

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 21ST JANUARY, 2025 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

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| Present: | Councillors Casey (Chairman), Davidson (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Kotz, Morrison, Newton, Oxley, Placey, Platt, Scott, Smith, Steady, M Stephenson, Thompson and Wiggins |
| In Attendance: | Ian Davidson (Chief Executive), Lisa Hastings (Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Maddie Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer) and Simon Kedge (Casual Technician (Princes Theatre)) |

80. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Codling, Guglielmi, Land, Skeels, G L Stephenson, Sudra, Talbot, Turner and White.

81. 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 26 November 2024 be approved as a correct record and be signed by the Chairman.

82. DECLARATIONS OF INTEREST

The Monitoring Officer read out the contents of an email that she had previously sent to those Tendring District Councillors who were also serving Essex County Councillors.

"I am writing to you all following a few requests for advice on the position of declaration of interests in relation to the Devolution and LGR Report on the Council agenda tomorrow evening. I have not checked if you attended the meeting of ECC on 10th January, if you did, how you voted and if you are attending tomorrow, I just wanted to ensure you all had the same advice.

When the matter was before ECC, you were debating and voting on an item before the County Council on whether to submit the expression of interest as requested, for Upper Tier authorities to respond to, through the Ministry of Housing, Communities and Local Government (MHCLG) White Paper on English Devolution published on 16th December 2024.

The title of the ECC Report was “Devolution, Local Government Reorganisation and Request for Postponement of 2025 Ordinary Elections” printed recommendations within the report are set out below and are important for the purposes of this advice:

2.1 Council endorses the proposal by the Leader of the Council to submit a letter to government which:

A. Requests that Essex County Council, along with Southend-on-Sea City Council and Thurrock Council (‘the Partners’) be part of the government’s Devolution Priority Programme.

B. Sets out the Council’s commitment to work with the Partners and with central government and the borough, city and district councils to seek to deliver a mayoral combined county authority with a view to holding a mayoral election in May 2026.

C. Sets out the Council’s commitment, working with the Partners, to develop a proposal for local government reorganisation for submission to government as an interim proposal in March 2025 and a full proposal in Autumn 2025.

D. Requests the government to postpone the ordinary elections to Essex County Council due to be held on 1 May 2025, initially by 12 months to May 2026 to enable the Council to focus on developing proposals for devolution and local government reorganisation as part of the Government’s Devolution Priority Programme.

2.2 Council requests that it is consulted on any proposals to be submitted by the Council for a mayoral county combined authority or for reorganisation of local government.

Being an ECC Member is regarded as an Other Registerable Interest (ORI), as defined in Table 2 (c) (i) and (iii). Where a matter either ‘directly relates’ or ‘affects’ the financial interest or wellbeing of your ORI, you must declare it and whether you participate or not depends upon the circumstances. There is obviously a clear link to the Report on TDC’s agenda and it specifically references the outcome of the meeting held on 10th January 2025.

The outcome of the debate on the report tomorrow could directly relate or affect the financial interest or well-being of ECC in relation to partnership working amongst the Councils (as set out in 2.1 B&C above) therefore for the avoidance of doubt, I will read out at the Declarations of Interest section of the agenda tomorrow that as MO, I have decided to grant you all a dispensation to remain, speak, and vote on the item in accordance with the Members’ Code of Conduct and applying the principles of Section 33 (c) of the Localism Act 2011 in that it is considered granting the dispensation is in the interests of persons living in the authority’s area.

The matter before TDC tomorrow is responding to the outcome of the ECC decision, and as District Councillors, you have the right and would be expected to represent the District Council and its residents, businesses and community in the position local government and this Council finds itself in, following central government policy and the decisions of the County and two Unitaries within Greater Essex.”

83. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Casey) referred to the fact that he was a member of the Working with Parish Councils Task & Finish Working Group and that he had recently attended meetings of Alresford Parish Council and Frinton & Walton Town Council. He thanked those Councils for their kind invitations.

84. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**Change in Membership of the Reform UK Political Group**

The Chief Executive formally reported that, on 17 January 2025 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Bradley Thompson had served formal notice on the Council that he wished to be treated as a member of the Reform UK political group. That notice had been duly counter-signed by the Leader of the Reform UK Group (Councillor Jeff Bray).

Councillors Thompson and Bray had informed Officers that they wished to exercise their right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out. The results of that review would be reported to Council in March 2025 and would also take account of the result of the by-election in The Bentleys & Frating Ward on 6 February 2025.

Council noted the foregoing.

Agenda Item 21 – Seating Plan

In the light of the above announcement and with the leave of the Chairman of the Council, the Chief Executive informed Members that agenda item 21 (Seating Plan for meetings of the Full Council in the remainder of the 2024/2025 Municipal Year) had been deferred from this meeting.

Former Councillor Lynda McWilliams – Resignation from the Council and Tributes to her service and achievements on the Council

The Chief Executive formally reported that, on 2 January 2025, he had received a letter from Lynda McWilliams in which she had resigned as a Tendring District Councillor. That letter had referenced her deteriorating health and the medical advice she had received to step aside from her District Councillor role.

Notice of the Vacancy in The Bentleys & Frating Ward had been accordingly given and a requisition for an election to fill the vacancy had been consequently received from two electors.

Notice of the Election had been thereupon given, and the Election would take place on Thursday, 6 February 2025. The Chief Executive, in his role as Returning Officer, had decided that the counts for the by-election would take place here at the Town Hall in Clacton-on-Sea on Friday, 7 February 2025.

The Chief Executive then paid a personal tribute to Lynda McWilliams' service and achievements during her lengthy term of office as a District Councillor.

Councillors P B Honeywood, Bray, Chapman BEM, M E Stephenson and Scott paid tribute both personally and as leaders of their respective political groups.

Councillor Calver paid tribute to Lynda McWilliams on behalf of the Labour Group.

The Chairman of the Council (Councillor Casey) and Councillor Fairley also paid personal tributes.

Councillor A I Cossens presented a bouquet of flowers to Lynda McWilliams who responded by thanking everyone for their kindness and their touching tributes.

Members and Officers then proceeded to give Lynda McWilliams a standing ovation.

85. STATEMENTS BY THE LEADER OF THE COUNCIL

Tendring Stars Awards

The Leader of the Council (Councillor M E Stephenson) informed Council that, last week, he had attended the Tendring Stars Awards which was where the Council recognised the many different individuals and teams who received awards acknowledging their contributions to the Council. What had been evident was their commitment, loyalty, hard working and professionalism and the ongoing extra miles that staff provide for the Council.

Councillor Stephenson stated that he had been attending these awards for a few years and the thing that really stood out for him was the long service awards for 30+ and 35+ years with the Council and the large number of individuals who had achieved that which he felt was phenomenal and showed what a great place this Council was to work. It also recognised all the efforts that Officers made. He was one of the members of the judging panel and it had been hard to pick out the 'winners' as they were all worthy of an award.

86. STATEMENTS BY MEMBERS OF THE CABINET

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

87. 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.

88. 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 one such Question on Notice had been submitted by a member of the public. However, that Question had been subsequently withdrawn in accordance with the provisions of Council Procedure Rule 10.10.

89. URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There were no such urgent Cabinet or Portfolio Holder decisions to report to Council on this occasion.

90. MINUTES OF COMMITTEES

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

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

- (a) Audit of Monday 9 December 2024; and
- (b) Resources and Services Overview & Scrutiny of Tuesday 17 December 2024.

91. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - 'GIVING PETS AS PRIZES' AND THE COUNCIL'S ANIMAL WELFARE CHARTER

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

“(a) That Tendring District Council notes that:-

- (1) ownership of any animal is a big responsibility and one that should be planned and well thought out, as animals often do not have their welfare needs met prior to, during and after being given as a ‘prize’;*
- (2) between 2015 and 2020, there were 120 cases reported to the RSPCA of live animals being given as prizes in England and that whilst the numbers decreased during the Covid-19 lockdowns, the RSPCA still regularly receive calls about pets being given away as prizes;*
- (3) in 2024, 91% of UK adults were shocked to discover that this still happens and 79% agreed that local councils should step in to stop this;*
- (4) under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under the age of 16, except within the family context but that the RSPCA believes that this does not go far enough, and would like to see legislation introduced similar to that within the Animal Health and Welfare (Scotland) Act 2006, which states that: **it is an offence to give an animal as a prize, regardless of age, except within the family context;***
- (5) local authorities can ban the giving of live animals as prizes on Council owned land, thereby ensuring the welfare of these animals is not compromised, as well as raising public awareness of the issue and leading the way on ending this outdated practice;*
- (6) all 22 local authorities in Wales and over 70 Councils in England have now restricted this activity on land that they control; and*
- (7) the RSPCA believe that many cases of pets being given as prizes go unreported each year.*

(b) That Tendring District Council therefore resolves:-

- (1) to re-affirm the commitment that currently exists in the Council's Animal Welfare Charter to ban outright the giving of live animals as prizes, in any form, on land owned by Tendring District Council;*

- (2) *that the Leader of the Council writes to Steve Reed MP, Minister for the Environment, Food and Rural Affairs urging the Government to introduce an outright ban on the giving of live animals as prizes on both public and private land by way of an amendment to the Animal Welfare Act 2006;*
- (3) *that the Portfolio Holder for the Environment and ICT be requested to undertake a review of this Council's current Animal Welfare Charter to ensure that it is an up-to-date policy document; and*
- (4) *that this Council communicates to its residents this Council's continued commitment to Animal Welfare issues across the District by highlighting its intention to lobby the Government to ban the giving of live animals as prizes in any form."*

Prior to the commencement of the meeting the Council's Monitoring Officer had decided 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 Barrett formally moved the motion and Councillor Fairley formally seconded the motion.

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

In addition to Councillor Barrett, Councillors Fairley, Oxley and M E Stephenson spoke during the debate on this matter.

Councillor Barrett's motion on being put to the vote was declared unanimously **CARRIED**.

92. RECOMMENDATIONS FROM THE CABINET

Council would consider any recommendations submitted to it by the Cabinet.

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

93. 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.

94. REPORT OF THE CHIEF EXECUTIVE - A.1 - THE GOVERNMENT'S ENGLISH DEVOLUTION WHITE PAPER AND LETTER TO LEADERS OF ALL TWO-TIER COUNCILS REFERENCING POSSIBLE POSTPONEMENT OF 2025 ELECTIONS

Council had before a detailed report of the Chief Executive (A.1) which set out for Council a summary of the Government's "English Devolution" White Paper published on 16 December 2024 in respect of its proposals in this policy area and the Government's

intentions for local government re-organisation; including the relevant timelines for those two separate but parallel strands of Government policy. Associated with this was the potential deferral of elections scheduled for May 2025 to May 2026 (initially).

It was reported that Devolution concerned taking Whitehall powers and devolving those to more local institutions. The Government styled those local institutions as 'Strategic Authorities'. The White Paper set out the Government's aim of universal coverage in England of Strategic Authorities – which should be a number of councils working together, covering areas that people recognised and worked in. The current Combined Authorities, in places like Tees Valley and Cambridgeshire & Peterborough, would become Strategic Authorities (as referred to below). The levels of Strategic Authority were stated by Government as being:

- **“Foundation” Strategic Authorities:**

Those included non-mayoral Combined Authorities and Combined County Authorities automatically, and any Local Authority designated as a Strategic Authority without a Mayor.

- **Mayoral Strategic Authorities:**

The Greater London Authority, all Mayoral Combined Authorities and all Mayoral Combined County Authorities would automatically begin as Mayoral Strategic Authorities.

- **Established Mayoral Strategic Authorities:**

Those Mayoral Authorities who met specified eligibility criteria could be designated as Established Mayoral Strategic Authorities. This unlocked further devolution, most notably an Integrated Settlement (which the Government stated would mean Mayors would not be bound by strict Westminster rules over how to spend money locally). Integrated Settlements were to have a single systematised approach to spending controls and a single, streamlined, overarching assurance and accountability framework.

Members were informed that the default position for Government was that Strategic Authorities should cover areas with a population of 1.5 million or above. The combined population of Essex, Thurrock and Southend-on-Sea was currently about 1.8million. The powers of Strategic Authorities were set out in Appendix A ('Devolution Framework Summary Table') to the Chief Executive's report (A.1)/

Council was made aware that Mayoral Combined and Combined County Authorities could currently use a Mayoral Council Tax Precept. However, they could not use this on their full range of functions. Government had said that it would legislate to correct this, raising the value for money of this existing power.

It was noted that to take forward the intentions in the White Paper, the Government intended to introduce an English Devolution Bill. Ahead of that, it proposed to agree areas that it would determine were ready to move quickly through to the establishment of a new Strategic Authority. Those identified would join a new Devolution Priority Programme. Essex County Council, Thurrock and Southend-on-Sea Unitary Councils had submitted a joint proposal to join that Programme. This would, it was proposed, see a new Strategic Authority established in April 2026 for 'Greater Essex' with an election

of a directly elected Mayor for the area in May 2026. Links to the reports considered by those Councils were set out in the Background Papers section of the Chief Executive's report (A.1).

Members were advised that the White Paper did not solely address devolution matters; it also referenced local government reorganisation. The Government expected all two-tier areas and smaller or failing unitaries to develop proposals for reorganisation. Those existing Councils were to be replaced with new unitary councils (which the Government stated should have 'as a benchmark' a population of 500,000 or more). Further to this, the report referenced a letter of the same date (16 December) from the Minister of State for Local Government and English Devolution to Leaders of Councils in two-tier areas (and adjoining unitary councils). This letter had included proposals to postpone elections scheduled for May 2025 to May 2026 (initially) where one or other of the following scenarios existed:

- Areas who were minded-to join the Devolution Priority Programme, where they would be invited to submit reorganisation proposals to Government by Autumn 2025.
- Areas who needed reorganisation to unlock devolution, where they would be invited to submit reorganisation proposals to Government by May 2025.

It was highlighted that locally, in the week 6-10 January 2025, Essex County, Thurrock and Southend-on-Sea City Councils had met separately as 'Upper Tier' Authorities to consider the separate but related matters of: (1) devolution, (2) local government reorganisation and (3) whether to request deferral of elections to their respective Councils from May 2025 to May 2026 (initially). Following those meetings, the County Council, alongside Southend-on-Sea City Council and Thurrock Council, had written to the Minister to request participation in the Devolution Priority Programme (devolution and local government reorganisation), and to request the postponement of elections scheduled for May this year in the County Council and Thurrock Council areas. There being no scheduled elections to Southend-on-Sea Council for May 2025.

This Council now awaited to hear whether 'Greater Essex' had been accepted as part of the Priority Programme.

The Chief Executive (Ian Davidson) introduced his report and outlined the salient points contained within the report.

Councillors M E Stephenson, Steady, M A Cossens, Fairley, Scott, Platt and I J Henderson addressed Council during the debate on this matter.

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

RESOLVED that Council –

- i) acknowledges work will continue to ensure that the District of Tendring is in the best possible position should devolution and/or local government reorganisation go ahead;

- ii) mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and north Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges;
- iii) recognises that Members and Officers will continue to deliver this Council's best value and other statutory duties for the benefit of its residents, businesses and communities every day that it exists; and
- iv) welcomes the intention to provide periodically, briefings to Members (and reports to this Council as necessary) as the agenda around devolution and local government reorganisation develops locally.

95. REPORT OF THE CHIEF EXECUTIVE - A.2 - RESIGNATIONS FROM THE TENDRING INDEPENDENTS GROUP

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Michael Bush on 5 December 2024, had served formal notice on the Council that he no longer wished to be treated as a member of the Tendring Independents political group.

The Chief Executive further formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Bradley Thompson on 13 January 2025, had served formal notice on the Council that he no longer wished to be treated as a member of the Tendring Independents political group.

Council noted the foregoing.

96. REPORT OF THE CHIEF EXECUTIVE - A.3 - RESIGNATION FROM THE COUNCIL - LYNDA MCWILLIAMS

This item had been considered earlier on in the meeting as part of the Chief Executive's announcements as reported under Minute 84 above.

97. REPORT OF THE CHIEF EXECUTIVE - A.4 - CHANGE IN MEMBERSHIP OF COMMITTEES

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

Planning Policy & Local Plan Committee

Councillor Mark Stephenson had been appointed to serve in place of Councillor Mike Bush.

Council noted the foregoing.

98. JOINT REPORT OF THE DIRECTOR (GOVERNANCE) & MONITORING OFFICER AND THE CABINET - A.5 - PROPOSED AMENDMENT TO ARTICLE 9 OF THE

COUNCIL'S CONSTITUTION: TDALC REPRESENTATION ON THE TOWN & PARISH COUNCILS' STANDARDS SUB-COMMITTEE

Council considered the recommendation made to it by the Standards Committee, and further recommended by the Cabinet, in relation to a proposed amendment to Article 9 of the Council's Constitution.

It was reported that the Standards Committee, at its meeting held on 24 October 2024 (Minute 27 referred), had decided, inter alia, to recommend to full Council that Article 9.05(2) of the Council's Constitution be amended to state that Tendring District Council would prefer that the Tendring District Association of Local Councils' (TDALC) three nominated members on the Town & Parish Councils' Standards Sub-Committee should represent different parish/town councils.

The Cabinet, at its meeting held on 20 December 2024 (Minute 95 referred), had considered that recommendation, supported it and had also recommended the specific wording of an amendment to Article 9.

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

RESOLVED that Article 9.05(2) of the Council's Constitution be amended to read as follows:-

“(2) Composition:

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;
- Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and
- A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.”

99. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

No questions on notice had been submitted by a Member on this occasion.

100. SEATING PLAN FOR MEETINGS OF THE FULL COUNCIL IN THE REMAINDER OF THE 2024/2025 MUNICIPAL YEAR

This item had been deferred earlier on in the meeting for the reasons set out in Minute 84 above.

101. 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 8.59 pm

Chairman