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Council

27 March 2018

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 27TH MARCH, 2018 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chair), Alexander, Amos, Baker, Bennison, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Bush, Calver, Cawthron, Chapman, Chittock, Coley, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, C Guglielmi, V Guglielmi, Heaney, I Henderson, J Henderson, Hones, P B Honeywood, S A Honeywood, Khan, King, Land, Massey, McWilliams, Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Skeels (Snr), Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Katie Sullivan (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Callender, Cossens, Gray, Miles and Watling MP.

2. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - ST PAULS WARD

The Returning Officer reported that, at the by-election in the St Pauls Ward of the District, held on 15 February 2018, Susan Anne Honeywood had been duly elected as a Councillor, for the St Pauls Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Honeywood had since made a Statutory Declaration of Acceptance of Office.

Councillor Honeywood had also given notice that she wished to be treated as a member of the Conservative Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Deputy Leader of the Conservative Group, Councillor G V Guglielmi.

The Chairman of the Council welcomed Councillor Honeywood on her re-election to the Council.

Members congratulated Councillor Honeywood with a round of applause.

The Council noted the foregoing.

3. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 6 February 2018, be approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST**Agenda Item 16 – Motions to Council – Staging Road Motor Rally and Racing Events in Towns and Villages in the District of Tendring**

Councillor White declared a personal non-pecuniary interest in this item insofar as the Rotary Club of Clacton-on-Sea (of which he was a member) had been asked by the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District to run the car park at West Road, Clacton-on-Sea for the weekend of April 21st and 22nd 2018.

Later on in the meeting Councillor Porter declared an interest in this item insofar as he was also a member of the Chelmsford Motor Club.

Agenda Item 18 – Motions to Council – Highways Repairs Arrangements

Councillors I J Henderson, P B 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.

5. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**Indian Banquet – “A Taste of Bollywood” – held at The Kingscliff Hotel, Holland-on-Sea**

The Chairman thanked those Members who had attended the above event and for their donations to the charity, TeenTalk.

Pride of Tendring Awards

The Chairman thanked all those who had participated in the Awards evening and, in particular, he thanked those members who served on the advisory panel that had put the awards evening together.

6. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**Formation of the Tendring Independents Group**

The Chief Executive formally reported that, on 26 March 2018, Councillors Lis Bennison, Mike Bush, Mark Stephenson and Ted Whitmore, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was Tendring Independents Group. The Leader of the Tendring Independents Group was Councillor Stephenson and Councillor Bush was the deputy Group Leader.

Councillor John Brown

The Chief Executive also formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor John Brown had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Clinical Commissioning Group Governing Body Meeting

The Chief Executive informed Council that, accompanied by the Health and Education Portfolio Holder (Councillor McWilliams), he had that day attended a meeting of the Governing Body of the local Care Commissioning Group (CCG). One of the papers discussed at that meeting was a proposal to align together three CCGs. In conjunction with representatives from Colchester Borough Council, he and Councillor McWilliams had expressed deep concerns about that proposal. Those concerns had included –

- (1) the determinants of health were not all about health;
- (2) a diminution of the Council's positive relationship with the CCG and its understanding of the locality leading to a dilution of the Council's interaction at CCG level and a loss of influence;
- (3) health issues in north Essex need a particular focus and understanding;
- (4) the powers and appointment process for the proposed joint committees;
- (5) further alignment was not clearly defined and no financial implications had been identified; and
- (6) the 'footprint' of north Essex is complex and this would only complicate it further.

As a result the Chief Executive informed Council that the report had been deferred.

Council noted the foregoing.

7. STATEMENTS BY THE LEADER OF THE COUNCIL

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

8. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Corporate Enforcement (Councillor Nicholls) responded to recent media reports and made a statement in regards to car parking fees and confirmed that a public reassurance had been given that off-street car parking charges in Tendring were not set to rise.

9. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council (Councillor Stock OBE) as follows:-

"I realise that the annual State of Tendring statement is not necessarily the highlight of the municipal year so this I am going to do it a little differently. Instead of hearing my take on how things are I am going to give you an entirely independent view.

As all Members will be aware we recently had an Local Government Association Peer Review.

The Peer Review Team visited Tendring during the 6th to 9th March. The team consisted of a senior Councillor, Chief Executive and senior managers from other Councils. A number of sessions and discussions were held with our Councillors, officers and external partners. They spoke to in excess of 90 people and had more than 30 meetings. Even though the team was only with us for a short period of time, I was impressed by how quickly and how well they got to know us. It did not take them very long at all to understand who we are, what we are and what we are aiming to achieve.

At the end of the visit the Team gave an overview of their feedback, key messages and recommendations. A copy of the full feedback report has been circulated to every Member this evening.

So allow me to quote directly from that report.

“Tendring District Council (TDC) is having a significant and positive impact right across its district. The Leader, Deputy Leader and Chief Executive are passionate and well informed about the area, its local context and challenges. Managers and staff are also committed to TDC. They are well engaged and recognise that the Council has been on a cultural journey which is now leading to improvements.

TDC as a council has made huge strides since 2010. It has become more outwardly focused and is now an effective community leader. It is a member of the key decision making bodies in its area. It is acting as a catalyst for more effective and joined up public services and it is holding other service providers to account. One of the key messages to emerge from this peer challenge is that TDC is even better than the story it is telling about itself. It is understating its achievements to residents and other stakeholders. Being clearer from the outset about desired outcomes will help it to tell the story of its achievements and successes in the district.

Political leadership within TDC is strong. The Leader has made a conscious effort to involve all Members. Cabinet and individual portfolio holders take a proactive approach to leading on the major strands of the policy agenda. Member and officer relationships are good. Members are engaged and well briefed on issues. They value the informal “all member briefings” that take place each month as well as the other opportunities to be involved. Members have taken a political decision to support a boundary review which has reduced their numbers from 60 to 48, which reflects the reduction of 130 staff posts due to efficiency savings in recent years.

The priorities for the Council are clear and reflect the needs of the district.

TDC’s community leadership role is widely recognised and respected. Key partners such as the leaders at Essex County Council (ECC), the Police, Fire and Crime Commissioner (PFCC) and the local Member of Parliament for Clacton all praised the Council’s leadership role in the community and beyond. It is very clear that the council is using its community leadership approach to tackle some of its key issues such as education, skills, public health and community safety with its partners.

Despite the challenges faced by the district the Council is ambitious and has a record of delivering significant projects. These have often been delivered in partnership and the Council has been very successful in leveraging significant funds from partners. The £36m coastal sea defence scheme is just one example – where with an initial £3m investment from TDC, it persuaded partners to invest a further £33m. The scheme has

protected 3000 homes from the sea, regenerated the beaches along the coast from Clacton to Holland on Sea and led to significant private investment along the seafront.

TDC's finances are robust. It has already made £13m of savings in recent years without any significant loss of services. It has adequate reserves, and its council tax is low. TDC has a future savings plan that aims to deliver £300k savings each year over the next ten years."

What this report makes extremely clear is that Tendring is a council that is working hard and delivering well for its residents. It is extremely gratifying to hear that from an independent third party and I want to say thank you and pay tribute to all our hard-working officers and staff at every level who are contributing to that success. And also to all members of this authority who have played their part to make this a better council.

However, in the face of such positivity we should not forget that Tendring still has severe challenges and areas of significant deprivation.

The Public Health England Tendring profile 2017 highlights a number of challenges with all areas of the Index of Multiple Deprivation significantly worse than the England average, including life expectancy, disease and poor health, adult and children's health and community safety. Only three out of the 30 factors remain better than the England average, this includes childhood obesity and incidents of tuberculosis.

The Health and Wellbeing report for Essex 2016 identified for Tendring high prevalence of children in low income families, excess weight in children, number of NEETs, safeguarding needs and hip fractures in the over 65s.

We continue to tackle these issues. At Council in January I set out the Cabinet priorities for the coming year and we are reviewing the working of our Overview and Scrutiny Committees to allow them to focus on more in-depth pieces of work.

The Peer Review Team made the following recommendations:-

- Improve how we tell the story of what we are achieving;*
- Devise an approach to programme management and project delivery;*
- Bring the four strands of transformation – customers, property, digital and people – together;*
- Review how we deal with underspends, savings and financial risk and look at the phasing of our capital programme;*
- Add housing as a strand to our community leadership focus alongside education, health and community safety;*
- Be confident in our plans for Jaywick.*

These are sound recommendations and I am confident that they will strengthen and enhance our approach.

Traditionally the State of Tendring speech can be quite a lengthy affair but tonight I am sure everyone will be delighted that I am not going to say any more. I am confident that when you read the full report you will see that it needs no more from me. The report speaks for itself and I look forward to working with officers, Cabinet colleagues, and Members generally to implement the recommendations and to take this Council forward into a positive and exciting future."

Members expressed their appreciation of Councillor Stock's speech with a round of applause.

Councillor I J Henderson addressed the Council during the debate on the Leader's Statement.

10. PETITIONS TO COUNCIL

There were none on this occasion.

11. 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.

The following questions had been received, on notice, from members of the public:

Question One

From Mary Nolan of Stones Green to Councillor Stock OBE, Leader of the Council:

"I am a retired pensioner and I live on the Stones Green 'red route' of the proposed Tendring Motor Rally. It is not clear that the MSA insurance policy sent to me for perusal covers damage to me or my property, as promised by the event organisers. It would appear to be a standard business insurance for professional indemnity against their negligence, not for speeding competition driver error. In fact, the drivers are required by organiser to sign disclaimers for any accident or damage and they have no requirement at all to be insured on the competition routes where they will be speeding. This, despite European directive that the 'VNUK' law should be applied and that they should now in fact have cover for all circumstances. Claiming from the MSA in the event of a competitor accident does not therefore appear to be possible when the drivers are all but uninsurable when speeding along the red routes.

Given that the Council has a duty of care to its residents, how does the Council plan to protect property from damage and from future substantially increased insurance premiums for the significantly higher risk of living on a racing track, other than to ensure that the event does not go ahead?"

Question Two

From Caroline Lindsay of Little Oakley to Councillor Stock OBE, Leader of the Council:

"I strongly believe that there is a very grave national security concern surrounding the staging of the Tendring rally event on the 22nd April or similar events that follow in the future. Neither the drivers nor the marshals are required to be criminal or mental health checked and anyone can enrol as a marshal with an hour's online training and no formal identification. The policing will largely be taken on by these lay people. A car could easily be maliciously driven at high speed into the crowds by an aberrant driver on the day.

Given that the Council has a duty of care to its residents, how does the Council plan to fully protect them from malicious attack other than to ensure that the event does not go ahead?"

Question Three

From Neil O'Hare of Little Oakley to Councillor Stock OBE, Leader of the Council:

"I am concerned about the safety controls for this event in relation to the marshalling of the event. I presume there is a Risk Assessment that the organisers have provided for the rally, in order for this to be "Suitable and Sufficient" the Risk Assessment would, I expect, include the minimum number of marshals required to safely police the event, their locations, duties and level of qualification required. As the event is stretched over a considerable portion of the day it would seem reasonable that there would be sufficient additional marshals to relieve people who have been at their posts for long periods or who need to step away for other reasons. My concern is that I have seen comments in the public press reported as being made by the organisers stating that "between 500 and 1000" marshals (presumably suitably trained and registered as appropriate) would be available.

This is obviously a wide range and gives no indication of what the absolute safe minimum of marshals is. Presumably the Risk Assessment is explicit about this.

In relation to these concerns, my question is as follows:

Has TDC had access to the Risk Assessment and has this been examined by a suitable person who is qualified to comment as to its suitability and sufficiency? Does the Risk Assessment include a minimum number of marshals required to safely run the event and what would happen if the level of marshals available fell below the minimum level before or during the event?"

Councillor Stock replied collectively to all three questions as follows:

"It is important to make clear from the outset that the car rally is not a Tendring District Council event; we didn't propose the idea, we have not organised it and we are not running it.

The Council has a role as part of the Safety Advisory Group and to provide advice to the event organisers in connection with public events given our record of successfully running the Clacton Air Show, International Cycling competitions, beach activities and other similar large gatherings.

The Safety Advisory Group is a multi-agency group which is formed to provide advice to organisers of significant events, this is any event where it is likely that more than 499 people may be involved, and to advise them where any formal permission may be required.

Depending on the event, different organisations may have a more prominent role in providing advice and a different service may chair the group. The Safety Advisory Group will almost always have significant input from all blue light services which will provide advice in respect of areas as diverse as minor first aid provision to counter terrorism measures.

The Safety Advisory Group has no power to prevent an event taking place but clearly any organiser which does not heed the advice of the Safety Advisory Group would be in some difficulty if there was a problem with the event

The Safety Advisory Group requests the event organiser to submit an event management plan ahead of the event which shows that the event organiser is cognisant of Health & Safety, security, health, food hygiene, safeguarding, counter terrorism risks etc. and is putting in place mitigating measures – the Safety Advisory Group can provide advice to the organiser in respect of risks if this is required.

I understand that the event organisers have attended several Safety Advisory Group meetings and as far as can be determined is meeting all requirements being requested by the Blue Light services.

Therefore, I can reassure you that suitably qualified agencies have provided advice to the event organisers in respect of their risk assessments and operational plans.

As I am sure that you will appreciate much of the information in respect of the operation and organisation of the event is not available to the public for fairly obvious reasons.

The Motor Sport Association is the governing body for four-wheel motorsport in this country and is responsible for authorising and administering motorsport across the UK.

The Motor Sport Association arranges third party liability insurance cover for all events, cover being up to £65 million per claim.

The Highways authority and the event organisers will survey, record and photograph all assets along the route to ensure that no asset is left in a worst condition after the event than it was before the event – any damage will be the responsibility of the event organisers to make good.

This is the first event of its kind to be held on public roads in England and we are advised that such is the interest amongst motor sport enthusiasts that the organisers have been able to restrict entries to only those who have obtained the highest level of motor sport license. As such I think that it would be reasonable to assume that they are going to be well-qualified and highly-skilled drivers.

We understand that no permission has been granted by the Motor Sport Association for any further such events this year and that the Motor Sport Association will review the Tendring event prior to granting permission for any future such events so the chances of anyone living on a race track is highly improbable.

I can equally reassure you that as with any event which takes place within Tendring we will be reviewing this event in detail but, as I am sure that you may be aware, many events take place, organised by a range of organisations across Tendring, some of which do not have our support, nor the support of other agencies but there is little that can practically be done to prevent them taking place.

I am also advised by the Cabinet member for Highways at Essex County Council, that the road closures for the Motor Rally event have been granted and all the relevant information regarding these is publicly available on the website www.roadworks.org. I understand that while there is no legislative requirement to consult or advertise the

closures, a consultation with all residents and Parish Councils has been undertaken by Chelmsford Motor Club, however, there is no planning permission required or any event licensing required to hold an event of this nature.

I am assured that the correct legal procedure and requirements have been followed by all parties involved to enable this event to safely take place.

A resident's handbook will be published and delivered to all residents living on the route or close by giving detailed information about the event and instructions on how to arrange access to properties as well as other useful information.

I do recognise and accept that motor sport is not to everyone's taste and that roads being closed can be annoying and disruptive, but I also recognise that this is a district where tourism is a vital part of our economy and where we struggle to attract traditional businesses due to our rural and coastal geography. So, I will continue to support and encourage events that offer the opportunity to put Tendring on the map, to show that we are innovative, creative and open for business, and above all which can contribute to our local economy and ultimately help to create much-needed jobs and employment and I would urge all residents to do the same."

12. MOTIONS TO COUNCIL - STAGING ROAD MOTOR RALLY AND RACING EVENTS IN TOWNS AND VILLAGES IN THE DISTRICT OF TENDRING

Councillor White had earlier in the meeting declared a personal non-pecuniary interest in this item insofar as the Rotary Club of Clacton-on-Sea (of which he was a member) had been asked by the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District to run the car park at West Road, Clacton-on-Sea for the weekend of April 21st and 22nd 2018.

During the consideration of this item 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 Bush:-

"Motor rally sports events are recognised as perilous activities which continue to claim lives of both experienced and accomplished drivers and spectators, even with stringent safety and security measures in place. This is clearly evidenced with fatalities in UK organised events as recent as December 2017, the motor sports association (MSA) quoted "this is a stark reminder of the inherent danger in the sport we love".

This Council demonstrates intolerance for speeding and advocates considerate safe driving in our towns and villages. To support staged road motor rally and unregulated high speed racing events in the Tendring District would conflict with the overarching ethos of this Council and expose the Tendring residents and spectators to unprecedented risks.

Many of the rural roads within the District are renowned accident blackspots experiencing far too many fatalities and serious collisions, these events could create a legacy of carnage in their wake and the probability of encouraging future adrenaline fuelled aspiring racers to test their racing skills with potential fatal consequences.

*This motion to Council requests that the Leader of the Council informs as soon possible the respective motor racing associations and governing bodies and organisers and Essex County Council Highways Authority, that Tendring District Council **DOES NOT** support or endorse staged motor rally events on the roads throughout the Tendring District.”*

Councillor Bush formally moved the motion and Councillor Bucke 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 Bush then explained his motion.

Councillors Bucke, Griffiths, Calver, Davis, Stock, G V Guglielmi and Platt each addressed the Council on Councillor Bush’s motion.

Councillor Bucke asked that, in accordance with the provisions of Council Procedure Rule 19.4, a record of the vote on Councillor Bush’s motion be taken.

Accordingly, the result of that vote was as follows:

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

Turner
Watson
Yallop

Councillor Bush's motion was thereupon declared **LOST**.

13. 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 or Sub-Committees.

Four questions had been submitted as set out below:

Question One

From Councillor Everett to Councillor McWilliams, Portfolio Holder for Health and Education:

"Is the Portfolio Holder aware that in the past month two ambulance technicians one located at Harwich one located in Weeley have died whilst in service. A local ambulance technician - associate practitioner Ian Carter is currently gauging support for a 999 memorial garden for Essex to remember all police fire and ambulance personnel that die in service. Currently Essex does not have such a memorial garden for 999 personnel although other counties do.

Does the Portfolio Holder think that this Council could support such a scheme?"

Councillor McWilliams replied as follows:

"Thank you Chairman and I would like to thank Councillor Everett for his question. I confirm that I am aware of these tragic deaths and I can see no reason why the Council would not want to support such a memorial garden. As Councillor Everett will know we do already have memorial gardens along the seafront in Clacton. One for Servicemen which has effectively been doubled in size in recent years to include smaller Service based memorials, what we call the 'Sunken Rose Garden'. There is slightly further along near the Hospital another garden with a memorial to PC Dibell who was shot and killed a few years ago. So the answer is Yes."

Question Two

From Councillor Fowler to Councillor Stock OBE, Leader of the Council:

"The Leader of the Council will be aware of the dreadful state of the road surface of the A120 between Harwich and Horsley Cross and the lobbying carried out by Harwich Town Council to end the delays in its resurfacing.

Will he please agree to write to Highways England on behalf of Tendring District Council in order to place TDC's voice alongside that of Harwich Town Council in seeking immediate action?"

Councillor Stock replied as follows:

“Chairman I would like to thank Councillor Fowler for her question.

The situation has changed a great deal since her question was received by the Council, of which I received notification on 14th March.

I wrote immediately to the minister of state for Highways and copied the letter to our member of Parliament, Bernard Jenkin.

Bernard’s reply is dated the very next day and he pledged to support me and to push the matter in Westminster.

On Friday, Bernard had a briefing on the condition of the road from Highways England. He met on the A120 with the Highways Agency Regional Director - Eastern Region, Martin Fellows. They drove the road together and discussed exactly what is happening to this stretch of road, particularly to the Wix by-pass section.

This issue has been raising concerns from many quarters, including Harwich Town Council, for too long. Mr Fellows was also due to meet representatives of Harwich Town Council and I am grateful to them for also taking an interest in this issue.

Bernard further wrote to me on this issue just yesterday and phoned me to discuss the issue as he had just left a meeting at 4.30pm yesterday with the Roads Minister, Jesse Norman MP, and the CEO of Highways England, Jim O’Sullivan. They have confirmed the following -

There was always going to be a programme of repair of potholes and cracks as the Winter season ends, but they are now planning an £800k, two-year programme of repairs, in order to sustain the safe operation of the road. Their aim was to start this very week, and after the Easter weekend, with three crews and a significant number of shifts, which I hope road users will have seen working already. This will involve ‘cold fill’ of potholes, which addresses the safety risk of potholes and ‘spalling’ (which is the breaking away of small sections), and patching of sections up to 5m in length, with new top dressing. However, this will not address the underlying deterioration of this section of the A120, which has been occurring over a long period of time.

They also confirmed that Highways England are contemplating a much more comprehensive programme of works, as a priority. This road is some 50 years old, and some stretches were apparently built to long-term test different construction materials and techniques. Much of this section of the A120 is laid on concrete slabs, which are simply reaching the end of their life. The substructure is failing. Some of them have moved, the joints between the slabs are more and more evident, particularly down the middle of the carriageway, and some gullies are collapsing. This work is regarded as imperative and will need to be addressed in the next forward programme as part of RIS2 (Road Investment Strategy 2) which means the work will be done in the period 2020-25.

This project will cost many £10s of millions, if not more than that. However, it is an opportunity to develop a proper A120 development strategy, which is integrated with the plans for economic development along the A120 corridor. This will involve a full traffic study, to establish future traffic growth, and to ensure the new road is of sufficient capacity. If we want to consider an entirely different line of route, or dualling in the

longer term, now is the time to develop these proposals. It will also need to address whether plans for the Bathside Bay container terminal is likely to proceed or not, and what contribution that might lead to, if any.

In conclusion Chairman, work is underway to address the concerns raised by Councillor Fowler. I am grateful to her for her question; it was a positive and constructive question addressing an issue that was affecting not just ordinary road-users but also the long-term economic prosperity of the whole area.”

Councillor Fowler then responded to Councillor Stock’s reply with a supplementary question:

“Thank you Councillor Stock for your reply. I am aware that the work on that road has been long overdue and I think most people who travel along that road are aware of that and even just recently when I wasn’t able to drive and I was a passenger in a car I had no idea just how bad some of those potholes are. In fact they are not potholes they are more like craters. A pothole is a hole. These are not holes. Of course, part of the road is also sinking now and that road doesn’t just need repairing it needs the whole thing completely redoing as it is at least 50 years old.

So I would ask if you would support the call for extra funding from the Government for Highways England to completely rebuild the road not just for everyday users for people who travel back and forth to Harwich but also for visitors who come to the area many of whom come from outside the UK? What must they think when they go around the Horsley Cross roundabout and onto the stretch down to the Ramsey roundabout which has recently been described by a paramedic as a ‘farm track’. Thank you.”

Councillor Stock responded to Councillor Fowler’s supplementary question as follows:

“I think Councillor Fowler is being rude about farm tracks! I’ve been down farm tracks that are in better condition than the A120 which is an appalling state of affairs. Yes is the key answer to the fundamental question that she put there. I absolutely support more Government funding and investment and it was in the body of the text of my answer that that should be happening. The A120, let us be very clear, all the way from Hare Green to Harwich is not fit for purpose. It needs to be dualled all the way for Harwich to be put back on the map and for Harwich to effectively be pulled closer to London and the economic heart of the country. Harwich was once a great and successful port and it is now struggling a bit. It still does very well I think but it could do an awful lot better but that road lets it down massively and it is simply not acceptable.

I absolutely support the new road. I don’t support anything that slows the traffic down going to and from Harwich. I don’t support the new roundabout being built at Hare Green for that very reason that it slows down all the traffic by a few minutes and there are better ways of solving the safety issues there. So yes it is important that everyone comes together on this. I think that it was a very good question that you put Councillor Fowler and as soon as it came to me I thought yes! I have had so many complaints and I am sick of seeing Councillor Henderson’s face in the local papers complaining about it though he has every right to do so and I don’t mean that disrespectfully. Quite the opposite in fact. I am sick of hearing about how bad the A120 is and how it needs to be done.

Hopefully short-term improvements are being carried out with long-term improvements in the pipeline. Unfortunately highways improvements in this country seem to take far, far too long. It seems to be a generation before anything gets done. The A120 from Braintree to the A12 is supposed to be in the pipeline to be done but will we, everyone in this Chamber tonight, still be driving when that road is done. To give you an example of how long it takes, the A120 from Stansted to Braintree was upgraded about ten years ago but I was at school in Great Dunmow when that was announced as a project and I remember looking at the paper and looking at the map and trying to work out what route my school bus was going to take. Well sadly I was in my forties when that road actually got opened! That's how long these things take in this country and it's really not acceptable. We need to get the bulldozers out and a new road in as soon rather than later and I fully support it."

Question Three

From Councillor I J Henderson to Councillor Stock OBE, Leader of the Council:

"Will the Leader of the Council consider commissioning an impact study into the possible effect Brexit may have on the residents and businesses living and trading within the District of Tendring?"

Councillor Stock replied as follows:

"The Brexit referendum result was clear and decisive and puts the question of this country's membership of the EU beyond question. No election in this country has ever seen so many people vote the same way.

We are leaving.

As Leader of this Council let me say that I am extremely positive and optimistic for our post-brexit future and I think it is very important that everybody, whether or not they wanted us to be leaving, accepts that it is happening and tries to make it a success.

There will undoubtedly be a range of issues arising from Brexit which will impact on both Tendring as a District, neighbouring authorities and the operations of the Council.

The precise details and terms of our exit are still being negotiated and discussed and on what terms and even precisely when we leave are not known at this time.

At this stage it would be premature to undertake an impact study as the full details of Brexit are not yet known. I will be asking Officers to start preparing a briefing note on Brexit for Members when we have more detail and the impacts can be properly assessed."

Councillor Henderson then responded to Councillor Stock's reply with a supplementary question:

"In answer to that I would have thought that, like many other local councils, authorities and organisations, we would be doing these impact studies to be able to assist all sorts of business in the Tendring District even if we only survey them and ask them what their concerns are and we can look at those concerns and try and deal with them. As you said the decision has been made and we can't ignore it but what we can do is do our

best to work with those businesses to make sure the impact is as 'soft' as possible on them. I just wonder if he has had any discussions with Harwich Port, as obviously ports around the country are very concerned about leaving the Customs Union and the effects that will have on goods being held up in ports up and down the country because of being stopped at borders?"

Councillor Stock responded to Councillor Henderson's supplementary question as follows:

"I am looking to set up a meeting with the Port of Harwich very soon actually and you are right to raise this as an issue as we don't know what the impact is going to be. We don't know how Brexit is going to pan out. It could be that a bad thing turns out to be a good thing. For example, because of the customs restrictions we could end up having a big industry in this District around Harwich of Customs Officers needing to be employed as they check stuff coming into the country and it may be annoying to importers and exporters and it may be expensive for businesses but it could be a little boost.

There are also curious positives that people are talking about. For example, if the City of London ends up getting shifted to Paris or Frankfurt or wherever as other European countries try to steal that from us those entrepreneurial types who work in the City of London, most of whom live in Essex because the railway line that runs into the heart of the City of London and terminates at Liverpool Street Station is, of course, our railway line, those bankers may end up retiring back to their communities and setting up businesses and being creative and innovative and making money within Tendring or within Essex so it could be a bizarre, perverse twist. Something bad could turn out to be something good.

I am completely supportive of what he is saying, We need to keep our eye on what is happening, our finger on the pulse and keep talking to businesses. I am actually getting some positive vibes from businesses within the small manufacturing sector who say that they are experiencing upturns in trade where their customers are looking to shorten the supply line and withdraw from having items manufactured in Europe and getting it made more locally. So there are positives, there are risks and there are challenges. Some businesses will undoubtedly suffer as a result of Brexit but I think an awful lot more will do well. I actually am very positive and optimistic about it. I think that it is going to be great for this country and I look forward to it happening."

Question Four

From Councillor J Henderson to Councillor Skeels Snr, Portfolio Holder for Leisure and Tourism:

"Will the Portfolio Holder for Leisure confirm when the closed off lane at Dovercourt Swimming pool will be reopened for the public to use on a permanent basis?"

Councillor Skeels replied as follows:

"Thank you Councillor Henderson for your question. Following some recent staff training and wanting to look at ways of following best practice guidelines, leisure staff undertook a visibility zone check utilising the most up-to-date guidelines. Whilst not being a major issue light reflection on the side nearest the windows could, under some circumstances,

reduce the lifeguard's ability to monitor below the waterline as effectively as we would like. And so the decision was taken to remove that lane during the quieter periods to reduce the risk and give the lifeguard a smaller area to scan. During the busy period two lifeguards are on duty and so their scan area can be adjusted so that light refraction does not become an issue. Whilst this is a 'belt and braces' approach I hope that you would agree with me that public safety must be upper most in operational management considerations. The very low usage of the pool during the quieter sessions does not justify two lifeguards being on duty. There can on occasions be more lifeguards than users of the pool.

As mentioned at a recent Cabinet meeting the closure of one lane during the quieter periods is a temporary approach whilst we are in the process of looking at underwater technology to possibly use a blended lifeguarding approach. A meeting was due to take place a couple of weeks ago to consider the practical, technical and financial implications of installing this underwater technology but due to the adverse weather conditions at the time the meeting had to be cancelled though it is now in the process of being re-arranged. If we are able to use this new technology we will look to open up the pool more fully again during the quieter sessions and have one lifeguard on duty and a monitor showing the whole pool below the surface. Alternatively we may look at restructuring the sessions to ensure that we remain confident that we are meeting all the appropriate guidelines."

Councillor Henderson then responded to Councillor Skeels' reply with a supplementary question:

"Thank you for your answer. Are you able to confirm if Clacton and Walton Swimming Pools have also suffered with the same cuts?"

Councillor Skeels responded to Councillor Henderson's supplementary question as follows:

"I am not aware of any cuts. I do not think anything has been cut."

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

There was no such report on this occasion.

15. 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 8 January 2018;
- (b) Service Development and Delivery of Monday 15 January 2018;
- (c) Standards of Monday 22 January 2018;
- (d) Audit of Thursday 25 January 2018;
- (e) Corporate Management of Monday 29 January 2018;

- (f) Community Leadership and Partnerships of Monday 19 February 2018;
- (g) Council Tax of Wednesday 21 February 2018;
- (h) Corporate Management of Monday 26 February 2018; and
- (i) Corporate Management Committee of Monday 12 March 2018.

It was then moved by Councillor Heaney and **RESOLVED** that the recommendation to Council, as contained in Minute 20 of the Standards Committee Minutes of 22 January 2018, be approved.

16. MOTION TO COUNCIL - "PREDATORY PARKING COMPANIES"

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

"This Council wishes to put on record its disquiet at the actions of predatory parking companies in the Tendring District and organisations that are no more than apologists for them.

This Council instructs officers to:

- 1. Protest formally to the British Parking Association (BPA) about its wholly inadequate response to complaints made by this Council, and by an elected member, regarding the actions of Smart Parking and Debt Recovery Plus relating to the Ravensdale Car Park in Great Clacton.*
- 2. Resign from the British Parking Association by not renewing our membership for 2018.*
- 3. Investigate the possibility of withdrawing from the Safer Parking Scheme operated by the BPA.*
- 4. Champion the concept of Local Authorities licensing private parking companies and their activities – or at least the establishment of a single, genuinely independent regulator for the private parking sector that has no connection, financial or otherwise, with the wider parking industry – as part of the suite of regulatory measures proposed as part of a Private Members' Bill currently progressing through Parliament.*
- 5. Research other councils in Essex and beyond, experiences over predatory parking companies activity in their locales and create a database of these experiences to help inform the committee stages of the Parking (Code of Practice) Bill currently progressing through Parliament."*

Councillor Everett formally moved the motion and Councillor Bray 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 Everett then explained his motion.

Councillors Nicholls, Amos, Pemberton, G V Guglielmi and Stephenson each addressed the Council on Councillor Everett's motion.

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

17. MOTION TO COUNCIL - "HIGHWAYS REPAIRS ARRANGEMENTS"

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.

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

"This Council requests that Essex County Council considers extending the arrangements currently in place with the Highways Rangers to cover minor highways repairs such as smaller pot holes, broken slabs/kerbs, cleaning out roadside drainage channels and removal/repairs to barriers and signage, to enable a quicker response to local issues. Such decisions should be made at district council level rather than the Local Highways Panel, which at present is only an advisory board for the County Council Portfolio Holder.

We could have our own committee to oversee the work."

Councillor Pemberton formally moved the motion and Councillor Porter 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 Pemberton then explained his motion.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be amended to read as follows:-

"This Council requests that the Leader of the Council continues his discussions with Essex County Council with a view to extending the arrangements currently in place with the Highways Rangers to cover minor highways repairs such as smaller pot holes, broken slabs/kerbs, cleaning out roadside drainage channels and removal/repairs to barriers and signage, to enable a quicker response to local issues. Such decisions should be made at district council level rather than the Local Highways Panel, which at present is only an advisory board for the County Council Portfolio Holder, whilst ensuring that any powers devolved come with full funding."

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

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be further amended to read as follows:-

"This Council requests that the Leader of the Council continues his discussions with Essex County Council with a view to devolving highways powers to Tendring District Council whilst ensuring that any powers devolved come with full funding."

Councillors I J Henderson, Stephenson, Bray, Calver and Broderick each addressed the Council on this item.

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

On being put to the vote as the substantive motion the motion was declared **CARRIED**.

18. MOTION TO COUNCIL - "MEMBERS' ATTENDANCE AT MEETINGS"

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

"That Council resolves that –

Article 2 of the Council's Constitution, 'Members of the Council', be amended to include as an additional paragraph –

"2.06 Attendance

It is a requirement that a Member does not exceed 6 months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee."

Councillor Calver formally moved the motion and Councillor I J Henderson 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 Calver then explained his motion.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be amended to read as follows:-

"That Council resolves that –

Article 2 of the Council's Constitution, 'Members of the Council', be amended to include as an additional paragraph –

"2.06 Attendance

It is a requirement that if a Member exceeds four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee that shall be reported to the next Council meeting."

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

Councillors Everett, Talbot, Porter, Bray, Stock, Bucke, I J Henderson, Stephenson and Davis each addressed the Council on this item.

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

19. RECOMMENDATIONS FROM THE CABINET - ANNUAL TREASURY STRATEGY 2018/2019 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it the recommendations submitted to it by the Cabinet in respect of the proposed approval of the Annual Treasury Strategy for 2018/2019 [Minute 151 of the Cabinet meeting held on 16 February 2018 referred].

It was moved by Councillor G V Guglielmi and **RESOLVED** that the Annual Treasury Strategy for 2018/2019 (including Prudential and Treasury Indicators), be approved and implemented.

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

There were none on this occasion.

21. REPORT OF THE HEAD OF GOVERNANCE AND LEGAL SERVICES - A.1 - COMMITTEE STRUCTURE REVIEW

Council recalled that, at its meeting held on 23 January 2018 (Minute 116 referred), it had considered a report of the Head of Governance and Legal Services which had provided the recommendations made by the Electoral Review Working Group and it had been agreed -

"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."

It was reported that members of the Electoral Review Working Group had attended a meeting held on 6 March 2018 when they had conducted a "tidying up" exercise of the remaining issues with a view to finalising their review of the Council's committee structure.

The key issues considered at that meeting had been:-

1. Names of Committees/Sub-Committees (other than the already agreed names for the two new O & S Committees);

2. The size of membership for Committees/Sub-Committee in 2018/19 (other than the new Resources and Services O & S Committee);
3. The Terms of Reference for the existing Human Resources Committee and the Council Tax Committee to be combined without any changes for the proposed Human Resources & Council Tax Committee;
4. The Terms of Reference for the other non-O & S Committees;
5. The proposed reduction in the number of Premises/Personal Licences Sub-Committees from three to one;
6. The proposal that the membership of the P/P Licences Sub-Committee will be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee;
7. Noting the proposed meeting dates of the new overview and scrutiny committees;
8. A half-year review of the new Committee Structure to be undertaken and reported in accordance with the Constitution to Full Council; and
9. A review of the Overview and Scrutiny Procedure Rules to ensure consistency.

The outcomes of the Working Group's deliberations were contained within item A.1 of the Report of the Head of Governance and Legal Services.

Council was informed that, upon completion of the business set out in the report, the Electoral Review Working Group would focus solely on the outcome of the ongoing Community Governance Reviews.

Members were made aware that the proposed half-year review of the committee structure and associated constitutional matters would be undertaken by the Finance and Corporate Resources Portfolio Holder's Constitution Review Working Party.

Having considered the Working Group's recommendations, it was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED that -

(a) with effect from the Annual Meeting of the Council on 24 April 2018:-

- (1) the names of the non-overview and scrutiny committees and sub-committees in the new committee structure be as follows:-

Audit Committee
Human Resources and Council Tax Committee
Licensing and Registration Committee
Local Plan Committee
Planning Committee
Standards Committee
Miscellaneous Licensing Sub-Committee
Premises/Personal Licences Sub-Committee
Town and Parish Councils Standards Sub-Committee; and

- (2) the size of membership of committees and sub-committees in the new committee structure be confirmed as follows:

Audit Committee (7 Members)

Human Resources and Council Tax Committee (11 Members)
Licensing and Registration Committee (11 Members)
Local Plan Committee (15 Members)
Planning Committee (11 Members)
Standards Committee (7 Members)
Miscellaneous Licensing Sub-Committee (8 Members)
Premises/Personal Licences Sub-Committee (3 Members)
Town and Parish Councils Standards Sub-Committee (3 TDC Members + 3 Parish Members); and

- (3) the terms of reference of the non-overview and scrutiny committees and sub-committees in the new committee structure remain as they are at present with the exception of the new Human Resources and Council Tax Committee whose proposed terms of reference will be formed by the combination, with no changes made, of the terms of reference for the existing Human Resources Committee and the Council Tax Committee; and
- (4) the number of Premises/Personal Licences Sub-Committees be reduced to from three to one and that its membership be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee; and
- (5) the Overview and Scrutiny Procedure Rules be amended to reflect:
 - (i) the number of committees;
 - (ii) the number of ordinary meetings to be scheduled annually for each committee;
 - (iii) the general role and principles of the overview and scrutiny functions; and
 - (iv) clearer reference to Task and Finish Review Groups.

That the proposed amendments be as shown in Appendix A to item A.1 of the Report of the Head of Governance and Legal Services.

- (b) a review of the new committee structure and associated constitutional matters be undertaken after its first six months of operation (i.e. in November 2018) and that its outcome be reported in accordance with the Constitution to Full Council at its meeting due to be held on 22 January 2019. Such review will include considering, and making recommendations on, the size of the membership of Committees/Sub-Committees post the May 2019 District Elections when the number of Councillors on Tendring District Council will be reduced from 60 to 48.
- (c) the Centre for Public Scrutiny be invited to give their input on the operation of the new committee structure.
- (d) the potential cross-membership of the Planning Committee and the Local Plan Committee and the potential for daytime meetings of the Planning Committee be included as part of the half-year review.
- (e) issues around the training of Members and their rights to sit on certain Committees e.g. Audit, Licensing & Registration, Planning and Standards be also included as part of the half-year review.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

23. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 25 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

24. EXEMPT MINUTE OF THE MEETING OF THE AUDIT COMMITTEE HELD ON THURSDAY 25 JANUARY 2018

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and -

RESOLVED that the exempt minute of the meeting of the Audit Committee held on 25 January 2018, as circulated, be received and noted.

The Meeting was declared closed at 10.24 pm

Chairman

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