
**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,
HELD ON TUESDAY 23 JANUARY 2018 AT 7.33 PM
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

Present: Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bennison, Bray, B E Brown, J A Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Honeywood, Khan, King, Land, McWilliams, Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Snr., Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield

In Attendance: Chief Executive (Ian Davidson)(except item 114), Corporate Director (Corporate Services) (Martyn Knappett), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Leadership Support and Community (Karen Neath), Committee Services Manager (Ian Ford), Communications and Public Relations Manager (Nigel Brown), Committee Services Officer (Katie Sullivan) and Legal and Governance Administration Officer (Debbie Bunce)

97. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Broderick, Gray, Miles and Skeels Jnr.

98. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 21 November 2017, be approved as a correct record and signed by the Chairman.

99. DECLARATIONS OF INTEREST

Agenda Item 14 – Motions to Council – Proposed Speed Limits outside Schools and in Villages and Towns in the District of Tendring

Councillors I J Henderson, Honeywood, G V Guglielmi and Platt each declared an interest in this item insofar as they were also Members of Essex County Council who were the highways authority.

Councillor Everett declared an interest in this item insofar as he was also a member of the Tendring Highways Panel.

Councillor Skeels Snr. declared an interest in this item insofar as he was the Portfolio Holder with responsibility for the proposed motor rally event in the District which was the subject of Councillor Bush's amendment to the motion.

Later on in the meeting when this item was duly considered Councillor Porter declared an interest in this item insofar as he was also a member of the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District.

Agenda Item 20 – Report of the Head of Leadership Support and Community – A.5 – Community Governance Review

Councillors I J Henderson, J Henderson, Calver, Fowler, J Brown and B E Brown each declared an interest in this item insofar as they were members representing Wards in Harwich and Dovercourt and, where applicable, they were also Members of Harwich Town Council.

Councillors Talbot and White each declared an interest in this item insofar as they were the members representing the St Osyth and Point Clear Ward and they were also Members of St Osyth Parish Council.

Agenda Item 19 – Report of the Corporate Director (Corporate Services) – A.4 – Pay Policy Statement 2018/19

The Chief Executive declared a pecuniary interest in this item.

100. ANNOUNCEMENTS BY THE CHAIRMAN

Chairman's Charity Quiz Night

The Chairman placed on record his thanks to all those who had contributed to and attended his recent Charity Quiz Night.

Nigel Brown, Communications and Public Relations Manager

The Chairman informed Members that this was the last Full Council meeting that Nigel Brown, the Council's Communications and Public Relations Manager would attend before leaving the Council's employment. He thanked Nigel for his hard work and dedication to the Council.

Members showed their appreciation for Nigel with a round of applause.

101. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Laurie Gray on 16 January 2018, had served formal notice on the Council that he no longer wished to be treated as a member of the Independent Alliance political group.

As Regulation 8(1) of those Regulations required a political group to have a minimum of two members this meant that the Independent Alliance Group had automatically ceased to exist as mandated in Regulation 8(2).

Council noted the foregoing.

102. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council outlined the Cabinet's priorities for the coming year, which were -

- (1) Affordable high quality services;
- (2) Garden Communities;
- (3) Local Plan;
- (4) Jaywick Sands housing projects;

- (5) A new Housing Strategy;
- (6) Harwich Public Realm – strategy and plan;
- (7) Manningtree Infrastructure – lobby for road and rail crossing improvements;
- (8) Holland Haven – potential housing gain;
- (9) Venetian Bridge, Pier Gap, Clacton-on-Sea – complete the repairs;
- (10) Broadband – hold service providers to account;
- (11) Sport England grant – produce a long-term sustainable scheme;
- (12) Transformation Project – continue to progress the digital, assets and customer service strands;
- (13) Corporate Enforcement Group;
- (14) Contracts – new Waste, Recycling and Street Cleansing Contract; and
- (15) Budgets – continue to make savings and meet cost pressures.

103. STATEMENTS BY MEMBERS OF THE CABINET

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

104. PETITIONS TO COUNCIL

There were none on this occasion.

105. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

There were none on this occasion.

106. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

There were none on this occasion.

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

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

Phase 3 – Superfast Essex Broadband Programme

It was reported that, on 29 November 2017, 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 and Scrutiny Procedure Rules, the Leader of the Council had sought and subsequently obtained the Chairman of the Corporate Management Committee's (Councillor Steady) consent that his decision relating to agreeing that the Council supported Phase 3 of the Superfast Essex Broadband programme should be taken under the Special Urgency procedure and also be exempt from the call-in procedure.

The Leader of the Council's decision was as follows:

“(1) That the Council supported Phase 3 of the Superfast Essex Broadband programme to deliver superfast broadband coverage to around 98.5% of premises in the Tendring District;

(2) That the Council contributed £0.250m to the scheme (which would attract £9.050m of partner funding) to be funded from the £0.598m budget set aside for improved broadband in Tendring; and

(3) That, subsequent to the above, a Funding Agreement would be entered into with Essex County Council setting out the terms and conditions of the arrangement as agreed by the Corporate Director (Planning and Regeneration) in consultation with the Section 151 and Monitoring Officers.”

It was felt that any delay likely to be caused by the call-in process and by not being allowed to use the special urgency process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

“To not proceed with a contribution would prevent significant third party funding into the District and would not support the delivery of key financial strands of the Council's long-term forecast, such as business and housing growth.”

Council noted the foregoing.

108. MINUTES OF COMMITTEES

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

- (a) Community Leadership and Partnerships of Monday 13 November 2017;
- (b) Local Plan of Monday 20 November 2017;
- (c) Corporate Management of Monday 4 December 2017; and
- (d) Corporate Management of Monday 18 December 2017.

Corporate Management Committee – 4 December 2017 – Minute 39 – Corporate Budget Monitoring Report for the Second Quarter of 2017/2018

Councillor I J Henderson raised a question to the Chairman of the Corporate Management Committee (Councillor Steady) on this minute to which, Councillor Steady indicated that he would respond to Councillor Henderson after the meeting as he had, in fact, not been in attendance at that meeting.

With the permission of the Chairman, the Finance and Corporate Resources Portfolio Holder (Councillor G V Guglielmi) also responded to Councillor Henderson.

109. MOTIONS TO COUNCIL - PROPOSED SPEED LIMITS OUTSIDE SCHOOLS AND IN VILLAGES AND TOWNS IN THE DISTRICT OF TENDRING

Councillors I J Henderson, Honeywood, G V Guglielmi and Platt had all earlier declared an interest in this item insofar as they were also Members of Essex County Council who were the highways authority.

Councillor Everett had earlier declared an interest in this item insofar as he was also a member of the Tendring Highways Panel.

Councillor Skeels Snr. had earlier declared an interest in this item insofar as he was the Portfolio Holder with responsibility for the proposed motor rally event in the District which

was the subject of Councillor Bush's amendment to the motion.

Councillor Porter declared an interest in this item insofar as he was also a member of the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District.

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

"Essex Police have been openly stating that "Speed Kills" when speaking about road traffic collisions as a result of their enquiries. Concern has been expressed over the number of fatal collisions. We need a safer environment in the vicinity of our schools to prevent our children being involved in any collisions outside our schools.

This Council requests that the Essex County Council Cabinet Member responsible for the implementation of speed limits across the Tendring District undertakes a review of the current speed limits outside all schools in Tendring and takes appropriate action to ensure that they are reduced to a maximum of 20mph at certain times of the day as soon as possible.

Furthermore, this Council requests the County Council to implement a 30mph in ALL villages and towns throughout the Tendring District."

Councillor Nicholls formally moved the motion and Councillor Scott formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would allow the motion to be dealt with at this meeting.

Councillor Nicholls then explained his motion.

Councillors I J Henderson, Stock, Scott, Honeywood, Pemberton each addressed the Council on Councillor Nicholls' motion.

Councillor I J Henderson then moved and Councillor Pemberton seconded that the second paragraph of Councillor Nicholls' motion be amended to read as follows:-

"This Council requests that the Essex County Council Cabinet Member responsible for the implementation of speed limits across the Tendring District undertakes a review of the current speed limits outside all schools in Tendring and takes the decision to ensure that they are reduced to a maximum of 20mph at certain times of the day as soon as possible."

Councillor Nicholls indicated that he was content to alter his motion to incorporate Councillor Henderson's amendment. Consent to that alteration was duly given in accordance with Council Procedure Rule 16.6.

Councillor Stock then proposed that Councillor Nicholls' motion be further amended by the deletion of Councillor Henderson's amendment and that instead the third paragraph of Councillor Nicholls' motion be amended to read as follows:-

"Furthermore, this Council requests the County Council to implement a 30mph in ALL villages and towns throughout the Tendring District with all of the foregoing decisions to be taken by the Essex County Council Cabinet Member responsible for highways or by their Cabinet collectively."

Councillor Nicholls and Councillor Henderson each indicated that they were content to alter the motion to incorporate Councillor Stock's suggestion. Consent to that alteration was duly given in accordance with Council Procedure Rule 16.6.

Councillor Bush then moved and Councillor Stephenson seconded that Councillor Nicholls' motion be amended by the addition of a fourth paragraph to read as follows:-

"Furthermore this Council does not support or endorse staged motor rally events on the roads throughout the Tendring District."

Councillors Bucke, Honeywood, Coley, G V Guglielmi, Stock, Calver and Talbot each addressed the Council on Councillor Bush's amendment.

Having listened to the views expressed by the aforementioned speakers Councillor Bush proposed to withdraw his amendment. Consent to that withdrawal was duly given in accordance with Council Procedure Rule 16.7.

Councillor Pemberton then moved and Councillor Porter seconded that the first paragraph of Councillor Nicholls' motion be amended to read as follows:-

"Essex Police have been openly stating that "Speed Kills" when speaking about road traffic collisions as a result of their enquiries. Concern has been expressed over the number of fatal collisions. We need a safer environment in the vicinity of our schools to prevent our children being involved in any collisions outside our schools. Selfish and dangerous driving and illegal parking, for example, over dropped kerbs of residents' houses in Clacton North, makes this even more of a problem."

Councillors Stock and Ferguson both addressed the Council on Councillor Pemberton's amendment.

Councillor Pemberton's amendment, on being put to the vote, was declared **LOST**.

Councillor Nicholls' motion, as amended, on being put to the vote, was declared **CARRIED**.

110. RECOMMENDATIONS FROM THE CABINET

There were none on this occasion.

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

There were none on this occasion.

112. REPORT OF THE CHIEF EXECUTIVE – A.2 – RESIGNATION OF COUNCILLOR J E PARSONS

The Chief Executive formally reported that, on 31 December 2017, Councillor Jack Parsons had resigned as a Member of Tendring District Council. Notice of the vacancy in the St Pauls Ward had been given and requests to fill the vacancy had been received. The by-election would therefore be held on Thursday 15 February 2018.

Council noted the foregoing.

113. REPORT OF THE MONITORING OFFICER – A.3 – REVIEW OF THE MEMBERS’ CODE OF CONDUCT

Further to Minute 13 of the meeting of the Standards Committee held on 27 September 2017 the Council had before it for its approval the revised draft Members’ Code of Conduct.

Councillors I J Henderson and Stock both addressed the Council on the subject matter of this item.

It was moved by Councillor Heaney, seconded by Councillor Honeywood and –

RESOLVED that -

- (a) the revised Members’ Code of Conduct, as set out in Appendix A to item A.3 of the Report of the Monitoring Officer, be approved for adoption with a commencement date of 1 April 2018;
- (b) all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils; and
- (c) all Tendring District Council members attend mandatory training on the new revised Code of Conduct, review their Declarations of Interests, and provide any updates to the Monitoring Officer in accordance with the new revised Code of Conduct in readiness for 1 April 2018.

114. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) – A.4 – PAY POLICY STATEMENT 2018/19

The Chief Executive had earlier declared a pecuniary interest in this item. He thereupon withdrew from the meeting whilst Council deliberated on this item and reached its decision.

Further to Minute 32 of the meeting of the Human Resources Committee held on 1 November 2017 the Council had before it for its approval the proposed Pay Policy Statement for 2018/19.

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

It was moved by Councillor Callender, seconded by Councillor G V Guglielmi and –

RESOLVED that -

- (a) the Pay Policy Statement 2018/19, as set out at Appendix A to item A.4 of the Report of the Corporate Director (Corporate Services), be adopted; and
- (b) the Council notes that the costs of applying salary payments from SCP8 (£7.90 per hour) on the National Joint Council (NJC) pay spine will be met from existing salary/vacancy provision within budgets.

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

Councillors I J Henderson, J Henderson, Calver, Fowler, J Brown and B E Brown had each earlier declared an interest in this item insofar as they were members representing

Wards in Harwich and Dovercourt and, where applicable, they were also Members of Harwich Town Council.

Councillors Talbot and White each earlier declared an interest in this item insofar as they were the members representing the St Osyth and Point Clear Ward and also they were also Members of St Osyth Parish Council.

Council recalled that, at its meeting held on 21 November 2017 (Minute 93 referred) it had been agreed that:-

“a) the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the land in the St Osyth District Council area but not in the St Osyth parish area, be agreed and that this Community Governance Review be now commenced;

b) a Community Governance Review of the number of seats on Harwich Town Council be undertaken and that terms of reference be brought back to the next Council meeting for approval;

c) no Community Governance Review be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Manningtree, Mistley, Thorrington, Weeley and Wix;

d) a Community Governance Review to merge Lawford, Manningtree and Mistley Parish Councils be undertaken only if all three parish councils ask for one; and

e) Community Governance Reviews for areas of the Tendring District not mentioned in a) to d) above be further considered by the Electoral Review Working Group following the receipt of further information and that their recommendations be brought to a future Council meeting.”

It was reported that, in accordance with resolution b) above, terms of reference for a review of the number of seats on Harwich Town Council had been considered by three members of the Electoral Review Working Group on 8 January 2018 and subsequently circulated to all Members of the Working Group for agreement.

Members were informed that the timetable for both the St Osyth and Harwich Community Governance Reviews was as follows:-

Action	Date
Terms of Reference published and start of consultation	24 January 2018
End of consultation	31 March 2018
Consideration by Electoral Review Working Group	April 2018
Draft recommendations considered by Full Council	15 May 2018
Consult on draft recommendations	16 May 2018 to 15 June 2018
Consideration by Electoral Review Working Group	June 2018
Final recommendations considered by Full Council	3 July 2018
Final proposal and order publicised	September 2018
Final arrangements incorporated in Local Elections	May 2019

Council was informed that consultation would take place by way of letters to the households in the area under review and to Harwich Town and St Osyth Parish Councils and through the Council's website and a press release.

Members were advised that, in relation to resolution e) above, further information was

being gathered and would be presented to a future meeting of the Working Group.

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

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

RESOLVED that the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the number of seats on Harwich Town Council, be approved.

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

Council recalled that, at its meeting held on 21 November 2017 (Minute 94 referred), it had been agreed that:-

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

It was reported that three members of the Electoral Review Working Group had attended an informal meeting held on 8 January 2018. Those Members had considered the proposed terms of reference, size and committee names etc. The key issues considered were:-

- i. the terms of reference for the two new Overview and Scrutiny Committees;
- ii. the names of the new Overview and Scrutiny Committees (Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee had been proposed by Officers);
- iii. whether to have a member of an "opposition" group as the chairman of the Resources and Services Overview and Scrutiny Committee;
- iv. the number of meetings in a year of the Resources and Services Overview and Scrutiny Committee (8 meetings a year had been proposed by Officers);
- v. the size of the two Overview and Scrutiny Committees (11 members on each had been proposed for 2018/19 with a review in May 2019);
- vi. how the task and finish groups would operate (it had been proposed by Officers that provisional work programmes be presented to the Annual Council meeting in April 2018 with the first meeting of the new overview and scrutiny committees considering this and determining firm work programmes and the role the task and finish groups would take);
- vii. cross-membership of the Local Plan and Planning Committees; and
- viii. whether the Planning Committee should meet in the daytime.

Those three Members of the Working Group had agreed that further consideration was required for 2019 in relation to –

- (1) cross-membership of the Local Plan and Planning Committees;
- (2) whether the Planning Committee should meet in the daytime; and
- (3) training of Members, the related rights to attend certain committees of the Council and the implications for the Council's Constitution.

In addition, having considered the other key issues set out above, those three members of the Working Group had agreed to recommend to Council that –

- a) the proposed terms of reference for the two new overview and scrutiny committees be approved;
- b) the names of the two new overview and scrutiny committees be the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee;
- c) the Chairman of the Resources and Services Overview and Scrutiny Committee be a member of a political group that is not represented on the Cabinet;
- d) eight ordinary meetings of the Resources and Services Overview and Scrutiny Committee be held in any municipal year;
- e) the size of the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee be set at eleven (11) members each for the 2018/2019 municipal year (with a review of that number of seats to be undertaken in readiness for the 2019/2020 municipal year); and
- f) provisional work programmes for the two new overview and scrutiny committees be presented to the Annual Meeting of the Council in April 2018 with the new overview and scrutiny committees, at their respective inaugural meetings, considering those provisional work programmes, as appropriate, and determining their actual work programmes and the role that task and finish groups will take to implement those work programmes.

Those recommendations had then been submitted by Officers to the other members of the Working Group for their comments. Suggestions made by those Members in respect of the terms of reference for the new overview and scrutiny committees were:-

1. To clarify that the whole committee will need to agree the arrangements for the task and finish groups

Under the general role (6.01) 7 (ii) to add something in to express that the terms of reference of any task and finish group would be agreed by the relevant overview and scrutiny committee prior to commencement. Then under 6.02 (ii) to include: “*but with the Chairman able to call additional formal meetings. Meetings of task and finish groups can be called as required, following the terms of reference being agreed by the Overview and Scrutiny Committee.*”

2. To clarify the distinction between setting policy and scrutinising policy

To amend 6.02 2. to read: “*Act as a consultee on policy development and review of policies.*”

Members were informed that if Council approved the proposed terms and reference of the new overview and scrutiny committees, further work would be undertaken by the Monitoring Officer to review the Overview and Scrutiny Procedure Rules in order to ensure consistency. Should any amendments be required to those Procedure Rules, they would be reported to Full Council at its meeting on 27 March 2018.

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

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

RESOLVED that, with effect from the Annual Meeting of the Council on 24 April 2018, -

- (a) the proposed terms of reference for the two new overview and scrutiny committees, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved; and
- (b) the other recommendations made by the Electoral Review Working Group, as detailed in the Executive Summary of the report referred to above, be adopted.

117. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The meeting was declared closed at 8.44 p.m.

Chairman