MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL, HELD ON THURSDAY, 14TH AUGUST, 2025 AT 7.30 PM PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE

Present:	Councillors Davidson (Chairman), Oxley (Vice-Chairman), Alexander, Amos, Baker, Barry, Bray, Bush, Calver, Casey, Chapman BEM, Codling, A Cossens, M Cossens, Davis, Doyle, Everett, Fairley, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Keteca, Kotz, Land, Newton, Placey, Platt, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson and White
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), Kai Aberdeen (Theatre General Manager (Technical)), Maddie Adger (Leadership Support Manager), Simon Kedge (Casual Technician (Princes Theatre)), Bethany Jones (Democratic Services Officer), Katie Koppenaal (Democratic Services Officer) and James Dwan (Communications Officer) and Simon Kedge (Casual Technician (Princes Theatre))

41. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Barrett, Bensilum, Ferguson, Morrison, Scott and Wiggins.

The Chief Executive, on behalf of Council, wished Councillor Scott to get better soon.

42. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - FRINTON WARD

The Returning Officer (Ian Davidson) reported that the result of the by-election held in the Frinton Ward of the District on 5 June 2025 had been as follows:-

Karen Creavin	Labour Party	**168 votes**
Anne Hilary Davis	ReformUK – Changing Politics for Good	**1,222 votes**
Helen Claire Fontaine	Liberal Democrats	**78 votes**
Steven Walker	Green Party	**93 votes**
Vanda June Watling	Conservative Party Candidate	**577 votes**

The Returning Officer informed Council that therefore Anne Hilary Davis had been duly elected as a Councillor for the Frinton Ward of the District of Tendring and that she had made a Statutory Declaration of Acceptance of Office.

Members congratulated Councillor Davis with a round of applause.

Council noted the foregoing.

43. 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 ordinary meeting of the Council held on 20 May 2025 be approved as a correct record and be signed by the Chairman.

Councillor P B Honeywood stated that, in relation to Minute 32 of the previous meeting referred to above, he had asked for a response from the Leader of the Council, and he requested that actions were recorded correctly.

Councillor M E Stephenson responded that a written response would be sent out soon.

44. DECLARATIONS OF INTEREST

In respect to Item 13 on the Agenda (Motion to Council Pursuant to Council Procedure Rule 12 – End of life care in the NHS and Hospices), Councillor Chapman BEM stated she was not sure if she had to declare for the public record that her daughter was an end-of-life carer.

45. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that, since the last meeting of Council held on 20 May 2025, he had attended the following civic events:-

"Monday 2 June – Attended new dance academy in Parkeston;

Tuesday 3 June – Official Chairman chain of office handover brunch in the mayors parlour. In attendance – my wife, our outgoing Chairman Councillor Dan Casey and his lovely wife Eve, Councillor Ann Oxley alongside her son Pierre Oxley, and the Reverend David Lower;

Friday 6 June 2025 – D-Day Service – Clacton Royal British Legion at Clacton War Memorial Garden;

Saturday 14 June – Falklands memorial service Clacton Royal British Legion at War Memorial Garden;

Tuesday 24 June – Grass roots Charity reception – Oaktree Centre Colchester;

Wednesday 25 June – The King's Award at Hatfield Pevril;

Thursday 26 June – Colchester University AGM & Tour;

Saturday 28 June – Armed Forces Day, flag raising at Town Hall, Clacton-on-Sea;

Thursday 3 July – High Sheriff Garden Party at Southminster;

Sunday 6 July – Rochford District Council Chairman's Garden Party at The lawns, Rochford. A wonderful afternoon with MP's, Mayors, and our very own Councillor Carlo Guglielmi, Vice-Chairman of Essex County Council;

Monday 7 July – The Jack Petchy Foundation Award Ceremony at the Westcliff Theatre, Clacton-on-Sea;

Saturday 12 July – The Tendring Show at Lawford;

Tuesday 15 July – The Catherine Booth first Blue plaque unveiling at Marine Parade, Clacton-on-Sea;

Wednesday 16 July – Judging panel, Tendring growth business awards at the Town Hall, Clacton-on-Sea;

Tuesday 22 July – Official opening of Share Shack at Harwich;

Wednesday 30 July – Homestart Harwich, Mini Olympics & Games at Parkeston;

Saturday 9 August – Clacton Carnival, judging the Queens and their Courts, alongside fellow Councillors; Alexander, Baker, Doyle and Griffiths judging the incredible floats.

Sunday 10 August – Invitation to attend the opening of Clacton School Uniform Bank shop. A fantastic turnout and fellow Councillors with the Wives/Husbands – Councillors M Stephenson, G Stephenson, Oxley, Baker, Smith, Griffiths, Placey and Newton, out of support the launch. Congratulations to Councillor Doyle and the fantastic team of dedicated volunteers.

Wednesday 13 August – Remembrance Sunday preparation meeting in the Town Hall, Clacton-on-Sea."

46. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

47. STATEMENTS BY THE LEADER OF THE COUNCIL

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

48. STATEMENTS BY MEMBERS OF THE CABINET

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

49. PETITIONS TO COUNCIL

On this occasion it was reported that no 'live' petitions had been submitted in accordance with the Scheme approved by the Council.

50. 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.

It was reported that, on this occasion, no such questions on notice had been submitted.

51. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

It accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, Council received a report of the Leader of the Council (A.1) which notified Members of 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.

(1) Agreement to serve a counter notice in respect of a lease extension request

It was reported that, on 4 July 2025, the Assistant Director (Housing and Environment), on behalf of the Portfolio Holder for Housing and Planning and in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Portfolio Holder's decision relating to the serving of the counter notice in respect of a lease extension request, be exempted from the call-in procedure.

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

"To agree to the service of a section 45 Counter Notice by the Council's Corporate Director (Law & Governance) on the terms set out in the Officer report and to authorise the Corporate Director (Operations and Delivery), in consultation with the Corporate Director (Law & Governance, to enter into negotiations to agree the premium payable and to formalise this lease extension, subject to such other terms as considered necessary."

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's interest as it would have prevented the Council from responding within the statutory time period to the service on the Council of a Section 42 Notice, under the Leasehold Reform, Housing and Urban Development Act 1993 (as amended) for the grant of a new lease for 8 Ashley Court, Ashley Road, Dovercourt, a former Council owned property. Failure to do so would have allowed the tenant to apply to Court for an Order granting them the new lease on the terms the tenant had proposed in the initial notice.

Following service of a counter notice, there was a period of two months for both parties to agree terms and the premium payable failing which the tenant had six months from the date of the counter notice to apply to a tribunal to determine terms and the premium payable.

(2) Exemption from procurement rules to appoint Heaton Design and Engineering Ltd for the Clacton Leisure Centre Oil Boiler Replacement

It was also reported that, on 11 July 2025, the Head of Sport and Leisure, on behalf of the Portfolio Holder for Leisure and Public Realm and in view of the urgency of the issue concerned, and in accordance with Access to Information Procedure Rule 25 had sought and obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Portfolio Holder's decision in relation to the exemption from procurement rules to appoint Heaton Design and Engineering Ltd for

the Clacton Leisure Centre Oil Replacement could be taken under the “Special Urgency” procedure.

It was recognised by all concerned that the appointment of a consultant by 13 July 2025 was critical to maintaining the project timeline and meeting the delivery milestones set out in the Salix funding agreement. Specifically, the consultant must be in place to initiate design work by 1 August 2025 and complete detailed designs by 1 October 2025. Without that appointment, the Council would be unable to progress the design phase in time, placing the project and the associated £1.2 million grant funding at significant risk and would lead to an increased financial liability on the Council.

Decisions taken under the Special Urgency procedure were automatically exempted from call-in.

It was moved by Councillor M E Stephenson and:-

RESOLVED that the contents of the report be noted.

52. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson and:-

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

(a) Planning Policy & Local Plan of Wednesday 28 May 2025;

(b) Resources and Services Overview & Scrutiny of Wednesday 4 June 2025;

(c) Community Leadership Overview & Scrutiny of Tuesday 17 June 2025;

(d) Audit of Thursday 26 June 2025;

(e) Standards of Wednesday 9 July 2025;

(f) Resources and Services Overview & Scrutiny of Wednesday 9 July 2025;

(g) Human Resources & Council Tax of Monday 28 July 2025;

(h) Community Leadership Overview & Scrutiny of Tuesday 29 July 2025; and

(i) Resources and Services Overview & Scrutiny of Wednesday 30 July 2025.

53. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - END OF LIFE CARE IN THE NHS AND HOSPICES

Earlier on in the meeting, as recorded under 44 above, Councillor Chapman BEM Councillor Chapman BEM stated she was not sure if she had to declare for the public record that her daughter was an end-of-life carer.

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

"(a) That this Tendring District Council:-

(1) notes that the NHS was set up to provide care from the cradle to the grave yet care at the end of life is currently greatly under resourced;

(2) notes that the impact of this on the District of Tendring's population is amplified due to its elderly demographic and has been exacerbated in recent times with a reduction in inpatient beds at end-of-life care providers, both charitable or otherwise, many of which are currently struggling financially;

(3) laments that the District's residents, like many across the country, are suffering, and too often dying inhumanely, in corridors of overcrowded hospitals when person, intimate and compassionate care cannot be delivered in such a non-clinical area; and

(4) believes that this would not be acceptable for any human being when entering the world, so neither should it be acceptable when they are leaving this world.

(b) That this Council therefore requests that the Leader of the Council writes to the Secretary of State for Health to urge that the Government addresses the inequality in funding for end-of-life care as a matter of urgency so that, with the correct funding, the terminally ill and their families can be cared for in comfort and in an appropriate setting."

Prior to the commencement of the meeting the Council's Monitoring Officer had confirmed 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 Doyle formally moved the motion, and Councillor Newton formally seconded the motion.

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

Councillor Newton spoke during the debate on this matter.

Councillor P B Honeywood moved and Councillor M Cossens seconded that Councillor Doyle's motion be amended to read (in its entirety) as follows:

"(a) That this Tendring District Council:-

(1) notes that the NHS was set up to provide care from the cradle to the grave yet care at the end of life is currently greatly under resourced;

(2) recognises the damaging effect the rising employer National Insurance contributions has had on private providers;

(3) notes that the impact of this on the District of Tendring's population is amplified due to its elderly demographic and has been exacerbated in recent

times with a reduction in inpatient beds at end-of-life care providers, both charitable or otherwise, many of which are currently struggling financially;

(4) laments that the District's residents, like many across the country, are suffering, and too often dying inhumanely, in corridors of overcrowded hospitals when personal, intimate and compassionate care cannot be delivered in such a non-clinical area; and

(5) believes that this would not be acceptable for any human being when entering the world, so neither should it be acceptable when they are leaving this world.

(b) That this Council therefore requests that the Leader of the Council writes to the Secretary of State for Health to urge that the Government addresses the inequality in funding for end-of-life care as a matter of urgency so that, with the correct funding, the terminally ill and their families can be cared for in comfort and in an appropriate setting."

Councillors P B Honeywood, Bray, Calver, I J Henderson, Griffiths, Harris and Doyle each addressed the Council during the debate on Councillor P B Honeywood's amendment.

When the amendment was put to the vote, it was thereupon declared **LOST,** and Council returned to consider the original motion.

In addition, Councillors M E Stephenson and Doyle spoke during the debate on this motion.

Councillor Doyle's motion, the original motion, on being put to the vote was declared **CARRIED**.

54. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CLACTON POLICE STATION

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

"That the Leader of the Council be requested to write to the Police, Fire and Crime Commissioner to:-

(1) highlight that the closure of the front counter at Clacton Police Station means that there are now no front office counters at police stations across the whole of Tendring;

(2) raise concerns that some residents, especially the elderly or vulnerable, without internet access will find it harder to seek advice or support from the police; and

(3) seek an assurance that this decision will be reversed if there is not a marked reduction in crime and an increase in public confidence."

Prior to the commencement of the meeting the Council's Monitoring Officer had confirmed 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 12.5 had not needed to be produced.

Councillor Alexander formally moved the motion, and Councillor Griffiths formally seconded the motion.

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

Councillors Baker, Bray, Harris, Stephenson, White, Griffiths and Davis spoke during the debate on this matter.

Councillor Davis moved and Councillor Bray seconded that Councillor Alexander's motion be amended by the addition of a few words under *(3)* as follows:

"(3) seek an assurance that this decision will be reversed within 6 months if there is not a marked reduction in crime and an increase in public confidence."

Pursuant to the provisions of Council Procedure Rule 16.6(a), Councillor Alexander, with the consent of Councillor Griffiths, accepted the amendment and altered his motion accordingly.

In addition, Councillor Casey spoke during the debate on this motion.

Councillor M E Stephenson then moved, and Councillor I J Henderson seconded that Councillor Alexander's amended motion, be further amended as follows:-

"(3) seek an assurance that this decision will be reversed within 1 year if there is not a marked reduction in crime and an increase in public confidence."

Pursuant to the provisions of Council Procedure Rule 16.6(a), Councillor Alexander, with the consent of Councillor Griffiths, accepted the amendment and altered his motion accordingly.

In addition, Councillor Harris spoke during the debate on this motion.

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

55. RECOMMENDATION FROM THE CABINET - OPTIONS FOR LOCAL GOVERNMENT REORGANISATION IN GREATER ESSEX - INDICATION OF THE COUNCIL'S PREFERENCE

Council received a presentation by the Chief Executive which highlighted the following:-

- Local Government Reorganisation Refresher;
- Invitation to Submit a 'Proposal for a single tier of local government';
- Submissions must have regard to Criteria as set out in Statutory Guidance;

- Interim Plan and Ministry of Housing, Communities & Local Government feedback;
- Developing the Proposals;
- The current 4 options;
- Principles of Five Unitary Authorities;
- Essex County Council Position – Case for Three Unitary Authorities;
- What is the Financial 'Exam Question?' Key Financial Questions 'Set' by the Ministry of Housing, Communities & Local Government;
- Key Outputs from Work to Date;
- Key Financial Output to Date;
- Community Engagement;
- Minister's letter to Leaders & Statement 03.06.25;
- Strong Accountable Leadership: Member Roles and Governance;
- Flexibility & Maintaining a strong community voice;
- Neighbourhood Area Committees;
- Councillor Numbers;
- Implementing the Preferred Option;
- Next Steps for TDC;
- LGR timetable following submission;
- LGR timetable – Shadow authority to Vesting Day of Unitary.

Councillors Harris and Thompson asked questions on the contents of the presentation with replies thereto from the Chief Executive and the Monitoring Officer.

During the discussion of the Chief Executive's presentation, Councillors Guglielmi and Everett indicated that their preferred option was UA 3.4 (which would see Tendring combined with Braintree, Colchester and Uttlesford). Councillors Talbot, Baker, Harris, Calver, Placey, Bray and Bush expressed their preference for UA 5.2 (which would see Tendring merged with Colchester and Braintree).

Following that discussion, it was moved by Councillor M E Stephenson and seconded by Councillor Kotz that, in accordance with the Council Procedure Rules, the Closure Motion "that the Council proceed to the next business" be put, which motion was declared **CARRIED**.

56. REPORT SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COUNCIL'S TWO OVERVIEW AND SCRUTINY COMMITTEES - A.2 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2025/2026 AND A REVIEW OF THE WORK CARRIED OUT DURING 2024/2025 (ANNUAL PERFORMANCE REPORT)

Members were reminded that, at this Council, the overview and scrutiny function was facilitated through two separate Committees. Those were the Community Leadership and the Resources & Services Overview and Scrutiny Committees. Together, their work comprised the whole overview and scrutiny function on the Council.

Under the Council's Overview and Scrutiny Procedure Rules, the Constitution stated, in relation to the Work Programme (Rule 7), that:-

> *"Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis."*

In submitting their proposed work programmes for 2025/26, the Overview and Scrutiny Committees had taken into account:-

- *the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6;*
- *the planned work on the preparation of elements of the Budget and Policy Framework;*
- *provision for budget scrutiny and scrutiny of the Treasury Management Strategy, as appropriate;*
- *the need for statutory timetables to be met;*
- *the wishes of the Members of the Committee;*
- *requests from the Cabinet to carry out reviews and/or suggestions from the liaison meetings held under the Cabinet Overview & Scrutiny Protocol; and*
- *requests from Members and/or Group Leaders in accordance with Rule 8.*

In addition, under Article 6.02 of the Constitution the separate Overview & Scrutiny Committees (OSCs) performed the role of overview and scrutiny in relation to:-

Resources and Services Overview and Scrutiny Committee

"the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:

- *Financial Forecast and Budget setting and monitoring (including the General Fund and the Housing Revenue Account but excluding those budgetary matters delegated to the Community Leadership Overview & Scrutiny Committee);*
- *Colchester/Tendring Borders Garden Community;*
- *Housing Strategy and Homeless Service;*
- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee);*
- *Procurement and Contract Management;*
- *Transformation and Digital Strategies; and*
- *Customer Service and Standards."*

Community Leadership Overview and Scrutiny Committee

"(a) Community Leadership – developing the external focus of overview and scrutiny on 'district-wide issues' (and where appropriate sub-regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.

- *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
  - *Community Safety;*
  - *Health and Well-being;*
  - *Economy, Skills and Educational Attainment;*
  - *Community engagement, development and empowerment;*
  - *Economic Development, Regeneration and Freeport East;*
  - *Leisure and Tourism (except matters relating to budgets);*
  - *Planning & Building Control and Strategic Planning (including the Local Plan);*
  - *Emergency Planning; and*
  - *To scrutinise/review the outcomes and implications for the Council of its financial support to community organisations and also from its receipt and use of funds received from local partner organisations.*

(b) The Community Leadership Overview & Scrutiny Committee will also act as the Council's designated "crime and disorder committee" for the purposes of Section 19 of the Police and Justice Act 2006 and will have the power –

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities[*] of their crime and disorder function; and
(b) to make reports or recommendations to the local authority with respect to the discharge of those functions.

**"The responsible authorities" means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for crime and disorder strategies) in relation to the local authority's area.*

In fulfilling that function, the Community Leadership Overview & Scrutiny Committee will have the power (whether by virtue of section 9F(2) or 21(2) of the Local Government Act 2000 or regulations made under section 9JA(2) or 32(3) of that Act or otherwise) to make a report or recommendation to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

The crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder function as the committee considered appropriate but no less than once in a twelve-month period.

(c) The Community Leadership Overview & Scrutiny Committee, in accordance with Section 9F (d) and (e) of the Local Government Act 2000 (as amended) will also perform the functions relating to community governance reviews as provided by Part 4

of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

In performing its delegated functions, the Committee is required, by section 100(4) of the 2007 Act, to have regard to the guidance, which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act."

In considering the Work Programme of enquires to submit for approval to Council, the separate Overview and Scrutiny Committees had had regard to the Corporate Plan 2024-28 and the themes of that Corporate Plan. Those themes were:

- Pride in our Area and Services to Residents;
- Raising Aspirations and Creating Opportunities;
- Championing out Local Environment;
- Working with Partners to Improve Quality of Life;
- Promoting out Heritage Offer, Attracting Visitors and Encouraging them to Stay Longer; and
- Financial Sustainability and Openness.

The Overview and Scrutiny Committees had each formally reviewed the work carried out in 2024/25 and had considered items for inclusion in their respective proposed Work Programmes for 2025/26 as follows:

INFORMAL MEETINGS

Community Leadership Overview and Scrutiny Committee – 22 July 2025; and
Resources and Services Overview and Scrutiny Committee – 24 July 2025.

FORMAL MEETINGS

Community Leadership Overview and Scrutiny Committee – 29 July 2025; and
Resources and Services Overview and Scrutiny Committee – 30 July 2025.

Those formal approvals had followed informal development of concepts by Members of the two Committees. All Councillors on Tendring District Council had been provided with the opportunity to contribute proposals for Work Programme items for 2025/26.

Both Committees had received the results of the public consultation that had run from 13 June 2025 to 28 July 2025. Details to access the consultation had been sent directly to all Town and Parish Councils in the District with electronic copies of posters that they had been invited to display. It had been also published on the Council's website in conjunction with a social media engagement campaign by the Council's Communications Team.

Having considered all of the above, the two Overview and Scrutiny Committees had then determined their proposed Work Programmes for 2025/26 and those were now submitted for approval by Council along with a review of the scrutiny function at the Council in 2025/26 as performed through the two Committees. This had been developed in dialogue with the Chairmen of the two Committees and a draft had been submitted at the Committee meetings already referenced above.

Appendix Ai to report A.2 set out the proposed work programme for the Community Leadership Overview and Scrutiny Committee, Appendix Aii set out the proposed work programme for the Resources and Services Overview & Scrutiny Committee and Appendix B set out the review of the scrutiny function in 2024/25. All were submitted for consideration by Council.

It was reported that both of the Overview and Scrutiny Committees had approved arrangements to enable appointments of relevant Task and Finish Groups to take forward enquiries from the approved work programmes. Those arrangements would enable those appointments to be made prior to the next respective Committee meetings.

It was moved by Councillor P B Honeywood, seconded by Councillor Steady and:-

RESOLVED that Council –

(a) approves the proposed work programme for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the 2025/26 Municipal Year, as set out in Appendices Ai and Aii respectively; and

(b) notes the work carried out by those Committees in the year 2024/25, as set out in Appendix B.

57. REFERENCE FROM THE STANDARDS COMMITTEE - A.3 - AMENDED COMPLAINTS PROCEDURE (MEMBERS' CODE OF CONDUCT)

Council considered a reference report (A.3) from the Standards Committee which enabled Council to consider the recommendations of the Standards Committee following its review of the Complaints Procedure (Members' Code of Conduct).

It was reported that, the Standards Committee, at its meeting held on 9 July 2025 (Minute 7 referred), had considered a report of the Corporate Director (Law and Governance) & the Monitoring Officer (A.2), which had reminded Members that the Council had approved the Standards Framework with effect from November 2013, and which had included a Complaints Procedure. The Complaints Procedure referred to a hearing in paragraph 7.1.2 and that it would follow procedures setting out how the hearing would be conducted. That Hearing Procedure had been reviewed by the Standards Committee in April 2024.

The purpose of the Complaints Procedure was to set out the framework as to how a complaint alleging a breach of the Members' Code of Conduct would be dealt with. The review was being conducted as it was important to ensure the Council's procedures reflected best practice and were up to date.

The proposed amendments considered points raised by members of the Standards Committee and the Council's Independent Persons following a workshop with Officers to review the Complaints Procedure, such as strengthening and clarifying the investigation process should an alleged breach be determined for investigation by the Monitoring Officer and the process following the decision to be referred to the Standards Committee for a hearing.

It was moved by Councillor Talbot and:-

RESOLVED that Council, having considered the recommendations of the Standards Committee:-

a) approves and adopts the amended Complaints Policy; and

b) approves a delegation to the Standards Committee to amend the Complaints Procedure, following future reviews, for efficiency purposes and especially in readiness for Local Government Reorganisation preparation.

58. REFERENCE FROM THE PLANNING COMMITTEE - A.4 - BIODIVERSITY NET GAIN (BNG): DELEGATION ARRANGEMENTS IN RESPECT OF PROPOSALS FOR HABITAT BANKS

Council considered a reference report (A.4) from the Planning Committee which enabled Council to consider the recommendations of the Planning Committee that future decisions for approval and/or entering into a Section 106 legal agreement with landowners for the establishment of Habitat Banks, along with associated decisions around enforcement against non-compliance, should be delegated to the Head of Planning and Building Control.

It was reported that, on 8 July 2025, the Planning Committee had considered a report of the Corporate Director (Planning and Community) that had previously gone to Cabinet in October 2024 under the Portfolio Holder responsible for Housing and Planning seeking Cabinet's agreement to adopt a policy statement on "Biodiversity Net Gain" (BNG) to serve as the Council's interim corporate position on the subject, ahead of detailed consideration as part of the forthcoming Local Plan review.

The policy as adopted for interim use was now applicable in the determination of planning applications and in the consideration of proposals for 'Habitat Banks'. Habitat Banks were parcels of land where habitats had been created or enhanced, in advance, to provide an uplift of biodiversity units. Those surplus biodiversity units could then be sold to developers to meet their BNG requirements 'off-site'. In order to sell off-site biodiversity units, there were a number of legislative criteria that must be met; and whilst the establishment of a Habitat Bank had not required planning permission, in many cases it would have required landowners to enter into a Section 106 legal agreement with the Council alongside a formal registration process with Natural England.

As well as agreeing to the adoption of the policy statement, the Cabinet had resolved to invite the Planning Committee, at its earliest convenience, to consider and determine how it would exercise its power in respect of Council decisions on entering into legal agreements with landowners under Section 106 of the Town and Country Planning Act 1990 for the purposes of setting up Habitat Banks, guided by the aforementioned policy and the advice of Officers – including the extent to which the Committee deemed it appropriate for such decision-making powers to be delegated to Officers; and any arrangements for public consultation on specific proposals. That was because this was a fairly new area of work with explicit arrangements set out in the Council's Constitution in respect of delegated powers and no legislative requirements around public consultation.

It had been recommended by Officers to the Planning Committee that the consideration, approval and entering into Section 106 agreements with landowners for the

establishment of Habitat Banks should be delegated to the Head of Planning and Building Control, along with decisions around future enforcement action against non-compliance. If agreed, it was recommended those arrangements should be put forward for consideration, as part of a future review of the Council's Constitution, as to whether explicit amendments to the Delegated Powers section of Constitution or the terms of reference of the Planning Committee were required.

It had been also recommended by Officers to the Planning Committee that no specific requirements for public or other stakeholder consultation on Habitat Banks proposals needed to be put in place, apart from technical consultation with suitably qualified ecologists for the purpose of seeking their professional advice.

It was important to emphasise that the establishment of a Habitat Bank was a different and separate concept and process from the determination of planning application for new development that, in many cases, had a requirement to address Biodiversity Net Gain (and for which existing constitutional arrangements for the Planning Committee and appropriate delegation to Officers already, along with, statutory consultation requirements applied).

The Planning Committee's decision on the matter was set out within the Background section of the Officer report (A.4).

It was moved by Councillor Fowler, seconded by Councillor White and:-

RESOLVED that Council approves that:-

a) future decisions for approval and/or entering into a Section 106 legal agreement with landowners for the establishment of Habitat Banks, along with any associated decisions around enforcement against non-compliance, will be delegated to the Head of Planning and Building Control; and

b) the Monitoring Officer be authorised to make any specific wording changes that need to be made to either the Planning Committee's Terms of Reference or to Part 3 (Delegated Powers) of the Council's Constitution.

59. REPORT OF THE CHIEF EXECUTIVE - A.5 - COUNCILLOR ANNE DAVIS - MEMBERSHIP OF THE REFORM UK GROUP

The Chief Executive formally advised Council that, following the by-election in the Frinton Ward held of 5 June 2025 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Anne Davis served formal notice on the Council that she 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).

Members were aware that, under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulations 1990, a review of the allocation of seats to political groups had been carried out. The results of that review were reported to Council elsewhere on the Agenda for this meeting.

Council noted the foregoing.

60. REPORT OF THE CHIEF EXECUTIVE - A.6 - ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO THE POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL AND THE APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE REMAINDER OF THE 2025/2026 MUNICIPAL YEAR

Members were aware that, as part of the business that needed to be conducted at the meeting, Council would:-

(i) decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and
(ii) appoint Members to each Committee and Sub-Committee as appropriate.

Members were also aware that Councillor Anne Davis had recently joined the Reform UK Group following the by-election held in the Frinton Ward on 5 June 2025.

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

Members had had circulated to them prior to the commencement of the meeting an amended Appendix 1 to the report A.6.

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

RESOLVED that –

(a) Council approves the review of the allocation of places on relevant Committees, as set out in Table 2 in the Officer report (A.6) so far as it sets out the total number of seats on all those Committees to be allocated to political groups represented on the Council, (principle (c) of the "Principles");

(b) Council approves, the number of seats on each relevant Committee set out in Table 9 to be allocated to political groups such that, for each group, their proportion of seats on individual Committees is proportionate to their overall membership on the Council (principles (c) and (d) of the "Principles"):

TABLE 9

Committee /Sub-Committee	Total Seats on Body	Conservative	Independents	Labour	Liberal Democrats	Tendring Independents	Reform UK
Audit Committee	7	**2**	**1**	**1**	**0**	**2**	**1**
Community Leadership O & S Committee	9	**2**	**1**	**1**	**1**	**2**	**2**
Human Resources & Council Tax Committee	7	**1**	**1**	**2**	**0**	**2**	**1**
Licensing &							

Registration Committee	10	**3**	**0**	**2**	**1**	**2**	**2**
Miscellaneous Licensing Sub-Committee	5	**1**	**1***	**1***	**0**	**2**	**0**
Planning Policy & Local Plan Committee	9	**3**	**1***	**1***	**1**	**2**	**1**
Planning Committee	9	**2**	**1**	**1**	**1**	**2**	**2**
Resources and Services O & S Committee	9	**2**	**1**	**1**	**1**	**2**	**2**
Standards Committee	7	**2**	**1**	**1**	**1**	**1**	**1**
Town & Parish Councils Standards Sub-Committee	**3**	**1**	**0**	**0**	**0**	**1**	**1**
TCB Garden Community Joint Committee	2 (non-executive members)	**2**	**0**	**0**	**0**	**0**	**0**

(c) that the following changes to the allocations set out in Table 8 in the report be approved (the relevant allocations are shown in '*' in Table 9 above):

(1) the Labour Group having no seats on Planning Policy & Local Plan Committee (instead of one) and two seats on the Miscellaneous Licensing Sub-Committee (instead of one); and

(2) the Independent Group having two seats on the Planning Policy & Local Plan Committee (instead of one) and no seats on the Miscellaneous Licensing Sub-Committee (instead of one).

Resolution (c) received a nemine contradicente vote.

(d) Council approves, in so far as it reflects the earlier decisions on this matter, the appointment of Members to serve on the relevant Committees et cetera, as set out in Appendix 1 to the Officer report.

61. 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 Chris Griffiths had asked Councillor Peter Kotz, the Portfolio Holder for Assets and Community Safety:-

"Local residents have expressed concern over a number of recent deliberately started fires in fields, woodlands and hedges, behind their homes in William Drive, George Close and Stanley Road. This has led to too many people fearing for both the safety of their families and their property. We understand that a request has been made to the Council for both CCTV, signage, and assistance with the farmer for a fire break in the field. Would it be possible for the Portfolio Holder to outline what action the Council is taking, along with its partners organisations to protect residents in this area from arsonists."

Councillor Kotz, Portfolio Holder for Assets and Community Safety replied as follows:-

"May I thank Councillor Griffiths for notice of his question.

Tendring District Council has investigated the feasibility of installing CCTV; however, the land is privately owned (woodland) and not suitable for CCTV. There is no place to erect a CCTV camera and there is no power source. As the land is privately owned and not by Tendring District Council, we would not erect CCTV cameras on the land.

The issue of the fires was discussed at the meeting held with Councillors by Chief Inspector Austin as part of his tour who assure Councillors that the Police Service would work with the Fire Service to conduct door to door visits in the area to reassure residents.

Andy Marshall of Essex County Fire and Rescue Service has confirmed that William Drive is just one of the roads that surrounds a large farmers field of standing corn as well as Stanley Road, Cherry Tree Avenue, West Lane and Jaywick Lane which all sit along the curtilage of field alongside some smaller roads which run off these main thoroughfares.

On Thursday 7th and Friday 8th July 2025 the Police and Fire Service undertook door to door knocking in Stanley Road and Poplar Close, approximately 100 properties, which has generated over 35 home fire safety checks and home fire safety referrals.

The Police have door knocked the whole area, including William Drive to provide a level of assurance to residents.

The Essex County Fire and Rescue Service attend and put out fires when they are identified.

Tendring District Council's Anti-Social Behaviour Officer, working with the Essex County Fire and Rescue Service, have obtained the details of the landowner and are arranging a joint site visit to better understand what action is deemed reasonable for the landowner to take to prevent fires from spreading to nearby properties. Tendring District Council and Essex County Fire and Rescue Service are considering sending a joint letter to request that the landowner consider and implement these reasonable steps and to set out the possible repercussions if the measures are not undertaken and an incendiary incident occurs, and fires spread to neighbouring properties."

Councillor Griffiths thanked Councillor Kotz for his response to the question.

62. SEATING PLAN FOR MEETINGS OF THE FULL COUNCIL IN THE 2025/2026 MUNICIPAL YEAR

Council's approval was sought for the seating plan for its meetings to be held during the remainder of 2025/26 Municipal Year.

It was reported that the seating plan had been further amended to reflect the resignation of a Councillor from the Reform UK Group who had now become a non-aligned Member.

It was **RESOLVED** that the seating plan for full Council meetings to be held in the Princes Theatre during the remainder of the 2025/26 Municipal Year be approved.

63. 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 10.10 pm

Chairman