

**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,
HELD ON TUESDAY 6 FEBRUARY 2018 AT 7.32 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, M Brown, Bucke, Callender, Calver, Chapman, Chittock, Coley, Cossens, Davis, Everett, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, Honeywood, Khan, Land, McWilliams, Miles, Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr., Skeels Snr., Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Planning and Regeneration) (Ewan Green), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Finance, Revenues and Benefits & Section 151 Officer (Richard Barrett), Committee Services Manager (Ian Ford), Communications and Public Relations Manager (Will Lodge) and Committee Services Officer (Katie Sullivan)

118. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Broderick, J A Brown, Bush, Cawthron, Ferguson, Gray and King.

119. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 23 January 2018, be approved as a correct record and signed by the Chairman.

120. DECLARATIONS OF INTEREST

With regard to the Council's consideration of the budget and Council Tax proposals the Chief Executive reminded Members of the following advice that had been recently circulated to them by the Council's Monitoring Officer -

"In accordance with the Council's Member Code of Conduct adopted in November 2013, paragraph 8.2 (vi) confirmed that Members do not have a disclosable interest which relates to the function of setting the Council Tax under the Local Government Act 1992. Therefore, under the declarations of interest agenda item, you are not required to disclose an interest based on the fact you live in the District and therefore have to pay Council Tax.

However, Members are reminded of section 106 of the Local Government Finance Act 1992, which provides that any Member, who is in arrears by at least 2 months with their Council Tax payments cannot vote on matters concerning either the level of, or administration of, Council Tax. It is important to note that this also covers Council Tax liabilities outside of the District and property which may not be your main residence. If present at the meeting, a Member to whom this provision applies must disclose the fact and may speak on the item, but cannot vote. Non-compliance with this section is a criminal offence. Therefore, should this provision apply to any Member, this should be disclosed at the declarations of interest agenda item."

There were no declarations of interest made at this time.

121. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman welcomed Will Lodge, the Council's newly appointed Communications Manager, to this his first meeting of the Council.

Members welcomed Will with a round of applause.

122. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive formally reported that, on 29 January 2018 and in accordance with the wishes of the Leader of the Conservative Group, he had exercised his delegated powers and had appointed Councillor Watson to serve on the Licensing (General Purposes) Sub-Committee in the stead of Councillor Massey.

Council noted the foregoing.

123. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader read out the following statement –

“As Members will recall this Council recently applied to the High Court for permission to judicially review the Planning Inspector’s decision on the Sladburys Lane appeal, whereby he granted planning permission for the development of 132 homes.

We have received notification from the Planning Court that unfortunately permission has not been granted to seek a judicial review and the Council has been ordered to pay the Secretary of State’s costs.

The Judge’s reasons for her decision, taken without holding a hearing, are that there has been no error of law and consideration of the planning merits and planning judgements exercised by Inspectors are not appropriate for judicial analysis.

Our external Counsel has reviewed the Judge’s refusal and confirmed that whilst disappointing, the Planning Court have, over the last 6-12 months, been very dismissive of any claims which stray into the planning merits at all, even if there is an arguable error of approach or law. There is no increased prospect of success in persuading the Court that an arguable error of law exists by proceeding further.

When we decided to take legal action to challenge the Inspector’s decision it was done based on solid reasons and it is unfortunate that on this occasion we have not been successful. The Inspector’s decision was based on the specific information presented to the Inquiry about this particular application and I am determined that it will not alter the Council’s resolve to present robustly the housing land supply position and defend its decisions as necessary.

I have requested that Officers circulate a detailed briefing note as soon as is practicable providing more information on this case.”

124. STATEMENTS BY MEMBERS OF THE CABINET

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

125. REPORT OF THE CABINET – A.1 - EXECUTIVE’S PROPOSALS – GENERAL FUND BUDGET AND COUNCIL TAX 2018/2019

The Council gave consideration to the Cabinet’s General Fund budget proposals for 2018/19 and the amount of Council Tax for District and Town and Parish Council services for the financial year 2018/19, for each category of dwellings within the District of Tendring, to support the proposed level of expenditure.

Members were aware from Minute 135 (A.3) of the meeting of the Cabinet held on 19 January 2018, that the Corporate Director (Corporate Services), in consultation with the Leader of the Council and the Finance and Corporate Resources Portfolio Holder, had been authorised to submit a report to this meeting in respect of the formal draft resolutions necessary to implement the Cabinet’s budget proposals, together with any late information, or notifications received from the Ministry for Housing, Communities and Local Government, as may necessarily affect the budget.

The Council was advised of all the resolutions made by the Cabinet on 19 January 2018, together with the additional recommendations necessary to set the Council Tax levy. Those resolutions and recommendations were before the Council, as contained within item A.1 of the Report of the Cabinet.

The Council was aware that the Cabinet’s proposed budget had been subject to the Council’s Budget and Policy Framework Procedure Rules, which had included scrutiny by the Council’s Corporate Management Committee.

Members were also aware that the Town and Parish Councils within the District had met to set their precepts and those precepts were contained within Appendix G to the Report of the Cabinet, which detailed the Precepts on the Collection Fund. The Council was also aware from Appendix F that the average District and Parish Council Tax for a Band D property would increase to £198.96.

The Leader of the Council (Councillor Stock) made the following budget statement -

“When I introduced the budget last year, I explained that our underlying principle when we put together the budget each year was always to protect front line services wherever possible. Up until this year our focus has been on working more efficiently and reducing our staffing and overhead costs alongside modest changes to service delivery. This approach has seen in excess of £13 million being taken out of the budget over recent years with only minimal impact on front line services.

I also went on to say last year that given the scale of savings required over the coming two years, this line would be increasingly difficult to hold.

About 9 to 10 months ago, when we sat down to discuss the budget for 2018/19 – when we started to plan this budget - we were presented with a savings target of £3.4 million over two years. In the context of protecting frontline service we had a choice - accept what felt like a bit of a fait accompli given the traditional short-term approach to the budget that Local Authorities normally take, or to think quite differently.

I am glad we were brave enough to choose the latter course as otherwise the budget presented tonight would have reflected the inevitable reductions in services – I am proud to say that there are no service reductions proposed within the budget in front of us, something that many Councils are unlikely to be able to say this year.

As we all already know, the pace of the reductions in Revenue Support Grant from the

Government has meant that local authorities have not had the space and time to become self-sufficient.

However, this Council has always made it clear that it is committed to 'growing' its own income via regeneration and economic development initiatives for example.

We therefore needed a way to create the time and space to allow our local income to grow, and even if we are only partially successful, it would give the Council a fighting chance to emerge from the current difficult financial environment we currently face in good shape with only minimal reductions in service provision compared with the more traditional alternative of making significant and short-term cuts to services.

The longer-term approach to the forecast that we adopted will enable us time to identify various actions that can be developed to deliver the underlying income growth required to offset changes in expenditure. If we get this right we aim to be delivering budget surpluses in the not too distant future, which we would then be available to reinvest in services.

The budget presented tonight achieves the first step within this new longer-term approach by delivering a balanced budget with only minimal use of the Forecast Risk Fund, and as I have just stated, there are no reductions in services proposed.

Whilst mentioning the Forecast Risk Fund, it is important to highlight at this point that we chose to set aside £1.434 million from the outturn position in 2016/17 to underwrite the financial risks going forward. This is therefore paying off and in fact we have been able to contribute an additional £454,000 to this fund from the 2017/18 revised budget, so we can move onto the 2019/20 budget over the coming months with growing confidence.

You may think financial survival is enough to occupy our time over the next few years, but we have also taken the opportunity to make significant financial commitments to a number of projects. We have identified in excess of £7.5 million to fund a number of projects such as:

- *£2million for Garden Communities*
- *£1million for Harwich Public Realm*
- *£500,000 for housing in Jaywick Sands*
- *£1.5million for office transformation and channel shift*
- *Over £2million on regeneration and economic development projects*
- *Nearly £600,000 on repairs to key assets*

These are not promises to fund projects in the future if we can raise the money – these are cash-backed with the money already in the bank.

And on top of the above we have set aside £1.5 million to support the cost of the recharging of the new beaches from Clacton to Holland so we don't need to find this money over the coming years we have already got it.

Although not part of the general fund budget tonight, we are also investing over £6 million every year in our housing stock, which is despite the Government requiring us to reduce the rent we charge by 1% a year over 4 years.

We want investment to also support our on-going financial position, so we are looking for a return on our money to provide income or to reduce cost pressures that may emerge in the later years of the forecast.

We are therefore being as commercial as we can be within the increasingly frustrating rules set out by the Government. Now, Chairman, Members will have heard me repeat this mantra many times before and I do not apologise for doing so again; if the Government wants us to be financially self-sufficient – and by scrapping the Revenue Support Grant we have to assume that they do – then they should allow us to do just that; Parliament needs to remove the legislative shackles which currently forbid us from being entrepreneurial or innovative in so many ways and which restrict how we can operate as an organisation. We have in this country one of the most centralised systems of government anywhere in the world and all I am proposing is that Westminster just needs to trust local councils to know what is best and to do what is right in their own local area.

But Chairman, coming back to this budget, let me also mention redesigning service delivery. I recall in the past the cynical view being expressed that this phrase is just short-hand for cutting services; but let me use our waste and recycling service as an example to explain why that is fundamentally not the case.

Our existing contract has a break clause at year 7 with the option to extend for up to a further 7 years. The cost of providing waste and refuse services has increased greatly over the life of our existing contract such that if we did nothing and just carried on with the same service for a further 7 years, we would be looking at increases in costs of between £300,000 and £400,000 every year. The only way to find that kind of money would either be a massive hike in Council Tax or by making cuts to other services. And Chairman, neither of those options are acceptable to me.

So, what we are doing, and believe me, this isn't easy, is looking at how we can find a less-expensive way to collect rubbish and recyclables – a way in which we actually hope to provide what people regard as an improved service. We are currently working on finalising options which can deliver on those objectives whilst preventing as far as possible the need to make cuts to other services within the Council to pay for it.

That is what redesigning service delivery is all about – being creative, thinking differently and doing more with less.

Another good example of where we are taking a positive, yet pragmatic view is when we allocate funding to particular service areas in the budget.

The Council is committed to providing the same level of funding year on year to deliver specific areas of the budget. However, we recognise that the same amount of money may not buy as much as it did in the past. Providing real-term increases in funding across the diverse range of services that the Council provides is unlikely to be possible given the reductions in Government funding, so we just need to be honest about this. However, what I am sure about is that this will spur us into continuing to find different ways of delivering our services, a challenge we have lived up to in the past and one we will continue to meet.

I think we all agree that this Council continues to punch above its weight. I see Members and Officers working really closely together at this Council to make this possible.

I see a genuine passion, from Members and Officers alike, to deliver for our residents, businesses and visitors, something that is so clear to me and demonstrated week in week out.

This is something we should not simply take for granted as I believe it is one of the key things that sets us apart from other Councils up and down the country and it will see us

through this challenging period.

And this is something we should not simply take for granted as I believe it is one of the key things that sets us apart from other Councils up and down the country and it will see us through this challenging period. Once we are fully financially self-sufficient there will be no stopping us, but we do need to keep laying down those foundations each year. We need to keep developing our ideas and have a mix of things up our sleeve to keep delivering against the forecast.

Sometimes we will be doing this in partnerships and sometimes we will be doing it alone.

In terms of looking past 2018/19 and the budgets that lay ahead, I genuinely want to include the views of as many Members as possible – hopefully you will recall the promise I made to all Members recently when I asked you all to put forward things that you may like to see in the budget or conversely removed from the budget. Please do take me up on this offer and feed your thoughts and ideas into the forecast and budget setting process during the year ahead.

Before we hear from other Members I just want to repeat really how proud I am to be able to present the budget tonight with no proposed cuts to services and with over £7.5 million pounds of investment in the District planned.

Chairman, this Budget epitomises the ethos and spirit that underpins so much of what we are about at this Council:

- it is about doing more with less by being innovative and creative.*
- it is about facing down financial pressures with a dauntless positivity and confident optimism.*
- it is about coming together for the greater good, because I see that despite our many and varied political backgrounds we do want to deliver the very best we can for the residents of this great district of Tendring.*

Chairman I strongly commend the motion to Council and I call on all Members to support the 2018/19 budget that is being proposed and to vote in favour of it tonight.”

It was moved by Councillor Stock that the recommendations set out on pages 15 and 16 of the Council Book be approved. In doing so, Councillor Stock also incorporated within his motion as an addition to those recommendations the following amendment which had been circulated prior to the commencement of the meeting by the Labour Group –

vii) that a one-off big society budget of £100,000 be included within the 2018/19 budget, funded by a transfer from the 2017/18 Fit for Purpose budget.”

Councillors Fowler, I J Henderson, Miles and G V Guglielmi all spoke to Councillor Stock's motion.

The Chief Executive reminded Members that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 required local authorities to hold a named vote on the Budget motion and all amendments thereto.

The Chief Executive also informed Members that, as the Cabinet's budget proposals had now been amended, the provisions of Budget and Policy Framework Procedure 3 would now apply and Council would only be able to make an “in principle” decision.

In respect of Councillor Stock's motion the vote resulted as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander Amos Baker Bennison Bray B E Brown M Brown Bucke Callender Calver Chapman Chittock Coley Cossens Davis Everett Fairley Fowler Griffiths G V Gugliemi V E Guglielmi Heaney I J Henderson J Henderson Hones Honeywood Khan Land McWilliams Miles Newton Nicholls Platt Poonian Raby Scott M J Skeels M J D Skeels Steady Stephenson Stock OBE Talbot Turner Watson White Whitmore Winfield Yallop	Porter	Pemberton	Broderick J A Brown Bush Cawthron Ferguson Gray King Massey Watling MP

Councillor Stock's motion was declared **CARRIED** and it was therefore:-

RESOLVED that, having had regard to the Chief Finance Officer's (Section 151 Officer)

report on the Robustness of Estimates and Adequacy of Reserves, in accordance with the requirements under Section 25 of the Local Government Act 2003, and having taken account of the responses to the budget consultation process, the Council approves, in principle, the budget proposals (based on a £5 Band D council tax increase for district services) and agrees, in principle,:

- i) that the total General Fund net revenue budget for 2018/19 be set at £13.902m and revised net budget for 2017/18 of £13.487m (a council tax requirement of £7.602m and £7.229m respectively excluding parish precepts);
- ii) that the General Fund capital programme be approved totalling £0.857m in 2018/19;
- iii) that the detailed General Fund budgets be as per the Cabinet's budget proposals of 19 January 2018, as set out in Appendix B to item A.1 of the Report of the Cabinet;
- iv) the calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts, as set out at Appendix D to item A.1 of the Report of the Cabinet;
- v) the Council Tax for District and Parish/Town Councils' services, as set out at Appendix G to item A.1 of the Report of the Cabinet and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands;
- vi) that if budget adjustments are required following the late notification of external / grant funding, then in consultation with the Finance and Corporate Resources Portfolio Holder, budgets be adjusted accordingly with no net impact on the overall budget or capital programme set out above; and
- vii) that a one-off big society budget of £100,000 be included within the 2018/19 budget, funded by a transfer from the 2017/18 Fit for Purpose budget.

126. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The meeting was declared closed at 8.08 p.m.

Chairman