

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 15TH MAY, 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, BBrown, JBrown, MBrown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Fairley, Fowler, Griffiths, CGuglielmi, VGuglielmi, Heaney, IHenderson, JHenderson, PHoneywood, SHoneywood, Khan, King, Land, Miles, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Skeels (Snr), Steady, Stephenson, Stock OBE, Talbot, Watson, White, Whitmore and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services), Ian Ford (Committee Services Manager) and William Lodge (Communications Manager)

13. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Ferguson, Gray, McWilliams and Turner.

14. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 27 March 2018 and the minutes of the annual meeting of the Council, held on 24 April 2018 be approved as correct records and signed by the Chairman, subject to a minor correction in the minutes of the meeting of the Council held on 27 March (Motion to Council – “Members Attendance at Meetings”).

15. DECLARATIONS OF INTEREST

The Monitoring Officer (Lisa Hastings) informed Council that those Members who were also parish/town councillors within the District were not required to declare an interest in relation to Agenda Item 19 (Community Governance Reviews) as their membership of a parish/town council was already in the public domain.

16. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman congratulated Martyn Knappett, the Council’s Deputy Chief Executive upon completing the Tour de Tendring cycle ride and raising over £500 in the process for the Autism Anglia charity.

The Chairman informed Members that he would be supporting the Tree of Hope charity in aid of a young boy suffering from cerebral palsy.

17. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

Membership of the Community Leadership Overview and Scrutiny Committee

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Non-Aligned Group and the authority delegated to him, Councillor Pemberton had been appointed to serve on the Community Leadership Overview and Scrutiny Committee in place of Councillor Cawthron.

Council noted the foregoing.

18. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council paid tribute to the memory of Beth Chatto, the renowned garden designer, horticulturalist and writer who had recently died at the age of 94. Beth Chatto was respected for her extensive knowledge of plants and her expertise in gardening in the most inhospitable conditions, as exemplified in the Beth Chatto Gardens at Elmstead Market. Indeed, Beth Chatto, from 1977, had won Gold Medals ten years in succession at the Chelsea Flower Show.

19. STATEMENTS BY MEMBERS OF THE CABINET

The Leisure and Tourism Portfolio Holder (Councillor Skeels Snr.) informed Council that over 500 riders had participated in the 25th running of the Tour de Tendring and that once more it had been a great event.

20. PETITIONS TO COUNCIL

There were none on this occasion.

21. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No questions had been received, on notice, from members of the public on this occasion.

22. 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.

Two questions had been submitted as set out below:

Question One

From Councillor Talbot to Councillor Nicholls, Portfolio Holder for Corporate Enforcement:

“Since I last asked you a question on the 5th September 2017 on the subject of the Planning Enforcement Notices served on my residents and owners of properties in Point Clear Bay, further notices have been served.

May I ask the total number of enforcement notices now extant in Point Clear Bay?

Am I correct in assuming that Tendring District Council will only be obliged to rehouse those occupiers if they remain in their homes, on which such an enforcement notice has been served, until a Court enforces their eviction, thereby avoiding any suggestion by

TDC that they left their homes voluntarily and therefore are not entitled to housing support from this District Council?"

Councillor Nicholls replied as follows:

"The Council has served a total of 67 Enforcement Notices in Point Clear in the period 2017-2018. Other cases remain under investigation and further Enforcement Notices may yet be issued.

In each case the Notice relates to a breach of planning conditions preventing occupation of chalets during the winter period. I understand that approximately 50 Enforcement Notice appeals have been submitted and that a combined Public Inquiry into these is likely to take place in Autumn 2018.

Once a decision is made by the Planning Inspector the Council will then determine any action which requires to be taken. It is possible that the Planning Inspector will agree with the residents and grant planning permissions allowing all year round occupancy. Should the appeal decision uphold the Council position then there would be a commitment from the Council, to support residents through any transition needed and that action taken would be within a reasonable timescale.

As regards the re-housing position of individuals, any person can apply to be registered on the Council's housing register provided that they have lived here for at least three years (members of the armed forces excepted) and have a housing need. Rehousing will depend on their priority, the choices they make and the supply and demand for accommodation.

Individual circumstances will determine priority need and as such I feel it would be inappropriate to make any blanket statement as regards housing support or otherwise.

In terms of homelessness, it would be a case of evaluating each case on its merits. If people own their properties, we will look into why they gave up something settled (if so) for something unsettled and this may lead to an intentional decision (provided they get through the priority need stage). If they are tenants and have a priority need, we are likely to owe them a duty unless something else leads to an intentional decision. As our homelessness duty can now be ended by providing a six month Assured Shorthold Tenancy it is unlikely that this will place a significant demand on resources."

Question Two

From Councillor Griffiths to Councillor Skeels Snr., Portfolio Holder for Leisure and Tourism:

"During main events such as motor rallies, air shows and cycle races etc., a number of residents on Martello Bay and Marine Parade West face severe disruption which sees some roads such as Marine Parade West completely closed off, and others such as St Vincent Road, Collingwood Road, Trafalgar Road and Nelson Road blocked off at one end by concrete blocks.

This means that on-street parking for residents is either lost or restricted which causes massive disruption for those trying to get to work or have home helps etc.

Would it be possible to make provision for allocated residential parking during the period that these events take place and give prior notification to residents living in the immediate vicinity?"

Councillor Skeels replied as follows:

"I would like to thank Councillor Griffiths for his question. I would agree that this is an excellent suggestion and I will ask the responsible officers to work with the parking team to find a way to help residents who have always been so accommodating of such events to have access to better parking options during such events.

I will work with both Ward Councillors to ensure that what measures are put in place can be effectively communicated to residents as I know that they have already opened really good lines of communication with these residents."

Councillor Griffiths then asked the following supplementary question:-

"Well it's a step in the right direction but it's not exactly what we were quite hoping for. Could we have some type of time scale for this? As I can foresee this dragging on until next year's Air Show when we really would like to have this sorted out by this year's Air Show if possible."

Councillor Skeels then replied as follows:-

"I'll chase up the relevant Officers and they'll do it as quickly as they can."

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

There was no such report on this occasion.

24. MINUTES OF COMMITTEES

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

- (a) Standards of Monday 19 March 2018;
- (b) Community Leadership and Partnerships of Monday 19 March 2018;
- (c) Audit of Thursday 22 March 2018; and
- (d) Service Development and Delivery of Wednesday 4 April 2018.

Further to minute 24 of the meeting of the Service Development and Delivery Committee held on 4 April 2018, Councillor I J Henderson asked if the new Resources and Services Overview and Scrutiny Committee would be scrutinising the procurement process across the Council and, in particular, the awarding of the Waste Management and Recycling Contract. The Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Stephenson) replied that this would be taken into consideration and that he would respond to Councillor Henderson in due course.

25. MOTION TO COUNCIL - RENEWAL AND DUALLING OF THE A120 BETWEEN HARWICH AND HORSLEY CROSS

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

“Following confirmation in writing from Martin Fellows, Regional Director Operations East Highways England, that the Wix By-pass is approaching the end of its anticipated life and that the long term aim is to renew this section of road, Tendring District Council writes to Essex County Council to advise ECC that it fully supports calls for the renewal and dualling of the A120 between Harwich and Horsley Cross and requests that ECC engages in the process of securing the necessary Government funding through the second Roads Investment Strategy Period 2020/25.”

Councillor Henderson formally moved the motion and Councillor Calver formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would refer the motion to the Cabinet.

Councillor Henderson’s motion thereupon stood referred, without speeches or discussion, to the Cabinet for its consideration and report.

26. MOTION TO COUNCIL - ADDITIONAL FLAG RAISING DAYS AT THE TOWN HALL

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

“That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George’s Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day.”

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 refer the motion to the Community Leadership Overview and Scrutiny Committee.

Councillor Pemberton’s motion thereupon stood referred, without speeches or discussion, to the Community Leadership Overview and Scrutiny Committee for its consideration and report.

27. MOTION TO COUNCIL - FORMER PUBLIC CONVENIENCES AT IPSWICH ROAD, HOLLAND-ON-SEA

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

“That this Council hereby requests the Executive to rescind the previous decisions taken by the Cabinet and the Finance and Corporate Services Portfolio Holder to close and lease out the public conveniences at Ipswich Road, Holland-on-Sea and instruct the

Corporate Director (Operational Services) to restore and re-open for public use the aforesaid public conveniences."

Councillor Winfield formally moved the motion and Councillor Broderick formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would refer the motion to the Cabinet.

Councillor Winfield's motion thereupon stood referred, without speeches or discussion, to the Cabinet for its consideration and report.

28. RECOMMENDATIONS FROM THE CABINET

There were none on this occasion.

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

There were none on this occasion.

30. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY - A.1 - COMMUNITY GOVERNANCE REVIEWS

Council recalled that, at its meeting held on 21 November 2017 (Minute 93 referred), it had considered a report of the Head of Leadership Support and Community and it had been agreed that –

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

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

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

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

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

Council further recalled that, at its meeting held on 23 January 2018 (Minute 115 referred), it had considered a further report of the Head of Leadership Support and Community and it had been agreed that -

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

Council was informed that the consultation for both the St Osyth and Harwich Community Governance Reviews had ended on 31 March 2018.

It was reported that the Electoral Review Working Group had considered the responses to the two consultations at its meeting held on 30 April 2018 when it had been noted that:-

- in relation to the Harwich Community Governance Review, Harwich Town Council had requested an increase in the number of Councillors from 16 to 17 to even out the representation across the wards. 26 replies had been received, of which 6 (24%) supported an increase in Councillors and 19 (76%) did not.

Having considered the outcome of the public consultation, the Working Group had agreed to recommend to Council that the number of Harwich Town Councillors should remain at 16 with the existing ward distribution.

- the St Osyth Community Governance Review had been implemented because there was currently a small area of land that, following the District Boundary Review, sat within the St Osyth District Council boundary but was not within the St Osyth Parish boundary. The review had asked whether this section of land should be brought within the St Osyth Parish boundary. Eight responses had been received, of which five (62%) agreed with the proposed boundary change and three (38%) did not.

Having considered the outcome of the public consultation, the Working Group had agreed to recommend to Council that the boundary change should be implemented, in order to make the Parish and District boundaries coterminous.

- in relation to other Community Governance Reviews, as set out above, it had been agreed by Council at its meeting on 21 November 2017 that for some Town and Parish Councils further information would be gathered. This further information had also been considered by the Working Group at its meeting held on 30 April 2017.

Having considered the additional information (and following a further update provided to the Working Group after the meeting in relation to Thorpe-le-Soken Parish Council) the Working Group had agreed to recommend to Council that no further Community Governance Reviews be undertaken. This was on the basis that:-

- (1) no other request for a Community Governance Review had been received from any Town or Parish Council;
- (2) no other member of the public had raised any relevant issues; and
- (3) the additional information had not provided any overriding indication that any other Community Governance Review needed to be undertaken.

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) in relation to the two Community Governance Reviews for which public consultation has been undertaken:-
 - i. the number of Harwich Town Councillors will remain at 16 with the existing parish ward distribution; and
 - ii. a boundary change be implemented in order to make the St Osyth Parish and District boundaries coterminous.
- (b) draft recommendations as set out in (a) be made available for public comment in line with the previously agreed timetable; and
- (c) no Community Governance Reviews be taken forward at this time for the following Parish Councils: Alresford, Ardleigh, Beaumont-cum-Moze, Elmstead, Frating, Great Bentley, Great Oakley, Lawford, Little Bentley, Little Bromley, Little Clacton, Little Oakley, Ramsey and Parkeston, Tendring, Thorpe-le-Soken and Wrabness.

31. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 7.56 pm

Chairman