

**MINUTES OF THE MEETING OF THE COUNCIL,  
HELD ON TUESDAY, 26TH NOVEMBER, 2024 AT 7.30 PM  
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-  
ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Casey (Chairman), Davidson (Vice-Chairman), Amos, Baker, Barrett, Bensilum, Bray, Bush, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood (except item 71), S Honeywood, Land, Morrison, Newton, Oxley, Placey, Platt, Scott (except item 71), Skeels, Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, White and Wiggins
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Lisa Hastings (Director (Governance) & Monitoring Officer), Richard Barrett (Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Maddie Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer), James Dwan (Communications Officer), Kai Aberdeen (Theatre General Manager (Technical)), Simon Kedge (Casual Technician (Princes Theatre)) and Alex Brewer (Apprentice (Democratic Services & Elections))

**57. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Alexander, Barry, Kotz, McWilliams and Turner.

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

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

**RESOLVED** that the minutes of the meeting of the Council held on 17 September 2024 be approved as a correct record and be signed by the Chairman.

**59. DECLARATIONS OF INTEREST AND PERSONAL STATEMENT BY COUNCILLOR BUSH**

Councillor Scott declared a Disclosable Pecuniary Interest in relation to Agenda Item 15 (Reference from the Cabinet – A.3 – Adoption of a Revised Gambling Licensing Policy Statement (insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District).

Councillor P B Honeywood declared a Disclosable Pecuniary Interest in relation to Agenda Item 15 (Reference from the Cabinet – A.3 – Adoption of a Revised Gambling Licensing Policy Statement insofar as he held a Gaming Licence for Clacton Constituency Conservative Association.

Councillor Fairley made the following declaration of interest in relation to Agenda Item 12 (Motion to Council pursuant to Council Procedure Rule 12 – Changes to Agricultural Property Relief and Business Property Relief):-

*“I wish to declare a Disclosable Pecuniary Interest and a Non-Registerable Interest on ITEM 12 Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Peter Harris in relation to changes to Agricultural Property Relief and Business Property Relief as follows:-*

*My spouse and wider family, own and rent agricultural land in Tendring for the purpose of commercial food production.*

*I have been granted a dispensation under Section 33(2)(c) of the Localism Act 2011, by the Council’s Monitoring Officer allowing me to participate and to vote. The reason for the decision is on the grounds that it is in the interests of persons living and working in the authority’s area for this dispensation to be granted. I am the sole Ward Councillor for Ardleigh and Little Bromley and have an opportunity to voice its residents and businesses concerns and act in the best interests and possible outcomes for the whole of the District. The Council will not be the ultimate decision maker regarding these proposals, which will go off to Cabinet for determination. The Ward, I represent is a very rural Tendring ward where farming contributes significantly to employment and the local economy both for my ward and the wider district, and I want to be able to act in the best interests for my residents and for the district as a whole and the Monitoring Officer has agreed that a dispensation is necessary for me to be able to fulfil this role.”*

Councillor Bush then made a personal statement as follows:-

*“I’d like to make a declaration that with immediate effect I am leaving the Tendring Independents Group, and the administration, to go and sit with the opposition as an unaligned independent councillor to represent the interests of the community that elected me.”*

Councillor Bush thereupon ‘crossed the floor’.

## **60. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**

The Chairman informed Members that, since the last meeting of Full Council on 17 September 2024, he had attended the following civic events:-

<b>Date</b>	<b>Location</b>	<b>Event</b>
Thursday 03/10/2024	Princes Theatre, Clacton-on-Sea	Tendring 4 Growth Awards Night
Tuesday 15/10/2024	War Memorial, Clacton-on-Sea	Baby Loss Awareness
Sunday 20/10/2024	Greensward, Clacton-on-Sea	Clacton Seafront 10k Race
Tuesday 22/10/2024	Princes Theatre, Clacton-on-Sea	Tendring Youth Awards
25/10/2024 – 09/11/2024	Frobisher School, Clacton County High School, Ravensfield School	Visit with WW2 Veterans
Sunday 03/11/2024	West Cliff Theatre, Clacton-	Tendring Brass Band

	on-Sea	Annual Concert of Remembrance
Thursday 07/11/2024	St Christopher's Church, Jaywick	Poppy Appeal Quiz Night
Sunday 10/11/2024	War Memorial, Clacton-on-Sea	Remembrance Sunday Parade & Service
Monday 11/11/2024	War Memorial, Clacton-on-Sea	Armistice Day Parade & Service
Saturday 16/11/2024	Princes Theatre, Clacton-on-Sea	Charity Victorian Christmas Market
Sunday 17/11/2024	Princes Theatre, Clacton-on-Sea	Clacton's Largest November Christmas Market
Multiple Days	Multiple Venues	Save A Life, Ditch The Knife bleed kit distribution

**61. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

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

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

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

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

The Portfolio Holder for Housing and Planning (Councillor Baker) made a statement in respect of the opening of the new Honeycroft Sheltered Housing Scheme at Lawford as follows:-

*“Chairman, I am delighted to inform Council that the Honeycroft Project, the demolition of the sheltered scheme and its replacement with 13 bungalows for the elderly, and a community centre, in Lawford has recently been completed, and its achievement is a testament to the dedication, hard work, and collaboration of everyone involved, from our own staff and contractors alike.*

*I know that much of what I am about to say was probably said by our Chief Executive and the Leader of the Council at the event on Wednesday 13<sup>th</sup> November, to which many people were invited, including the Ward Councillors, and the previous Portfolio Holder for Housing.*

*As most of this Council know, residents of the Honeycroft Sheltered Housing scheme were moved out in 2017, it was closed in 2018, and finally demolished in 2021 with Rose Builders of Lawford, being subsequently appointed as the Council's contractor.*

*Having visited the site during construction on more than one occasion, I have seen the project continue at pace, and I will be visiting the site this coming Friday, as I was unfortunately unable to do so on the 13<sup>th</sup>, to see the result.*

*As Mark and Ian said, this project is not just about putting something up to replace what was previously there, or putting a roof over people's head. It is about enhancing the quality of life for our residents, and the environmental sustainability of this scheme is a*

*vital aspect of its success. Innovative solutions have been implemented that will benefit the environment, the tenants who will live here, and sets a standard for any future projects. Energy efficient designs, the use of sustainable materials, all carefully designed to minimise environmental impact. This includes efficient heating, well-insulated, solar panels, keeping running costs low, combat fuel poverty and reducing the environmental impacts.*

*I also want to acknowledge the cross-party political support that has been crucial in bringing this project to life. It was started by the previous administration, and it is important to give credit where it is due. The vision and groundwork laid the foundation of what we have achieved, it is an example of what can be accomplished when we all work together, regardless of political differences, and shows our shared commitment to serving our community and making it a better place for all.*

*I would also like to publically put on the record, Mr Chairman, this Council's thanks, firstly to our officers, from the initial planning stages to the final touches, and our contractors, Rose Builders, for their expertise, commitment and professionalism in delivering this project, on time and within budget.*

*Finally Mr Chairman, Residents will be moving in during the next few weeks, and I should also mention, that some of those residents have re-sized, and due to this, one fully adapted four bedroomed house, together with one three bed house, three two bedroomed flats and one, one bedroom flat, will be released back into our housing stock for allocation to those residents requiring such properties.*

*And this Council made a commitment when the previous residents moved out of the 'old' Honeycroft, that they would be at the top of the list for allocation to the new bungalows. That commitment has never wavered, and I am delighted to announce that two of the previous residents will be moving back in, in the very near future.*

*Thank you Mr Chairman."*

**64. PETITIONS TO COUNCIL**

The Council was to consider any petition(s) received in accordance with the Scheme approved by the Council.

On this occasion no such petition(s) had been submitted.

**65. 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.

On this occasion no such Questions on Notice had been submitted by members of the public.

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

Council considered a report of the Leader of the Council which notified it of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
  - (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
  - (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.
- (1) Approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system

It was duly reported that, on 20 September 2024, the Portfolio Holder for Housing and Planning, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Planning and Communities), had sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that his decision relating to the approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system, be exempted from the call-in procedure.

The Portfolio Holder for Housing and Planning's decision had been as follows:-

*"To approve Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system."*

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

*"The deadline for the submission of consultation responses is Tuesday 24<sup>th</sup> September 2024. Failure to meet that deadline could lead to this Council's concerns about the Government's proposals not being properly taken into account."*

*The Planning Policy and Local Plan Committee debated and agreed the proposed response at its meeting held on 16<sup>th</sup> September 2024 and so this matter has therefore been considered by Members from all political groups represented on the Council. That discussion followed on from the all-Member briefing held on 4<sup>th</sup> September 2024."*

(2) Termination of the 'YourStride' Careline Contract

It was also reported that, on 24 October 2024, the Leader of the Council, acting on behalf of the Cabinet under his delegated powers, in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Governance), had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that his urgent decision taken on behalf of the Cabinet relating to the termination of the 'YourStride' Careline Contract, be both taken under the 'Special Urgency' provisions of the Council's Constitution and also that it be exempted from the call-in procedure.

The Leader of the Council's urgent decision taken on behalf of the Cabinet decision had been as follows:-

*“That:-*

- (a) the Leader of the Council in exercising their authority and following consultation with the Section 151 and Monitoring Officers, makes an urgent decision, to authorise immediate notice being served on AE Partners Ltd giving 16 weeks prior notification to terminate the Supply of Services Agreement between them and the Council;*
- (b) the Directors for Governance and of Planning and Communities be authorised to take the necessary administrative steps to enable this decision to be implemented as soon as possible and without further delay to the Council; and*
- (c) notification of such decision will be reported to Members accordingly.”*

The Leader had felt that any delay likely to be caused by following the usual procedure before taking key decisions and/or decisions that would involve the disclosure of confidential or exempt information and the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

*“It is acknowledged that the position largely remains the same as in July 2024 when the future of Careline was reported to Cabinet (refer to link in previous decisions section below), in that the Contract is costing the Council more in staff resources and system costs than the income being generated. However, the scale and rate of the increased YourStride registered users are resulting in significant strain on the resources of the Careline Service and the Council. The Tendring tax-payer is effectively having to subsidise, at a growing rate, a product provided through a private company to residents living outside of the Tendring District, whom are paying a subsidised fee. The legal implications of this arrangement are set out in more detail later in the report.*

*For reasons of commercial sensitivity and implications on the Council, the details of the YourStride contract and the cost to the Council are set out within this report to be considered in 'Part B'. The impact on the Council's resources are significant enough to warrant urgent consideration by the Leader of the Council, as there are no other options to reduce the increased flow of registered users.*

*On 15 October 2024, the Council's Director of Planning and Communities (who has recently taken on strategic responsibility for Careline) wrote to AE Partners Ltd (“the Customer”) under delegated authority to seek an immediate change to the Contract preventing any new service users being registered from 1 November 2024 on the basis that the pace at which new users are being registered with the Council's Careline Service had reached a level that is outstripping the Council's ability to continue supporting YourStride customers in an effective, safe and viable manner.*

*On 22<sup>nd</sup> October 2024, the Customer's response was received via Aria Grace Law rejecting that proposal. The response reinforced that the Council remains contractually obliged to provide the Services as set out in Schedule 1, in accordance with the terms and conditions of the Agreement and in particular clauses 3, 6 and 7. No amendment shall be made to Schedule 1 except on terms agreed in writing by the Parties in accordance with clauses 22-26.*

*The letter also stated that “While we understand that you may be facing internal resource constraints, you have a continuing obligation to supply the Services at the volumes requested by our client as priced in Schedule 2. Your own resource constraints, over which you have full control, do not absolve you from the requirement to fulfil your contractual obligations. For the avoidance of doubt - our client does not agree*

*to your proposed new variation agreement and intends to fully enforce the terms of the Agreement.”*

*Consequently, it is now proposed that measures need to be put in place to serve notice to permanently terminate the Contract, giving the Customer (AE Partners Ltd) 16-weeks’ notice in accordance with the termination provisions as set out within clause 46 of the Contract.*

*Irrespective of, and without prejudice to, any decision the Cabinet takes in respect of the future of the Careline Service following the recent customer, resident and stakeholder consultation, the Contract is (and would be under any of the options under consideration by the Cabinet) economically unviable, unsustainable, possibly ultra vires and harmful to the Council’s resources - requiring a substantial and potentially unlawful subsidy from Tendring residents and placing an increasingly unmanageable burden on resources and the Council’s ability to maintain an effective and safe service its own Careline users and to YourStride customers.*

*The report requesting an urgent decision from the Leader is based upon the scale of the increased registered YourStride users, which are now taking 83% of the Careline Services resources to respond to, with only 35 of those 9500 users being Tendring residents. The Customer has responded to the consultation exercise and referred to the Council’s actions not to continue with its TSA accreditation and therefore, considers the Council unable to deliver the contract and believes Option 2 is the only viable option.”*

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that the contents of the report be noted.

**67. MINUTES OF COMMITTEES**

It was moved by Councillor M E Stephenson and:-

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

- (a) Tendring / Colchester Borders Garden Community Joint of Thursday 5 September 2024;
- (b) Planning Policy & Local Plan of Monday 16 September 2024;
- (c) Resources and Services Overview & Scrutiny of Monday 23 September 2024;
- (d) Audit of Thursday 26 September 2024;
- (e) Community Leadership Overview & Scrutiny of Tuesday 15 October 2024; and
- (f) Standards Committee of Thursday 24 October 2024.

**68. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CHANGES TO AGRICULTURAL PROPERTY RELIEF AND BUSINESS PROPERTY RELIEF**

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Council had before it the following motion, notice of which had been given by Councillor Harris pursuant to Council Procedure Rule 12:-

*“(A) This Council notes that:-*

- (i) the Chancellor of the Exchequer, Rachel Reeves MP, announced in the Budget on 30<sup>th</sup> October 2024, changes to Agricultural Property Relief (APR) and Business Property Relief (BPR); and*
- (ii) this will potentially seriously affect the District of Tendring as a significant percentage of our District is of a rural nature with farming significantly contributing to our local economy.*

*(B) Therefore this Council, in accordance with the Corporate Plan themes of “Pride in our area and services to residents” and “Championing our local environment” requests that –*

- (1) the Leader of Tendring District Council, Councillor Mark Stephenson, through a resolution from Cabinet instructs Officers:-*
  - (a) to establish the total number of commercial farms and smallholdings operating and based in the Tendring District; and*
  - (b) via consultation with local farmers and investigation, to determine a realistic assessment of the potential impact on these businesses and the subsequent impact on the District of Tendring and the local economy.*
- (2) the findings of the above be reported back to Cabinet and thence onto the relevant Overview and Scrutiny Committee at the earliest opportunity given the potential serious implications.*
- (3) the findings together with the Cabinet’s final decision on this matter be reported to Full Council for its information.”*

Prior to the commencement of the meeting the Council’s Monitoring Officer (Lisa Hastings), pursuant to Council Procedure Rule 12.5 had produced and circulated to Members an Advisory Note that set out the statutory officers’ professional advice in relation to this motion as follows:-

**“SECTION 151 OFFICER:**

*There is likely to be a relatively significant cost involved and an appropriate budgetary amount would need to be set aside as part of considering this motion, or referred to Cabinet for consideration as part of developing the forecast before any associated activities got underway.*

**HEAD OF PAID SERVICE:**

*The resources required to undertake detailed research on the impact of a government policy would put significant drain on the capacity of the organisation who are working to deliver Cabinet’s existing priorities, the Committees’ work programmes, as well as*



*business as usual of services across the Council. The type of data being sought should be in the public domain and the impacted parts of the community will have access to their own bodies and representatives.*

**MONITORING OFFICER:**

*Article 13.02 of the Council's Constitution sets out the Principles of Decision Making, in that all decisions of the Council must be made in accordance with the following principles:*

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);*
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;*
- (c) Respect for human rights, and equality and diversity;*
- (d) A presumption in favour of openness;*
- (e) Clarity of aims and desired outcomes; and*
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).*

*To ensure that decisions made do follow these principles, detailed reports are prepared to support Members' in making informed decisions, knowing the desired outcomes and resources required (financial and non-financial). Undertaking research is an Executive function and consequently, it will be Cabinet's decision whether to proceed or not, even if the motion is supported.*

**Summary of Statutory Officers' Advisory Note: COUNCIL PROCEDURE RULE 12:**

*The Council's Statutory Officers do not consider that there are reasons why the Motion should not be dealt with at the Council meeting on 26 November 2024. However, it is important to highlight that based on the above advice, the Council would be unable to agree a budget on the night, as it would be unsure on the figure required to support the resources required.*

*Any decision by Full Council to support the motion would in effect be an 'in principle' decision, and only a recommendation to Cabinet, until such time as the Executive determines whether to exercise the function or not, and agrees a budgeted sum to support the work."*

Councillor Harris formally moved the motion and Councillor Bray formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Harris then explained the purpose of the Motion and Council proceeded to debate it.

Councillor Guglielmi moved and Councillor Fairley seconded that Councillor Harris' motion be amended insofar as paragraph (B) be altered to read as follows:-

- (B) "Therefore, this Council, in accordance with the Corporate Plan themes of "Pride in our area and services to residents" and "Championing our local environment" requests that —*

- (1) *The Leader of Tendring District Council, Cllr Mark Stephenson writes to Rachel Reeves MP to ask her to pause the announcement in the Budget of 30<sup>th</sup> October 2024 on the Agricultural Property Relief (APR) and Business Property Relief (BPR) until a full and national consultation with all those affected by these changes will have taken place.*
- (2) *Before this full and national consultation is launched by the Government, it must be prepared with the full co-operation and oversight of the Department for Environment, Food & Rural Affairs (DEFRA) and the National Farmers Union (NFU) who will provide to the Government full details of its members so to reach the maximum number of farmers affected by these changes, thereby giving a proper assessment of the potential impact on their businesses and the subsequent impact on the local economy of Tendring District.*
- (3) *The Leader of Tendring District Council, Cllr Mark Stephenson lobbies the Local Government Association (LGA) to ask that all its members to likewise write to Rachel Reeves to replicate the action of this Council.”*

In addition to Councillor Guglielmi, Councillors M Cossens, Harris, Fairley and M E Stephenson spoke during the debate on Councillor Guglielmi's amendment.

Councillor Guglielmi's amendment on being put to the vote was declared **CARRIED**.

Councillors Bray, Bush, Land, Everett, Harris, I J Henderson, Doyle, Thompson, Baker, Scott, Guglielmi and M E Stephenson spoke during the debate on the substantive motion.

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

**69. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK**

Council had before it the following motion, notice of which had been given by Councillor Bray pursuant to Council Procedure Rule 12:-

*“This Council notes and believes that:-*

- (i) *the Government is currently undertaking a rewrite of the National Planning Policy Framework;*
- (ii) *clear indications are that Tendring will be burdened with a new housing supply target of 1043 houses per year, a massive increase from our current requirement of 550 per year. We will be expected to build at the new rate for the full term of the local plan some 15 years. Given that, in the entire history of Tendring District Council, we have never achieved a figure this high in any single year, it is beyond reasonable thinking to believe that we could do so for 15 consecutive years. The target set is quite simply unachievable;*
- (iii) *in addition, under the new proposed rules, we will be required to maintain a five year housing supply throughout. This will again be almost double our current proved and agreed need. The Government has chosen to take no account*

*whatever of our local need or requirement when calculating the numbers etc. Many councils will like us not be able to reach their respective targets, meaning that a presumption in favour of development will be forced upon us, rendering our local plan all but useless. In turn this will likely lead to unwanted and unsuitable development across our District, as developers seek to gain planning permission in places we would not normally consider to be in the interests of our current and future residents of our District, whilst we will have no effective means of defence against such applications.*

Therefore this Council resolves:-

1. *That the Leader of the Council, Councillor Mark Stephenson, in consultation with the Director (Planning and Communities) and on behalf of this Council and the residents it represents, writes to Angela Rayner M.P. asking that further consideration be given to the current review of the National Policy Planning Framework in light of this Council's replies to the Government consultation on the same.*
2. *That this Council offers its thanks and full support to our planning officers regarding the responses given by them to the recent Government consultation.*
3. *That whilst we seek to gain a more favourable outcome for our District, our Officers will continue to do whatever they are able to in trying to reach the position currently expected, in anticipation that our request is ignored or unsuccessful."*

Prior to the commencement of the meeting the Council's Monitoring Officer had confirmed to Members that the statutory officers did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Bray formally moved the motion and Councillor Harris formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Bray then explained the purpose of the Motion and Council proceeded to debate it.

In addition to Councillor Bray, Councillors Baker, Guglielmi, P B Honeywood, White, M Cossens, Calver, Everett, Scott, Harris, Thompson and M E Stephenson spoke during the debate on this matter.

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

**70. REFERENCE FROM THE CABINET - A.2 - LOCAL COUNCIL TAX SUPPORT SCHEME 2025/2026; DISCRETIONARY COUNCIL TAX EXEMPTIONS, DISCOUNTS AND PREMIUMS FOR 2025/2026; AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT FOR 2025/2026**

Council was informed that, at its meeting held on 15 November 2024 (Minute 84 referred), the Cabinet had considered a joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.9) which had sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2025/26 (LCTS);
- Exceptional Hardship Policy;

- Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26; and
- Annual MRP Policy Statement for 2025/26.

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

- (i) *in terms of the LCTS, to continue with the principle of providing financial stability wherever possible to Tendring claimants;*
- (ii) *to keep the 2025/26 LCTS scheme the same as for 2024/25, which provided for a maximum discount of 80% for working age claimants;*
- (iii) *to not make any changes to the associated hardship policy apart from recognising that council tax payable on second homes / empty properties was not eligible for support;*
- (iv) *to not make any changes for 2025/26 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care);*
- (v) *to not make any changes in respect of existing council tax premiums on long-term empty properties;*
- (vi) *to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes');*
- (vii) *to note that central Government have introduced a number of exceptions where the council tax premium on long term empty properties and/or second homes is not chargeable; and*
- (viii) *to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2025/26 other than minor amendments to reflect revised Guidance.*

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

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

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

“RESOLVED that Cabinet agrees that -

- (a) the LCTS scheme for 2025/26 remains the same as the current year (2024/25);
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and
- (c) the discretionary Council Tax exemptions, discounts and premiums for 2025/26 be as set out in the appendices to the Portfolio Holders' joint report.

**RECOMMENDED TO COUNCIL that –**

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;
- (vii) the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix F, be approved."

A copy of the published Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's joint report (and its appendices) to the Cabinet meeting held on 15 November 2024 was before Council as attached to reference report item A.2.

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that Council, having considered this reference report (A.2) from Cabinet –

- (a) approves the LCTS scheme for 2025/26, as set out as Appendix 2 to report A.2, with the maximum LCTS award being 80% for working age claimants;
- (b) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (c) approves the locally determined council tax discounts, as set out in Appendix 4 to report A.2;
- (d) approves the council tax discount policy for young people leaving care, as set out in Appendix 5 to report A.2;
- (e) approves the discretionary council tax premiums, as set out in Appendix 6 to report A.2;

- 
- (f) approves that a discretionary council tax premium of 100% will be charged on properties occupied periodically (“second homes”) from 1 April 2025;
  - (g) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
  - (h) approves the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix 7 to report A.2.

**71. REFERENCE FROM THE CABINET - A.3 - ADOPTION OF A REVISED GAMBLING LICENSING POLICY STATEMENT**

Earlier on in the meeting, as reported under Minute 59 above:-

- (i) Councillor Scott had declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District. Councillor Scott therefore withdrew from the meeting and left the room whilst Council deliberated on this matter and made its decision.
- (ii) Councillor P B Honeywood had likewise declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for the Clacton Constituency Conservative Association. Councillor Honeywood therefore also withdrew from the meeting and left the room whilst Council deliberated on this matter and made its decision.

Council was informed that, at its meeting held on 15 November 2024 (Minute 77 referred), the Cabinet had considered a reference report from the Licensing and Registration Committee that had set out that Committee’s recommendations in relation to the adoption of a revised Gambling Licensing Policy Statement.

Cabinet had been informed that a draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation Gosschalks LLP, acting on behalf of the Betting and Gaming Council, had submitted a consultation response. As part of that response, Gosschalks had put forward amendments to paragraphs 15.11 and 24.2 of the Policy Statement.

The draft Policy Statement had sought to set out how this Council (as the licensing authority) would regulate gambling activities within the District. Whilst for the majority of the general public, gambling was an enjoyable and often social experience, it was for some individuals a largely hidden addiction which taken to excess had an adverse impact on their finances, health, wellbeing and relationships. The wellbeing of its residents was a key priority for the Council and the Gambling Policy had a role to play in supporting this priority through its control of gambling premises. It was hoped that the new revised policy statement was clear and easily understood and would be of significant use to the Council, its partners and operators when considering gambling matters.

The Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 23 referred), had considered the matter again (including the response received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

*“RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption.”*

The Portfolio Holder for Housing and Planning, as the designated Executive Member for overseeing licensing policy matters, had submitted the following written statement to Cabinet at its meeting held on 15 November 2024:-

*“I thank the Licensing and Registration Committee for its oversight of the development of this revised policy statement on behalf of the Council. It is important that we operate the Council’s gambling licensing functions in a way that promotes the Gambling Act 2005’s objectives of:*

- *preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- *ensuring that gambling is conducted in a fair and open way*
- *protecting children and other vulnerable people from being harmed or exploited by gambling.*

*I am pleased to be able to support the adoption of this revised policy statement and urge Cabinet to recommend this to Full Council.”*

Cabinet had consequently:-

*“RESOLVED that Cabinet recommends to Full Council that the Gambling Licensing Policy Statement be adopted.”*

A copy of the published reference report of the Licensing and Registration Committee (and its appendix) to the Cabinet meeting held on 15 November 2024 was before Council as an attachment to this reference report (A.3).

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that Full Council approves and formally adopts the revised Gambling Licensing Policy Statement, as set out in Appendix 2 to this reference report (A.3).

**72. REFERENCE FROM THE CABINET - A.4 - CLIMATE CHANGE TARGET DATE: AMENDMENT**

Council was informed that, at its meeting held on 15 November 2024 (Minute 85 referred), the Cabinet had considered a report of the Portfolio Holder for the Environment (A.10), which had sought to enable Cabinet to determine its recommendation to Full Council with a proposal of amending the Council’s current policy target to achieve net zero carbon in scope one and two emissions from 2030 to the Government’s target date, currently 2050, in order to allow for more financially sustainable investment to meet the target.

The Portfolio Holder's report had also set out the proposed Climate Action Plan for 2024-27, subject to Cabinet's endorsement, which would look to deliver against the new target, following Full Council's approval.

Cabinet had further been requested to note that an action within the Action Plan was for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

The Environment Portfolio Holder had proposed that the Council aligned its target date for scope one and two emissions to reach net zero to the Government's national target date, currently set at 2050, because this Council could not financially sustainably become net zero by 2030. This change was a realistic, value for money approach to responding to climate change. Aligning with the national target meant that the Government policy, regulation and funding required to meet net zero would be brought forward to enable the country, and so this Council, to meet what remained a challenging ambition by 2050.

Cabinet had been made aware that the Government would need to regulate to meet the 2050 target, and as it did so new statutory responsibilities for the Council would come with new burdens funding to deliver them. Over time it was expected that innovations in technology would make improvements in carbon reductions better value for money, more locally available (in terms of supply and maintenance), and more realistic in terms of delivery. The national target date of 2050 had therefore been recommended by the Environment Portfolio Holder.

Cabinet had consequently:-

*"RESOLVED that Cabinet -*

- a) *notes the contents of the Environment Portfolio Holder's report (A.10) and in particular the development of a draft Climate Change Action Plan, as set out in Appendix A for 2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;*
- b) *recommends to Full Council that –*
  - i) *the Council's Policy Framework (within Article 4 of the Constitution)) be amended to "Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive";*
  - ii) *in recognition that at a national level the UK Government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050 and based on the Council's resources, the Council's new target for achieving Net Zero carbon emissions be aligned with the UK's national objectives to achieve Net Zero, by 2050; and*
  - iii) *Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.*
- c) *subject to Full Council approving the revised Net Zero target, the new Climate Change Action Plan for 2024-2027 be adopted via an executive decision being made by the Portfolio Holder for the Environment; and*



- d) *notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.*

A copy of the published report of the Environment Portfolio Holder (and its appendices) to the Cabinet meeting held on 15 November 2024 was before Council as attached to this reference report (A.4).

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that Council –

- (a) approves that the Council's Policy Framework (within Article 4 of the Constitution)) be amended to: "Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive";
- (b) approves that the Council's new target for achieving Net Zero carbon emissions be aligned with the UK Government's national objectives to achieve Net Zero, i.e. by 2050; and
- (c) agrees that Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.

**73. REFERENCE FROM THE CABINET - A.5 - ADOPTION OF A SOCIAL VALUE POLICY**

Council was informed that, at its meeting held on 15 November 2024 (Minute 82 referred), the Cabinet had considered a report of the Portfolio for Assets which had presented to Cabinet for its approval a Social Value Policy to demonstrate how the Council would deliver corporate priorities by achieving social value through procurement ensuring the additional benefit to the community which it could derive, over and above the direct purchasing of goods, services and outcomes, where those quality criteria were relevant and proportionate to the subject matter of the contract and non-discriminatory.

The Portfolio Holder had put forward that implementing a Social Value Policy could elevate social value from a procurement process to an organisation-wide policy. Organisation-wide ownership of social value, would encourage each project owner across the Authority to consider how they could achieve priority objectives in the Corporate Plan, thereby ensuring they made a commercial contribution in line with the Local Government Act 1988. For example, a project manager in Directorate A could enable local jobs and skills opportunities, thereby delivering on corporate objectives in Directorate B.

The Policy could also enable this Council to set out a framework for:

- *ensuring the social value measures we used aligned to the Corporate Plan and how changes to Social Value Themes, Outcomes and Priorities were made; and*
- *how changes to the specific measures listed in the TOMs Calculator were made where they delivered Outcomes agreed by the Cabinet. Each Measure sat under one of the agreed Social Value Outcomes.*

This option had been recommended because it met best practice principles of publishing an organisation-wide Social Value Policy and it would enable the Council to adopt the TOMs Calculator efficiently to harness specific opportunities to deliver on corporate objectives (but only where they delivered on the outcomes already agreed by the Cabinet).

Whilst Social Value could apply with any value of contract, there was an operational cost to preparing and scoring the evaluation model. Therefore, the Portfolio Holder had proposed that the Council would normally only require social value to be considered when it was procuring a contract with a value of over £100,000.

Cabinet had consequently:-

*“RESOLVED that Cabinet -*

- (a) approves the Social Value Policy, as set out in Appendix A, for recommendation onto Full Council for adoption;*
- (b) authorises the Portfolio Holder for Assets (with responsibility for procurement) to approve changes to the list of Social Value Measures in the TOMs Calculator, where those measures deliver on the Outcomes agreed by Cabinet;*
- (c) authorises the Director (Governance) (with responsibility for procurement) to approve the removal of TOMs measures for specific procurements, in order to meet the Public Contracts Regulations requirements for relevance, proportionality to the subject matter of the contract and non-discrimination; and*
- (d) endorses an annual social value statement to reaffirm their goals to suppliers and measuring social value progress.”*

A copy of the published reference report of the Assets Portfolio Holder (and its appendix) to the Cabinet meeting held on 15 November 2024 was before Council as attached to this reference report (A.5).

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that Council approves and formally adopts the Social Value Policy, as set out in Appendix 2 to this reference report (A.5).

**74. 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.

**75. REPORT OF THE CHIEF EXECUTIVE - A.6 - COMMUNITY GOVERNANCE REVIEW FOR CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS**

Council considered a report of the Chief Executive (A.6) which sought to provide it with the information it had requested at the last meeting of the Council (Minute 50 of 17 September 2024 referred in respect of a possible community governance review of the unparished areas of the District. Council had requested: *“that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be*

*prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.”*

The Chief Executive’s report therefore set out proposals for Council to consider in respect of a possible community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. Those proposals were in the form of draft Terms of Reference for such a review (which themselves included a timetable for such a review) and possible costs to be incurred in undertaking such a review. If Council was minded to proceed with a community governance review there would need to be a recommendation to Cabinet to authorise the necessary expenditure to facilitate that review. This was set out as one of the recommendations in the Chief Executive’s report for Members’ consideration.

Appendix A to the Chief Executive’s report set out the draft Terms of Reference for the possible Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands and Appendix B thereto set out a proposed amendment to the Community Leadership Overview and Scrutiny Committee’s Terms of Reference which would, if approved, enable that Committee to undertake functions relating to the making of recommendations to Council on the review pursuant to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.

In addition to Councillor M E Stephenson, Councillors Griffiths, Scott, Thompson, P B Honeywood, Bray, Baker, Guglielmi, Amos, Land, Calver and Talbot spoke during the debate on this matter.

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

**RESOLVED** that Council -

- (a) being minded to see a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick proceed;
- (b) hereby determines the following:-
  - (i) that the draft Terms of Reference for the community governance review, as set out at Appendix A to report A.6, be approved as the basis for that review;
  - (ii) that the Chief Executive be authorised to adjust the Terms of Reference approved in (b)(i) above to finally be published to reflect the current position as known on 1 July 2024 in relation to matters such as the 2025/26 Parish Precepts and consequential Band D Council Tax amount in each area of the District;
  - (iii) that, subject to (iv) below, Cabinet be requested to include within the recommended budget for 2025/26 the minimum sum of £48.4K to fund consultation and other expenses in respect of the community governance review and thereby authorise Officers to incur expenditure to undertake the review following approval of the budget;
  - (iv) that Officers be requested to monitor the anticipated costs to deliver the review, including postage charges; to update the likely cost of the review; and to inform Cabinet to enable the sum in (c) above to be updated as necessary;

- (c) that the terms of reference for the Community Leadership Overview and Scrutiny Committee be expanded, as set out in Appendix B to report A.6, to include a reference power to consider and oversee community governance reviews and to submit a final recommendation to Council following the conclusion of the review (including any proposal to discontinue the review in any particular part of the review area based on responses received);
- (d) that Council approves the delegation of functions for community governance reviews, as set out in Table 1, within this report (A.6), to be included within Part 3(X), Schedule 2 Non-Executive functions for Full Council; and
- (e) that the Monitoring Officer be authorised to make the necessary changes to the Constitution to implement the Council's decision.

**76. REPORT OF THE CHIEF EXECUTIVE - A.7 - MEMBERS OF THE COUNCIL'S INDEPENDENT REMUNERATION PANEL**

Council considered a report of the Chief Executive (A.7) which sought its approval for the appointment of the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 30 April 2024 and in order to ensure compliance with Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003.

Members were reminded that there was a requirement, following the decision taken at Full Council on 22nd November 2022 that alternative arrangements for the Council's IRP be explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment.

It was reported that, during 2023, Braintree District Council (BDC) had expressed an interest in joint working on the IRP Members and had advertised to recruit to their IRP role and had included reference to working with other Essex Councils (although Tendring District Council (TDC) had not been specifically named). This Council's Director (Governance) & Monitoring Officer had taken part in the BDC interview process in 2024 and each candidate had confirmed they would be interested in joint working with TDC, if this was approved locally as an approach going forward.

Council recalled that the term of office for TDC's Independent Remuneration Panel had expired in April 2024 and that, following a reference report from the Standards Committee, Council had approved on 30 April 2024 (minute no. 14 referred):–

*“(b) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council; and*

*(c) for the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors.”*

Following that decision of Full Council in April 2024, the Chief Executive reported that all IRP members appointed by BDC had expressed an interest in being involved with

TDC's IRP and that all six candidates had been individually interviewed by the Chief Executive, the Director (Governance) & Monitoring Officer and the Head of Democratic Services and Elections.

Council was informed that the experience and/or interest in the role had been of a high standard with a range of backgrounds and that, consequently, the Council would benefit from appointing all six in order to form a pool of members for an IRP to undertake reviews of Members' Allowance Schemes for the District Council and the District's Town and Parish Councils.

The Chief Executive and the Monitoring Officer had therefore recommended to Council that the following candidates be appointed by Tendring District Council for a term of up to seven years:

- **Andy Barton** – *Self-employed therapist providing services to leaning disabled and elderly clients with a care home setting, spanning 28 care homes across Essex, Suffolk and North. Experience working on an Independent Panel in Essex.*
- **Tricia Bernard** - *Mental Health Counsellor at a charity based in Essex. Experience working on Independent Panels in Suffolk and Essex.*
- **John Bryant BA Hons (QTS) NPQH NPQEL** - *education background including as a Head Teacher, now freelance and self-employed in a number of roles, covering being a member of governing boards and experience at clerking level.*
- **Joy Ikumoinin** - *Health and Social Care Professional with experience in successfully implementing social care digital systems, building strong relationships and applying innovative approaches to social care.*
- **David Irvine** – *Retired. Currently Independent Person for Tendring District Council and other local authorities. Independent Person for an Audit Committee. Experience working on Independent Panels in Suffolk and Essex (including Tendring).*
- **Georgia Riley** – *qualified solicitor previous volunteering experience with CAB. Experience working on an Independent Panel in Essex.*

Council was reminded that the current Scheme of Allowances for Members for 2023/24 had been approved in January 2023 and would last until 2027/28. Therefore, commencement work on reviewing the Allowances Scheme would not be required until the latter part of 2026 however, it was important that the District Council had an established IRP in place, to respond to an earlier review if required, based on circumstances arising. Therefore, it was proposed that a retainer allowance be made of £300 per annum to all IRP Members and a further £300 for those IRP Members involved in a formal review. There would however be regular contact with the Panel to keep in touch over the interim period, which would enable information and data to be shared to gain an earlier understanding about the demographics of Tendring and the opportunities and challenges it faced.

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

**RESOLVED** that Council -

- (a) upon receiving recommendations from the Chief Executive and Monitoring Officer, approves the appointment of the following individuals as members of the Independent Remuneration Panel:

- (i) Andy Barton;
  - (ii) Tricia Bernard;
  - (iii) John Bryant;
  - (iv) Joy Ikumoinin;
  - (v) David Irvine; and
  - (vi) Georgia Riley.
- (b) authorises the Chief Executive and Monitoring Officer to determine the individual term of office for those Independent Remuneration Panel Members for a term of up to 7 years;
- (c) subject to (d) below, agrees that the members of the Independent Remuneration Panel will receive an allowance of £300 per annum as a retainer, with an additional £300 allowance for undertaking a formal review of the Members Allowance Scheme; and
- (d) requests Cabinet to establish and approve the allocation of a budget within the relevant financial report to meet the above allowances prior to any payments being made.

**77. REPORT OF THE MONITORING OFFICER - A.8 - LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN FINDING**

Members were aware 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 Monitoring Officer report (A.8) concerned actions that the Local Government and Social Care Ombudsman had determined were maladministration/service failings.

This particular report was also required under section 5A 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.

Council was informed that the matter related to a claimed failure by the Council to investigate concerns about a development neighbouring the complainant's home; a failure to correctly apply permitted development guidance and building regulations; and about the Council's complaint handling. The Ombudsman had found that the Council was not at fault for how it had considered and applied the permitted development guidance. It had not questioned the merits of the Council's decision in this regard. The Ombudsman had found the Council at fault for not making a clear decision on whether building regulations applied to the development and for not addressing concerns raised by the complainant in a timely way. This had caused avoidable injustice for the complainant. The Ombudsman had also found the Council at fault for its complaint handling. Recommendations to remedy the injustice caused had been submitted to the Council and accepted by it.

The recommendations from the Ombudsman in the case were:

*Within four weeks of the final decision being issued, to:*

- a) *Provide a written apology to the complainant for the faults and injustice identified.*
- b) *Pay the complainant £400 in recognition of the injustice experienced.*

It was reported that the Council had provided the requested apology and had taken the necessary step to pay the sum identified to the complainant. Those steps had included the publication of the decision of the Chief Executive to authorise the payment concerned. This had been published on 12 November 2024.

Members were advised that, since the time of the complaint, the Council had implemented revised procedures around complaint handling with a view to improving the consistency of compliance with the Council's existing complaints procedure. In addition, that complaints procedure was itself being revised to align with the expectations of the two Ombudsman Services (separately for Local Government & Social Care and for Housing) as set out in their parallel codes.

The Director of Planning and Communities had met with both the Building Control & Planning Enforcement teams and had shared the Ombudsman's final decision and findings with them at their team meetings. The Director of Planning and Communities had set down a clear expectation of the timelines required for responses to complaints and enquiries and had stressed that ongoing matters should be closed in a clear and precise manner which would include a full explanation to the customer / complainant. Further training had been arranged and would cover improvements to customer service.

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

**RESOLVED** that this Monitoring Officer's report (A.8) and, in particular, the findings/orders/recommendations from the Local Government and Social Care Ombudsman in the case covered by this report; the compliance with those matters by the Council; and the wider learning points set out; be formally received and noted.

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

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

One question on notice had been submitted by a Member on this occasion as set out below:-

##### Question

Councillor P B Honeywood asked Councillor M E Stephenson, the Leader of the Council:-

*"At the Council meeting held on 17<sup>th</sup> September 2024 this Council debated a motion in response to the Labour Government's plans to cut winter fuel payments from all pensioners except those receiving pension credits (Minute 51).*

*That motion, as amended by Councillor M E Stephenson, and passed by this Council stated, inter alia, the following:-*

- 3. Following the Government's decision to remove the Winter Fuel Payment from pensioners not in receipt of pension credit, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to*

*pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.*

4. *The availability of Pension Credit be promoted by the Council and with partners to assist all those entitled.”*

*Can the Leader of the Council please update this Council on the action he and his Cabinet have taken following the urgent review as to how Tendring District Council, with the inclusion of its partners and other local organisations, has offered support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government’s decision to cut winter fuel payments and how the availability of Pension Credit has been promoted by the Council and with partners to assist all those entitled?*

*Could the Leader of the Council also update this Council as to when these actions were taken and how successful they have been?”*

The Leader of the Council replied as follows:-

*“Thank you Councillor Honeywood for your question.*

*This Council is committed to providing support and advice to local pensioners to take up money that they are entitled to, in particular Pension Credit, and to work with partners to do so.*

*The Council has a Fuel Poverty Officer who developed and provided a leaflet that informs people how to access pension credit and wider support, which has been circulated, in particular at the energy hub in Jaywick.*

*I requested officers to contact the Department of Work and Pensions (DWP) to obtain posters and leaflets promoting the take up of Pension Credit. The request was made of DWP on September 24th.*

*The Council sent out social media posts to promote Pension Credit take up on 28 September. Facebook reached 1,700 people with 15 interactions. We followed up on 13<sup>th</sup> November with a further post on Facebook with a reach of 841 and Next Door received 634 impressions. We also posted on Instagram.*

*I also sent out a link to information from Age UK on Pension Credit.*

*On the 17<sup>th</sup> October Lee Heley, the Deputy Chief Executive, wrote to all Council members asking them to share leaflets with their networks including the DWP Pension Credit leaflet, and the TDC Winter Support leaflet, as well as a leaflet from CVST on their winter warmer events.*

*Pension Credit drop in’s took place at CVST in Clacton on 5 November and Harwich on 19 November, delivered by Peabody. The Council has helped signpost residents to these events.*

*Citizens Advice Tendring has promoted the take up of pension credit and winter fuel payment through their community advisors, welfare benefits advice, their website, promotion on BBC Essex, Facebook, Instagram and TikTok.*



*On the 14<sup>th</sup> November an officer attended the Older People's Forum at Frinton Community Hall to promote the importance of increasing the uptake of pension credit. A briefing was provided by the Council representative identifying the actions taken by the Council to raise awareness and provide support. The event was organised by CVST, and attended by partners including Age Well East, Community Agents Essex and Essex Carers Support. This was the first Older People's Forum after the last Full Council Meeting.*

*I wrote to the two local MPs to ask for their support in promoting pension credit, and to the Chancellor Rachel Reeves requesting that the Government promote pension credit.*

*You will see that our website has a page on Pension Credit, with a link to the government information.*

*Leaflets and posters have been distributed across the District. In Clacton Tendring Community Transport will put a poster up in each of their 10 buses; posters have been distributed to several banks; Clacton library; Clacton train station; Specsavers; The Post Office; and several pharmacies.*

*Leaflets have been delivered in Brightlingsea and are well supported with Peabody/CAB going into the Parish Council. Leaflets have also been provided to the shops and library and also the Autumn Centre for their lunch club members.*

*Leaflets have been put out in Jaywick including the Sunspot Café, the Resource Centre and shops. Some were also put in the SOS bus which was on site.*

*Leaflets and posters have been provided in Harwich and Dovercourt including to supermarkets, the library, Essex Pedal Power, Park Pavilion, CVST and are also present in Harwich Town Council.*

*Leaflets have been provided to shops in Frinton and Walton.*

*The Digital Access Team that supports digital access in Colchester and Tendring has put information and a link to the Government's Pension Credit website on digital access points – in effect tablet computers - in 14 GP surgeries across Tendring.*

*In short, there has been a sustained campaign of support for pensioners to take up pension credit in Tendring, sharing information across partners and across the District."*

Councillor P B Honeywood then asked a question of clarification to which Councillor M E Stephenson responded.

**79. 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 10.08 pm

**Chairman**