaken as part of the bid shows how strong community engagement is across Tendring and the quality of the bid is a credit to the team who worked on it. I will update Council when I have more news."*

Councillor Stock responded to a question put by Councillor I J Henderson.

#### Centenary Way, Clacton-on-Sea Judicial Review

*"Members will be aware that the Council lodged a High Court legal challenge against the decision of the Planning Inspector to grant the Centenary Way planning application.*

*The outcome of the challenge is that the Secretary of State has decided not to defend the case. In turn, the developer has also decided not to take it further.*

*The next step is for the Court to decide whether the Planning Inspectors' decision will be quashed, which will depend upon the Secretary of State's reasons. Should the court quash the decision, the matter would be remitted back for a further appeal.*

*At present there has only been a confirmation of the parties decisions not to defend the challenges but the reasons are still awaited. Members will be updated as soon as possible. It is an incredibly rare thing for a Council to do. I am not aware of this Council of ever having done it before nor am I aware of any other Council having taken out a challenge in the High Court against Her Majesty's Planning Inspectorate, effectively going head-to-head against the Secretary of State and especially not winning as effectively we have done. Now, it's only a 'battle' that we have won, we may yet lose the 'war' as we don't know how the next appeal will pan out."*

Councillor Stock responded to a question put by Councillor Broderick.

#### Housing Land Supply – Update

*"I would also like to update Members on the outcome of recent work undertaken to review the Districts' Housing Land Supply.*

*From previous briefings and reports Members will know that the Local Plan Committee requested that Officers undertake a review of the Housing Land Supply figure to ensure that this reflects an up to date position, taking into account:*

- inclusion of sites being actively brought forward which are in the Local Plan;*
- the impact of recent planning appeal decisions; and*
- an analysis of how new statistical data on population change impacts on projected housing numbers which the Local Plan should accommodate annually.*

*The new data on population change, as published by the Office for National Statistics*

*(ONS) on 26 October this year, has had the most significant impact. The change identified is a lower than projected population increase across the District, resulting in a lower requirement for new houses per year.*

*Officers, working with the Council's appointed demographics expert, reported the outcome of this to the Local Plan Committee at its meeting last night. Following consideration of a report the Committee unanimously agreed to:*

- Note that the outcome of the revised population projections produced by the Office for National Statistics (ONS) in October 2017 had the effect of reducing the Objectively Assessed Needs from 550 to 510 per year; and*
- Endorse the report as evidence to demonstrate an up-to-date 5.6 year housing land supply (taking into account any changes arising from the latest demographic information).*

*This work was presented to Committee in order that it be used as the basis for the Council position in respect of forthcoming planning appeals and therefore also to inform the Examination in Public of the Local Plan in January 2018.*

*I trust that Members will appreciate that any Council submission to an appeal or Examination is the subject of final due diligence from Counsel. Further refinement of this today has resulted in changes to the figures reported to the Local Plan Committee last night.*

*This means that the new housing requirement, or the OAN, should be further reduced from 510 to 480 houses per year. As a consequence this therefore means that the Housing Land Supply figure is increased from 5.6 to 6.2 years.*

*These are the figures that will therefore be used by the Council in forthcoming planning appeals and put forward for the Local Plan Examination in Public.*

*The Local Plan Committee has asked Officers to carry out an assessment of the implications of the changed population and housing need figures for the Local Plan ,and more generally, and this will be reported back to Members in due course.*

*I appreciate that updating figures presented only last night is not normal practice but I trust Members recognise this further update is necessary following advice received today to ensure that the Council's position as Planning Authority is as robust as possible moving forward."*

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

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

**81. PETITIONS TO COUNCIL**

There were none on this occasion.

**82. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1**

Councillor Miles had earlier declared an interest in relation to this item insofar as she supported Mr S Walker in his campaign against the closure of public conveniences and she was a local Ward Member for Walton.

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.

The following question had been received, on notice, from a member of the public:

Question

From Mr S Walker to Councillor M Skeels Snr., Portfolio Holder for Leisure and Tourism:

*“The proposed closure of 10 public toilets by TDC has generated considerable public concern, anxiety and protest as evidenced by the submission of two large petitions and a third currently being promoted on the online petition site 38 degrees. There has not been a Cost-Benefit analysis or Economic Impact Assessment of the closures while the estimated cost savings have been calculated at £100,000 per annum.*

*Therefore, before any toilets are closed, will TDC carry out a Cost-Benefit Analysis and Economic Impact Assessment; and consult with Public Health England, Local GP surgeries and local Businesses via their local representatives, to ask what the impact of the toilet closures would be on Patient health and well-being and on Business revenue; and to bring the results of the Cost-Benefit Analysis and Economic Impact Assessment together with those consultations to a Full Council meeting, and publish the results?”*

Councillor Skeels replied as follows:

*“I would like to thank Mr Walker for his question and I can assure him that it is with great reluctance that the decision has been taken to rationalise any service provision.*

*I think that it would be very difficult to undertake any meaningful cost benefit analysis on this type of service given the number of variables and cross dependencies involved. By way of example it would be difficult to discount bias from some consultees as they would have a clear interest in a specific outcome, whether that be positive or negative such as was identified when we considered the toilets in Jaywick Sands where those near neighbours affected by antisocial behaviour associated with the toilets had a very different view as to closure than those who were not local to that provision.*

*What is important to consider is that we are looking at closing those toilets which generally have lower numbers of users, higher incidents of antisocial behaviour, higher operating costs, have alternative provision and are almost universally not suitable for refurbishment or enhancement. It is also true to say that we are looking to enhance some facilities as part of the new strategic approach.*

*We will explore with local businesses, both existing and new, options for the public to use their facilities and it is important that businesses recognise that they need to step up to the plate and play their part to both develop their own provision or work with Town and Parish Councils to take on services which they claim are vital but which the District Council can no longer afford to support.”*

**83. 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 or Sub-Committees.

Four questions had been submitted as set out below:

### Question One

From Councillor Calver to Councillor M Skeels Snr., Portfolio Holder for Leisure and Tourism:

*“The Labour Group supports the £355,000 restoration of Clacton’s Venetian Bridge and agrees with the Portfolio Holder for Leisure and Tourism when he described the bridge as being an iconic focal point for visitors.*

*Will the Portfolio Holder agree with me that the Victorian lighthouses in Dovercourt Bay, both scheduled ancient monuments, represent an even greater iconic focal point for visitors to Harwich and Dovercourt and, therefore, will he advise the Council as to what action is being taken to restore them to their former glory and how long it is likely to be before they once again offer a positive visual impact on Dovercourt Bay’s Blue Flag beach rather than a negative one?”*

Councillor Skeels replied as follows:

*“I would like to thank Councillor Calver for his question and appreciate his support with the restoration of the Venetian Bridge. I concur completely on the subject of the Victorian Lighthouses in Dovercourt Bay, which are a key landmark for the District and an instantly recognisable feature for one of our Blue Flag Beaches. You may recall that a condition survey of the lighthouses was commissioned earlier on this year, to establish what it would take to bring the lighthouses back to their former glory. You will appreciate this is very specialist work and there have been a number of tasks to complete in advance to ensure the safety of contractors prior to any survey commencing.*

*Once the survey is complete, which is likely to be later on this year, we will have a clear picture of the condition the lighthouses are in and importantly what the cost will be to restore them. At that point, we will be able to consider how we go forward in possession of all the appropriate facts.”*

Councillor Calver then responded to Councillor Skeels’ reply with a supplementary question:

*“I thank the Portfolio Holder for that answer. I’m a little bit concerned that the Portfolio Holder has suggested that the survey will be completed later on this year as we are only five weeks from the end of the year. Can he be a little more specific on when this information is going to be available please?”*

Councillor Skeels responded to Councillor Calver’s supplementary question as follows:

*“Thank you Councillor Calver. I haven’t got an answer to that question but I can find out from the Officers and come back to you.*

### Question Two

From Councillor I J Henderson to Councillor Honeywood, Portfolio Holder for Housing:

*“Will the Portfolio Holder responsible for dealing with homelessness advise the Council of the annual number of people contacting TDC to declare themselves as ‘homeless’ but who fall outside of the council’s legal obligation for assistance?”*

*Would the Portfolio Holder further agree to introduce a location within Harwich and Dovercourt where a person requiring such assistance can present themselves as, at*

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*present, such individuals, often without the means to pay for transport, are required to get to Clacton or Colchester before they can be given support?"*

Councillor Honeywood replied as follows:

*"Thank you for your question Councillor Henderson. The legal obligations that the Council has towards the homeless are set out in government legislation and not policy adopted by the Council. The legislation defines homelessness, who is eligible to apply, who is owed a duty with accommodation and how that duty can end or be ended by the Council.*

*In 2016/17, 1397 households approached the Housing Options Team for advice or assistance with their housing. Of this figure, 270 were assessed as being homeless or threatened with homelessness as defined in the homelessness legislation set out in Part VII Housing Act 1996 (as amended). These households made formal homelessness applications to the Council.*

*Of this figure of 270 households, 92 were accepted as being owed a full housing duty. 107 were found to be not homeless following enquiries or alternative assistance being provided. 37 were found not to have a priority need as set out in the legislation and a further 34 were found to be intentionally homeless.*

*I can you advise you that such a provision did exist until fairly recently at the Harwich Job Centre one day a week but it was found that on a consistent basis only half of the booked appointments actually turned up. On this basis the arrangement was not proving to be an effective use of officer time so it was withdrawn. The Housing Benefits Team does however continue to have a presence at the Job Centre on Wednesday and Thursday each week and anyone presenting there with a homelessness problem is phoned through to the Housing Options team at the Town Hall."*

Councillor Henderson then responded to Councillor Honeywood's reply with a supplementary question:

*"I will give the Portfolio Holder an example of what I meant and perhaps he will come back again. Every Councillor dreads the phone call from a person who does not meet the priority need for the Council as there is currently nothing else out there at the moment to support them. Such a case came to me recently and I phoned up the office in the Town Hall and he was not one of those who met the criteria and he was told that his only option was to go to, possibly, the Colchester night shelter but that he should ring in advance as most of the time that's full. And if he could not get in there to, possibly, go to the Chelmsford but make sure he rang there first as he might not get in there either. But for him to get to any of those night shelters he needed money and I was told that he would need to come to Clacton to get a voucher to actually go into a night shelter so I would ask the Portfolio Holder if he would look at the whole situation again because the answer to that person that came to me was actually you are going to have to live on the street as there is no other provision for you if those other places are full.*

*Can I also, as well all know the impact of the roll-out of Universal Credit on people and families around the country and it will especially impact on the people of Tendring, have an assurance from the Portfolio Holder that if contacted by people who are threatened with eviction because of being forced into arrears by the Government's introduction of Universal Credit his officers and the Council will do all that they can to support those individuals at that hour of need?"*

Councillor Honeywood responded to Councillor Henderson's supplementary question as

follows:

*“Thank you Councillor Henderson for your supplementary question. In answer to your first part, yes, I am happy to look at that and if your resident still has issues if you would like to forward me the details I will be happy to see what we can do to help.*

*In answer to the future I am going to be frank there has been a slight increase in rent arrears in this Council, something that I have raised with housing officers. It is believed that the main issue is around Universal Credit where there is a delay in receiving the rent from the claimant and the delay in the money being paid to the claimant. However, I am told that the Universal Credit situation is likely to stabilise. But I would also like to say to Councillor Henderson and other councillors that we do have a hardship policy in place which is proving to be quite effective and, yes, we will do what we can to help our residents. It’s the right thing to do and as Councillor Henderson knows, if anything, I believe in putting local people first.”*

### Question Three

From Councillor Parsons to Councillor McWilliams, Portfolio Holder for Health and Education:

*“Could the Portfolio Holder for Health and Education, update this chamber on the work that has been carried out by this Council to raise awareness of, as well as the work to support, the services that deal with mental health within our District? In addition could she comment on the work that the Council has done to promote World Mental Health Day and the #helloyellow campaign?”*

Councillor McWilliams replied as follows:

*“I would like to thank Councillor Parsons for raising this issue as it is an area which the Council has been very proactive in driving forward in its community leadership and partnerships role and I would take this opportunity to thank all Councillors who have contributed to the different initiatives aimed at helping those with mental health problems.*

*Mental Health has been identified as a key priority for the Council’s local Health and Wellbeing Board which seeks to focus on key health issues that affect our area by bringing together partners and agencies to focus on health concerns, especially where we are not the lead authority.*

*A key project developed through the Board is the Mental Health Hub. This is operated by the Tendring Citizens Advice Bureau and seeks to provide mental health support and stop mental health issues escalating for individual clients. In addition support is offered around financial issues, housing, volunteering opportunities, isolation, parenting and physical health.*

*Over 130 new clients were seen in the second half of 2016/17 providing holistic assessments of their mental health need and where required signposting clients into the mental health caseworker service.*

*The Hub is based on Old Road [Clacton-on-Sea] in a very significant area of deprivation for those with mental health issues and so is ideally suited for clients to be able to pop in to share their struggles.*

*Funding is provided by a number of organisations including Tendring District Council, Essex County Council, The Clinical Commissioning Group and the Police and Crime*



*Commissioner's Office. All these agencies understand the needs in this area and the impact those with mental health can have on the public sector and so are keen to develop ways to assist in terms of prevention.*

*This initiative is seen as providing significant support for those with mental health difficulties and wider partners are hoping to upscale this project into a county wide initiative*

*Another inspirational project the Council has been involved in is a wellbeing Hub pilot, which has also been explored through the local Health and Wellbeing Board and has been set up at Great Bentley Primary School. This has been supported by the Council's Executive Projects Officer who, following attendance at the Instructor Training for Youth Mental First Aid provided by Mental Health First Aid England, delivered training to the staff at Great Bentley Primary School to support them in the valuable work they are doing.*

*The Hub launched in April 2017 and is crucial in assisting young people as mental health affects all aspects of a child's development including cognitive abilities, social skills and emotional wellbeing. Following evaluation and subject to identifying additional funding the Wellbeing Hub model and training may be able to be cascaded through the clusters to enable other schools to be able to facilitate their own individual Wellbeing Hubs. This has also attracted county wide interest.*

*The Council is looking to sign up to the Time to Change campaign which would demonstrate the Council's commitment to change how it thinks and acts in terms of mental health in the workplace. This would include mental health first aid training for staff and support as well as developing staff focussed activities and events as part of an holistic plan of action to better prepare, inform and support staff.*

*The Council has also promoted information to staff on World Mental Health day via our on-line portal and the Human Resources Committee (on 1<sup>st</sup> November 2017) agreed to support the Council's commitment to the Time to Change agenda."*

Councillor Parsons then responded to Councillor McWilliams' reply with a supplementary question:

*"I'd like to thank Councillor McWilliams for that detailed response to my question. I do have a couple of questions that wasn't raised in your response. A number of documents have been sent through the Essex Health and Well-being Board with regards to mental health in particular the strategy for mental health and well-being for 2017-2021; the Southend, Essex and Thurrock Dementia Strategy report, the "Open Up, Reach Out" Children's Mental Health Local Transformation Plan as well as the prevention strategy for reducing the number of admissions into hospital and the suicide prevention strategy report. I just wondered what the Council was doing to assist with the implementation of these strategies."*

Councillor McWilliams responded to Councillor Parsons' supplementary question as follows:

*"We are already looking at one of the main strategies for our own benefit obviously. As far as the other ones are concerned I will look into those and come back to you."*

#### Question Four

From Councillor Winfield to Councillor M Skeels Snr., Portfolio Holder for Leisure and

Tourism:

*"The recent cycle Tour of Britain event enthused people to take up cycling. That is until they realise that they would have to share the road with a heavy traffic emitting pollutants, stealing their health enjoyment of the sport. The existing unsatisfactory system which forces cyclists and pedestrians to share the top promenade on Clacton seafront fails to please either group and is clearly just a token gesture. Sustrans is a national cycling organisation, funded by Government, to provide designated cycling paths for Towns like ours. This organisation has even allotted a token number of 150 which appears on their maps which are supposed to have cycling routes along.*

*I would like to ask the Portfolio Holder for Leisure and Tourism if he will do all he can to achieve safe designated cycle routes from Clacton Station and along our seafront from Holland Haven to the Town Centre."*

Councillor Skeels replied as follows:

*"I would like to thank Councillor Winfield for his question and I agree that cycling in our District appears to be growing rapidly. I am pleased to let you know that my Officers are working with county wide partners, including Sustrans and Essex County Council on the production of a cycling strategy programme. Although it's at an early stage, we will continue to influence this important piece of work for the benefit of our residents. I would also add that when we have the strategy in place we will also look at any physical changes which will be required to enable us to fully implement the strategy. I am sure that this will probably include a review of the use of the area raised by Councillor Winfield.*

*We will continue to work with all our partners to improve access to cycling right across the District; and if you would like to discuss this specific matter further, I would welcome the opportunity to meet with you and appropriate Council officers in the near future."*

**84. REPORT OF THE LEADER OF THE COUNCIL – URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

There was no such report on this occasion.

**85. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE - A.2 - PROPOSED COMMUNITY GOVERNANCE REVIEW REGARDING A TOWN COUNCIL FOR CLACTON-ON-SEA**

Members were aware that, due to an incident in the public gallery, this item had been deferred from the meeting of the Council held on 5 September 2017 (Minute 67 referred).

Council had before it a reference report (A.1) from the Community Leadership and Partnerships Committee which reported that, at the meeting of the Council held on 9 May 2017, the following motion had been moved by Councillor Parsons and seconded by Councillor Bucke and, in accordance with Council Procedure Rule 12.4, had stood referred to the Community Leadership and Partnerships Committee for consideration and report:

*"This Council, in accordance with Local Government and Public Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review following the conclusion of the LGBCE Ward Boundaries review,*

*with the view to creating a Clacton Town Council to come into effect in 2023. During this review the Council will consult with members of the public and other stakeholders as to the creation of a Clacton Town Council which will be intended to serve the areas of Clacton-on-Sea that are not currently being represented by a Town or a Parish Council. This will be inclusive of the following current wards:*

*Golf Green  
Rush Green  
Bockings Elm  
Peter Bruff  
Alton Park  
St James  
Pier  
St Mary's  
St John's  
Burrsville  
St Paul's  
St Bartholomews  
Haven*

*In addition, this Council will authorise Officers to, with regard to the aforementioned guidance and acts, draft potential boundaries within the specification above, potentially through a working party, for Full Council approval prior to public consultation."*

It was reported that, at its meeting held on 10 July 2017 the Community Leadership and Partnerships Committee had considered Councillor Parsons' motion. Councillor Parsons had attended that meeting and had explained the motion to the Committee. Members had then been given the opportunity to ask questions. The Council's Head of Governance and Legal Services (Lisa Hastings) had clarified what the Committee was being asked to make a decision on and the procedure that would be followed should they recommend to Council that the motion be supported or not.

Following discussion, the Community Leadership and Partnerships Committee had resolved that it would recommend to Council that it supports the motion as written except that the legislation referred to therein be amended to the *Local Government and Public Involvement in Health Act 2007 (as amended)*.

Councillor Baker moved that Council supports Councillor Parsons' motion as written except that the legislation referred to therein be amended to the *Local Government and Public Involvement in Health Act 2007 (as amended)*.

Councillors Parsons, Bucke, Everett, Griffiths, Honeywood, Miles, Stock, Bray, Calver, Talbot and Stephenson each addressed the Council on the subject matter of this item.

Councillor Baker's motion, on being put to the vote, was declared **LOST**.

#### **86. MINUTES OF COMMITTEES**

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

(a) Audit of Thursday 21 September 2017;

(b) Corporate Management of Monday 25 September 2017;

- (c) Standards of Wednesday 27 September 2017;
- (d) Community Leadership and Partnerships of Monday 2 October 2017;
- (e) Service Development and Delivery of Monday 9 October 2017;
- (f) Corporate Management of Monday 16 October 2017;
- (g) Human Resources of Wednesday 1 November 2017; and
- (h) Local Plan of Thursday 2 November 2017.

Council was advised that the recommendations to Council contained in the minutes of the Standards Committee and the Human Resources Committee would be presented for Members' consideration with a covering report to the meeting of the Council due to be held on 23 January 2018.

Corporate Management Committee – 16 October 2017 – Minute 34 – Assets Update

Councillor I J Henderson raised a question to the Chairman of the Corporate Management Committee (Councillor Steady) on this minute to which, Councillor Steady gave a response.

**87. MOTIONS TO COUNCIL**

There were no motions, notice of which had been given pursuant to Council Procedure Rule 12, on this occasion.

**88. RECOMMENDATIONS FROM THE CABINET – THE LOCAL COUNCIL TAX SUPPORT SCHEME 2018/2019 – COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2018/2019 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2018/2019**

The Council had before it the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2018/2019, Council Tax Exemptions/Discounts for 2018/2019 and the Annual Minimum Revenue Provision Policy Statement 2018/2019.

Councillors Parsons, I J Henderson, Talbot, Scott and Broderick each addressed the Council on the subject matter of this item.

It was moved by Councillor Honeywood and **RESOLVED** that:

- (a) the Local Council Tax Support Scheme (LCTS) remains the same as the current year, as set out as Appendix A to item A.15 of the Report of the Housing Portfolio Holder (which was submitted to the meeting of the Cabinet held on 10 November 2017 and is contained within the Council Book) and that therefore:
  - i) the LCTS be approved with the maximum LCTS award being 80% for working age claimants; and
  - ii) delegation be given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2018.

- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforesaid report, be approved.
- (c) the proposed Council Tax exemptions and discounts (which remain unchanged), as set out in Appendix C to the aforementioned report, be approved and that delegation is given to the Corporate Director (Corporate Services), in consultation with the Housing Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2018.
- (d) the Annual Minimum Revenue Provision Policy Statement for 2018/19, as set out in Appendix D to the above report, be approved.

**89. RECOMMENDATIONS FROM THE CABINET – AMENDMENTS TO THE COUNCIL’S CONSTITUTION – FINANCIAL AND PROCUREMENT MATTERS**

The Council had before it the recommendations submitted to it by the Cabinet in respect of proposed changes to the Financial and Procurement Procedure Rules contained within the Council’s Constitution.

It was moved by Councillor Stock OBE and **RESOLVED** that the Council’s Constitution be amended to reflect the proposed changes to the Financial and Procurement Procedure Rules as set out in the Appendix to item A.10 to the Joint Report of the Leader of the Council and the Portfolio Holder for Finance and Corporate Services (which was submitted to the meeting of the Cabinet held on 10 November 2017 and was contained within the Council Book).

**90. REPORT OF THE CHIEF EXECUTIVE – A.2 – MEMBERSHIP OF COMMITTEES ETC.**

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

Human Resources Committee

Councillor Bennison had been removed from this Committee.

Local Plan Committee

Councillor Ferguson had been appointed to serve in place of Councillor M J D Skeels.

Planning Committee

Councillor J A Brown had been appointed to serve in place of Councillor Bennison.

Council noted the foregoing.

**91. REPORT OF THE CHIEF EXECUTIVE – A.3 – CHANGE IN MEMBERSHIP OF POLITICAL GROUPS AND A REVIEW OF MEMBERSHIP OF COMMITTEES**

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeff Bray and Richard Everett on 22 September 2017, had each served formal notice on the Council that they no longer wished to be treated as a member of the Independent Alliance political group.

He further formally reported that, also on 22 September 2017, Councillor Bray and Councillor Everett, pursuant to Regulation 9(b) 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 member of the Conservative political group.

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Andrew Pemberton on 25 September 2017, had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

He further formally reported that, on 8 November 2017, Councillor Pemberton, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the Non-Aligned political group.

In accordance with 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 a review of the allocation of seats to political groups had been carried out. The outcome of that review, as agreed by Group Leaders, was tabled at the meeting.

Councillor I J Henderson addressed the Council on the subject matter of this item.

It was moved by Councillor Stock OBE, seconded by Councillor Honeywood and –

**RESOLVED** that the Schedule of Appointments to Committees, (which had been agreed by Group Leaders and tabled at the meeting), be approved with immediate effect.

**92. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY – A.4 – PARLIAMENTARY CONSTITUENCIES BOUNDARY REVIEW**

Council was aware that, in February 2016, the Boundary Commission for England (BCE) had announced the start of a review of the Parliamentary Constituencies in England. On 13 September 2016 the BCE had published its initial proposals for new Parliamentary constituencies. Council had considered those initial proposals at its meeting held on 29 November 2016 (Minute 107 referred) and had agreed the following response to the BCE:

*“At present the Harwich and North Essex constituency surrounds the Colchester constituency at its north-west, north, east and south sides, taking in the port of Harwich to the east. We propose to modify this arrangement by pairing Harwich with Clacton-on-Sea in a Harwich and Clacton constituency. In addition, we propose a North East Essex constituency that completely surrounds the Colchester constituency. Our proposed North East Essex constituency comprises 13 wards from the Borough of Colchester and ten wards from the District of Tendring. As a result, the villages of Point Clear, St. Osyth, Seawick and Jaywick are no longer included in a constituency with Clacton. The entirety of our proposed Harwich and Clacton constituency falls within the District of Tendring.”*

It was reported that on 17 October 2017 the BCE had published revised recommendations which were out for consultation until 11 December 2017.

Council was informed that as far as the District of Tendring was concerned the BCE now proposed a Harwich and Clacton County Constituency (electorate 77,200) wholly within the Tendring District and a North East Essex County Constituency (electorate 77,481)

comprising ten wards within the Tendring District and thirteen wards of the Borough of Colchester. The two constituencies proposed would comprise the following wards:-

Harwich and Clacton County Constituency – Twenty five wards of the District of Tendring:-

Alton Park, Beaumont and Thorpe, Bockings Elm, Burrsville, Frinton, Golf Green, Great and Little Oakley, Hamford, Harwich East Central, Harwich East, Harwich West Central, Harwich West, Haven, Holland and Kirby, Homelands, Peter Bruff, Pier, Ramsey and Parkeston, Rush Green, St Bartholomews, St James, St Johns, St Marys, St Pauls and Walton.

North East Essex County Constituency - Thirteen wards of the Borough of Colchester:-

Birch and Winstree, Copford and West Stanway, Dedham and Langham, Fordham and Stour, Great Tey, Marks Tey, Pyefleet, Stanway, Tiptree, West Bergholt and Eight Ash Green, West Mersea, Wivenhoe Cross and Wivenhoe Quay; and

Ten wards of the District of Tendring:-

Alresford, Ardleigh and Little Bromley, Bradfield, Wrabness and Wix, Brightlingsea, Golf Green, Great Bentley, Lawford, Little Clacton and Weeley, Manningtree, Mistley, Little Bentley and Tendring, St Osyth and Point Clear and Thorrington, Frating, Elmstead and Great Bromley.

Council was advised that the changes from the initial proposals were that the Golf Green Ward had been moved from the North East Essex County Constituency to the Harwich and Clacton County Constituency whilst the Little Clacton and Weeley Ward had moved from the Harwich and Clacton County Constituency to the North East Essex County Constituency.

Councillors Bucke, I J Henderson, Parsons and Stock each addressed the Council on the subject matter of this item.

Having considered the BCE's revised proposals it was moved by Councillor Stock OBE, seconded by Councillor Honeywood and:

**RESOLVED** that Council –

- (a) notes the revised proposals on the Parliamentary Boundary Review; and
- (b) commends the decision of the Boundary Commission for England to restore the Golf Green Ward to the Harwich and Clacton County Constituency.

**93. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY – A.5 – COMMUNITY GOVERNANCE REVIEW**

Councillor I J Henderson had declared an interest in relation to this item insofar as he was also a member of Harwich Town Council.

Council recalled that, at its meeting held on 5 September 2017 (Minute 66 referred) it was agreed that:-

*“a Community Governance Review be undertaken in relation to the land in the St Osyth District Council area but not in the St Osyth Parish area.”*

Accordingly, the draft Terms of Reference for that review was attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community for Council's approval.

Council further recalled that it had also agreed that:-

*"in principle, a wider Community Governance Review of parished and unparished areas in the Tendring District be supported subject to specific terms of reference, having regard to the initial views which are currently being sought, coming to a future meeting of Council for agreement."*

Those initial views submitted had been considered by the Electoral Review Working Group at its meeting held on 7 November 2017 and could be summarized as follows:

- 16 Town / Parish Councils had responded and 11 had not.
- Of those that had responded only 1 (Harwich Town Council) would welcome a review of its number of councillors.
- Lawford, Manningtree and Mistley Parish Councils had discussed the idea of a joint parish but that did not yet appear to be fully decided.
- Clacton Town Partnership had responded and were fully supportive of a Clacton Town Council. No other comments in support of a Town Council for Clacton had been received but neither were any objections.
- 3 District Councillors and 3 Parish Councillors had replied.
- 5 residents had responded but of those 4 had expressed concerns about the running of the same Parish Council.

In discussing those initial responses the Working Group had also had in front of them a summary of the current position regarding the number of seats on each Town / Parish Council; the number of seats filled; the suggested number of seats and whether an election had been held in 2011 and / or 2015. Following discussion the Working Group had agreed that a review be carried out for those that had asked for it and that those that had had elections in 2011 and / or 2015 were not reviewed. Officers had been asked to provide further information on those which had not been contested in both 2011 and 2015 including functions, precept and the make-up of the Council. This would be considered at a future meeting of the Working Group to determine whether the group wished to make any further recommendations about Community Governance Reviews being undertaken.

In summary, the Working Group had concluded that :-

- a Community Governance Review of the number of seats on Harwich Town Council be undertaken;
- the suggested merger of Lawford, Manningtree and Mistley Parish Councils be kept under review and that a Community Governance Review be undertaken if all three Parish Councils ask for one;
- the position regarding a Town Council for Clacton be further considered following consideration of the related motion at Council;
- no Community Governance Reviews be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Harwich, Thorrington, Weeley and Wix; and
- further information be considered for other Town / Parish Councils in due course.

Councillors Calver and Parsons each addressed the Council on the subject matter of this item.



Having considered the Working Group's conclusions, it was moved by Councillor Honeywood, seconded by Councillor Stock OBE and:

**RESOLVED** that

- a) the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the land in the St Osyth District Council area but not in the St Osyth parish area, be agreed and that this Community Governance Review be now commenced;
- b) a Community Governance Review of the number of seats on Harwich Town Council be undertaken and that terms of reference be brought back to the next Council meeting for approval;
- c) no Community Governance Review be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Manningtree, Mistley, Thorrington, Weeley and Wix;
- d) a Community Governance Review to merge Lawford, Manningtree and Mistley Parish Councils be undertaken only if all three parish councils ask for one; and
- e) Community Governance Reviews for areas of the Tendring District not mentioned in a) to d) above be further considered by the Electoral Review Working Group following the receipt of further information and that their recommendations be brought to a future Council meeting.

**94. REPORT OF THE HEAD OF GOVERNANCE AND LEGAL SERVICES – A.6 – COMMITTEE STRUCTURE REVIEW**

Council recalled that, at its meeting held on 5 September 2017 (Minute 66 referred) it was agreed that:-

*“officers are authorised to commence a review of meeting arrangements, Cabinet and committee size, frequency and make-up in preparation for the reduction to 48 Councillors in 2019;”*

Council was informed that, at the meeting of the Electoral Review Working Group held on 7 November 2017, initial proposals had been submitted for discussion in relation to the review of Committees in preparation for the reduction in the total number of Councillors to 48 from 2019. The key proposals, in summary, were:-

- Two Overview and Scrutiny Committees - with task and finish groups focused on evidence based reviews.
- Presentations and providing information to all Members would remain through the all Member briefings (not formal meetings, but provided the ability to ask questions).
- A single Governance Committee incorporating the existing Audit and Standards Committees.
- Two Licensing sub-committees reduced from the current four.
- A combined Human Resources and Council Tax Committee able to consider senior management appointments and dismissals as well as the impact of emergency planning on staff.
- Titles were for working purposes and formal Committee titles would need to be decided in due course.

The following timetable had been proposed by the Working Group:-

- Consideration by Electoral Review Working Group – 7 November 2017;
- Consideration by Full Council and agreement to an “in principle” new committee structure – 21 November 2017;
- Consideration by Electoral Review Working Group of the proposed terms of reference, size and committee names etc. – Early January 2018;
- Consideration by Full Council of terms of reference etc. for the new committees – 23 January 2018;
- Implementation of new committee structure – Annual Council 24 April 2018 (seats to be allocated to new committees based on existing 60 Councillors);
- Operation of new Committees to be monitored during 2018;
- Any necessary amendments to terms of reference and appointments to committees based on new Council of 48 Councillors – Annual Council 2019.

It was reported that the Working Group had discussed issues including:-

- (i) whether to have a member of an “Opposition” Group as chairman of the “inward facing” overview and scrutiny committee;
- (ii) cross-membership of the Local Plan and Planning Committees;
- (iii) the number of meetings in a municipal year of the “inward facing” overview and scrutiny committee;
- (iv) the possibility of the Planning Committee meeting in the daytime;
- (v) the size of the committees and especially making sure that the overview and scrutiny committees were large enough to form a pool of potential members of the “task and finish” working groups;
- (vi) external input on the workings of the new committee structure;
- (vii) the importance of keeping a human resources committee (albeit with a smaller membership than at present); and
- (viii) how the overview and scrutiny “task and finish” working groups could operate.

Council was made aware that the Working Group had agreed that The Centre for Public Scrutiny and/or SOLACE be invited, in Summer 2018, to give their input on the Council’s new committee structure once it had been in operation for a few months.

Having considered the proposed committee structure the Working Group had decided to recommend to Council that –

- (a) the proposed new committee structure be approved, in principle; and
- (b) the proposed timetable for the implementation of the new committee structure be adopted.

Having considered the Working Group’s recommendations, it was moved by Councillor Honeywood, seconded by Councillor I J Henderson and:

**RESOLVED** that -

- a) the proposed committee structure, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved, in principle, subject to the Audit Committee and the Standards Committee not being merged; and
- b) the proposed timetable for the implementation of the new committee structure, as detailed in the Executive Summary to the aforementioned report, be adopted.

**STANDARDS COMMITTEE ON 27 SEPTEMBER 2017 IN RELATION TO ALLEGATIONS THAT MEMBERS OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT**

The Council formally received and noted the Decision Notices.

**96. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The Chairman informed Members that the meeting of the Council provisionally arranged for 28 November 2017 would now not be needed as all business in the agenda for this meeting had been dealt with and that therefore the next meeting of the Council would be held on 23 January 2018.

The meeting was declared closed at 9.25 p.m.

Chairman