

MEETING OF THE  
TENDRING DISTRICT COUNCIL

2 JULY 2009

Present:- Councillors N W Turner (Chairman), Brown (Vice-Chairman), Aldis, Beckett, Bragg, Broderick, Bucke, Callender, Calver, Candy, Chapman, Cossens, Cripps, De-Vaux Balbirnie, Dew, Double, Downing, Fawcett, Ferguson, Goggin, Griffiths, G V Guglielmi, V E Guglielmi, Halliday, Heaney, Henderson, Hockridge, P B Honeywood (items 40 (part) – 43 only), S A Honeywood (items 40 (part) – 43 only), Hughes, Johnson, J King, K T King, Lines, D R Mayzes, S S Mayzes, McLeod, McWilliams, Mitchell, D Oxley, P J Oxley, Patten (except item 34), Payne, Powell, Rutson, Sambridge, G G I Scott, P S Scott, H A Shearing, S E Shearing, Skeels, Smith, Steady, Stock, Talbot, C A Turner, Walker, Watling, Watson, Whitson.

In Attendance:- Chief Executive, Head of Environmental Services, Head of Financial Services, Head of Legal Services and Monitoring Officer, Head of Leisure Services, Acting Head of Environmental Services, Senior Democratic Services Officer, Democratic Services Officer.

(7.30 p.m. – 9.25 p.m.)  
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34. PRAYERS

Prayers were said by the Reverend Ben Marlowe.

35. FIRE AND EVACUATION PROCEDURES

The Chairman informed all persons present of the fire and evacuation procedures and identified the exit routes to be used in the event of an emergency.

36. MINUTES

RESOLVED – That the minutes of the meeting of the Council held on 27 May 2009, having previously been circulated, be taken as read, approved as a correct record and signed by the Chairman.

On a point of personal explanation, Councillor Sambridge informed the Council that, in respect of minute 29 – Land at the Junction of Brighton Road and Hereford Road, Holland-on-Sea he had mistakenly declared a prejudicial interest in the subject matter of the item when in fact he had meant to declare a personal interest in that item.

37. SEATING PLAN FOR FUTURE MEETINGS OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, AT THE COUNCIL OFFICES, WEELEY

The Council had before them for their approval a proposed seating plan for any future meetings of the Council that would be held in the Council Chamber, at the Council Offices, Weeley.

It was moved by Councillor Stock, seconded by Councillor Dew and:-

RESOLVED – That the seating plan be approved.

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**38. CHAIRMAN'S ANNOUNCEMENTS****(1) Recording and Broadcasting of this Meeting**

The Chairman reminded Members that, in accordance with the decision taken at the meeting of the Council held on 28 May 2008, this meeting was being recorded for subsequent broadcast via the Council's website.

**(2) Civic Service**

The Chairman informed Members that his Civic Service would be taking place on Sunday 20 September 2009 at the Frinton Free Church, Connaught Avenue, Frinton-on-Sea. Details of the service would shortly be sent out to all Members.

**39. EXECUTIVE LEADER'S STATEMENTS**

The Executive Leader informed the Council that he had reviewed the programme of formal meetings of the Cabinet with a view to rationalising the number of such meetings in order to make them more interesting to the general public. He therefore informed Members that formal meetings of the Cabinet would be held on the following dates:-

8 July 2009  
5 August 2009  
2 September 2009  
30 September 2009  
11 November 2009  
20 January 2010  
10 March 2010  
21 April 2010

The Executive Leader also referred to the recently held County Council and European Parliamentary Elections and he paid tribute to, and gave thanks and congratulations to, all the Officers and Staff of the Council and all other people who had been involved in the running of those elections.

**40. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULES 15.2 AND 15.4(B)****(1) Brook Farm Country Park, Great Clacton**

Councillor Cripps asked the Leisure Portfolio Holder (Councillor S S Mayzes):-

"Please would the Leisure Portfolio Holder confirm that: - The £500,000 given to Tendring District Council Leisure Department by the Developer of the Brook Farm Country Park to create the said Country Park and to maintain it for 10 years, is still available and will be used for that purpose? When is the work scheduled to start? What play facilities are to be installed? Will there be an official opening?"

The Leisure Portfolio Holder replied as follows:-

"Thank you Councillor Cripps for your question. Discussions with the developer are still ongoing to finalise the transfer of the land together with the funding to prepare the amenity for public use. The funding will also provide for the ongoing maintenance.

The planning consent for the Country Park did not require the inclusion of play facilities and I confirm that there are currently no plans to install play equipment at this location. However, there is no reason why this cannot be discussed.

As the land has yet to be transferred to the Council, it is too early to arrange an opening ceremony. However, I am sure there will be an open invitation to all Councillors when this happens.

I hope that clarifies the situation.”

Councillor Cripps then asked a supplementary question of the Leisure Portfolio Holder and received a reply thereto.

(2) Tendring Regeneration Limited

Councillor Double asked the Representative of the Sole Member of Tendring Regeneration Limited (Councillor Halliday):-

“Following the reckless behaviour exhibited by the Council Administration with regard the future of INTend at the last Council meeting, will the Sole Member Representative please inform the Council of the present situation regarding the Company with particular reference to governance, operational direction and financial activity with regard payment of accounts?”

The Representative of the Sole Member of Tendring Regeneration Limited replied as follows:-

“The position regarding the governance of the Company is as agreed by the Council at the last meeting. At present the Board of the Company cannot hold meetings as under its existing Articles it would not be quorate. This does not stop the Company from operating on a day to day basis.

In terms of operation direction this will in future be given by the Cabinet, in accordance with the decision of the Council at the last meeting. We are reviewing the activities of the Company and have been talking to its staff to get a clear understanding of what work has been undertaken and what was being proposed. When this review is complete the Cabinet will bring forward its proposals.

With regard to the financial aspects of the Company and its ability to transact business, arrangements have been put in place by the Company Secretary, its accountants and auditors in consultation with the Council’s Head of Financial Services as Section 151 Officer to ensure the Company can meet its financial obligations.”

Councillor Double then asked a supplementary question of the Representative of the Sole Member of Tendring Regeneration Limited and received a reply thereto.

(3) Payment of Grant to the Tendring Citizens Advice Bureau

Councillor Double asked the Community, Partnerships and Renewal Portfolio Holder (Councillor G V Guglielmi):-

“Would the Portfolio Holder quash the rumours, that he is holding back the payment of the £90,000 grant to the Tendring Citizen Advice Bureau? The grant was a component of this year’s Council budget agreed in February.

Would he inform the Council when the grant was paid or when it is going to be paid?

Members this side of the chamber are horrified by rumours of delay as we hold in high regard the work of the CAB in Tendring.”

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The Community, Partnerships and Renewal Portfolio Holder replied as follows:-

“Thank you Councillor Double for your question. I would like to reassure the whole Council and especially Councillor Double, had he taken the trouble to contact me direct, or indeed my colleague Councillor Halliday, Finance Portfolio Holder, he would have found out that the Citizens Advice Bureau has received the full grant of £158,480, as approved at the February 2009 budget setting meeting.

It is correct that clarity was sought on the most appropriate way to fund the Welfare Rights Officer post, which was agreed should be reinstated at the February Council meeting, prior to the release of the £90,000. However, after a very constructive meeting with the Citizens Advice Bureau we were given full reassurance that the post would be best placed within the CAB and the complete grant was immediately authorised to be paid. Further to this, and with the Bureau’s full support, we intend to have a Service Level Agreement with the CAB in future and are currently exploring opportunities for further joint working with them.”

Councillor Double then asked a supplementary question of the Community, Partnerships and Renewal Portfolio Holder and received a reply thereto.

(4) Recycling

Councillor Double asked the Environment Portfolio Holder (Councillor McWilliams):-

“Would the Portfolio Holder agree with me that recycling is one of the most important tools available to the Council in the fight to reduce and reuse waste whilst reducing costs and more importantly supporting and protecting our environment?

Assuming she does agree with me, would she inform the Council when a comprehensive plastic recycling collect scheme will be reintroduced? As following earlier announcements by her department our scheme has been reduced to plastic bottles only.”

The Environment Portfolio Holder replied as follows:-

“I would certainly agree with Cllr. Double that recycling and just as importantly reuse are important in protecting the environment.

Whilst recycling of all plastics is an area of recycling that we as a Council would like to see increased there are at the present time no available outlets locally to enable us to achieve this.

However, by signing up to the Essex Waste Partnership Strategy Programme Inter Authority Agreement this will allow for the establishment of increased recycling facilities within the county which will address his concerns.”

Councillor Double then asked a supplementary question of the Environment Portfolio Holder and received a reply thereto.

(5) Phase 1 of The Harwich Masterplan

Councillor Payne asked the Community, Partnerships and Renewal Portfolio Holder:-

“Having stated at the last Council meeting that he had no intention to continue with this Council’s support or financial backing for Phase 1 of the Harwich Masterplan, will he confirm if he will be attending the next meeting of the Masterplan Working Group to explain to the representatives of Harwich Haven Authority, Trinity House, Milsoms Restaurants, Navy Yard Wharf (Mann Group), the East of England Development Agency, the Harwich Society and others, why after four years of support and encouragement that this Council is jeopardising the works to supply a new car park and improvements to the public realm area on the waterfront at Harwich and the possible loss of over £1.5 million?”

The Community, Partnerships and Renewal Portfolio Holder replied as follows:-

“Thank you, Councillor Payne for your question. Firstly may I make it clear that at the last meeting I did not state that I had no intention to continue financial support for the regeneration of Harwich.

This administration, as stated at the last meeting, is currently reviewing the Harwich Masterplan, so that the end result will be something that Harwich will be truly proud of. There have been several lost opportunities and this administration is looking to put that right and to the contrary I said I wanted to work with ALL interested parties to make sure that what was done was in the best interests of Harwich and had the maximum support of residents and the business community.

I have already had discussions with a number of parties including the Haven Gateway Partnership which is well aware and recognises that this administration wishes to review what the funding will actually be spent on. I have been advised that the £1.5m funding is secure and we still have the opportunity to revisit how it should be spent, with further opportunities on the horizon.

The Group Councillor Payne refers to is actually called the Harwich Regeneration Group, not Masterplan Group. I understand the next meeting is scheduled for 17 July but unfortunately I will be away on that date for a family wedding the next day.

As I have said I will be discussing the future regeneration of Harwich with a range of people and this includes those who sit upon the Harwich Regeneration Group.”

Councillor Payne then asked a supplementary question of the Community, Partnerships and Renewal Portfolio Holder and received a reply thereto.

(6) Welfare Rights Officer

Councillor Payne asked the Benefits and Revenues Portfolio Holder (Councillor Hughes):-

“In this year’s budget the money was included to employ a Welfare Rights Officer, which would have helped those who are struggling in this present recession gain the benefits that they may not have been aware of. Could the Portfolio Holder inform us how the recruitment process is proceeding and when he would expect the post to be filled?”

The Benefits and Revenues Portfolio Holder replied as follows:-

“Yes he can! Councillor Payne is correct in stating that when the 2009/10 grant to the Citizens Advice Bureau was approved, as part of the budget setting process at Council on 19 February 2009, it was further agreed that the reinstatement of the post of Welfare Rights Officer would be funded from this grant. We have since then had a meeting with the Citizens Advice Bureau and are pleased to report that the CAB has appointed a full time person to the post of Welfare Rights Officer,

which covers the area of work that Councillor Payne refers to. We took the opportunity at the meeting to tentatively explore further areas where the Council and the CAB might work more closely together and this joint working will be looked into in more detail. We also had the full support of the Bureau that in future, as part of the grant arrangement, a Service Level Agreement would be entered into. I can therefore assure Councillor Payne and the whole Council that the very important area of work of ensuring that those people in need of, and entitled to, benefits, is being undertaken.”

Councillor Payne then asked a supplementary question of the Benefits and Revenues Portfolio Holder and received a reply thereto.

(7) Facilities at the Harwich School

Councillor Payne asked the Leisure Portfolio Holder:-

“Having informed the Harwich School that the £200,000 that they were going to contribute to the new gym, dance studio and improved changing facilities is no longer required, can he confirm that he no longer has any intention to go ahead with these improvements?

If his intention is to still proceed with the projects, can he inform this Council how he will fund them, especially after the Portfolio Holder for Finance claimed that your administration was opposed to borrowing?”

The Leisure Portfolio Holder replied as follows:-

“Thank you indeed Councillor Payne for your question.

We are currently and still in the process of evaluating all our spending commitments. However, I can confirm that given the circumstances, the school in which you refer to has not been notified of any outcome at the current time. I am sure you will appreciate that once a decision has been made then all parties involved shall be duly notified of the outcome.

We need to take a common sense approach in making any announcement about these projects and I can assure you that an announcement will be made as soon as it is possible to do so.

I am certain our residents understand this and I hope you do too.

I hope that has clarified the situation.”

(8) Proposed New Toilet Facilities at West End, Lower Marine Parade and Cliff Park, Dovercourt

Councillor Calver asked the Environment Portfolio Holder:-

“Having confirmed that the new administration will implement the previous administration’s proposals to provide new toilet facilities at West End, Lower Marine Parade and Cliff Park in Dovercourt, will the Portfolio Holder for Environmental Services please confirm the start date for the building of each of the three toilets?”

The Environment Portfolio Holder replied as follows:-

“Thank you Councillor Calver for your question. Post tender meetings will be taking place next week with the successful contractors and I will be pleased to advise Cllr. Calver of the proposed commencement date as soon as one has been agreed.”

Councillor Calver then asked a supplementary question of the Environment Portfolio Holder and received a reply thereto.

(9) Chairman of the Jaywick Strategic Leadership Group

Councillor Lines asked the Executive Leader (Councillor Stock):-

“At the recent Scrutiny meeting, Councillor Stock foreshadowed the Cabinet changes on Essex County Council, specifically the removal of the Regeneration Portfolio from Councillor Stephen Castle.

From my own experience and from several other accounts, Councillor Castle was doing an excellent job as Chairman of the Jaywick Strategic Leadership Group. Councillor Stock suggested that Lord Hanningfield will be taking on this vital role.

Can the residents of Jaywick be assured that Lord Hanningfield will be able to devote the considerable extra time and energy required for this role, considering that (according to public records) he appears to have spent over 40% of his time attending the House of Lords and that the political demands on his time elsewhere will increase rather than diminish in the long lead-up to the general election?”

The Executive Leader replied as follows:-

“Firstly I should perhaps declare a personal interest as Stephen Castle is a good friend of mine – in fact I had dinner with him just the night before last – and he asked me to pass on his thanks to Councillor Lines for his kind words, and also he told me how delighted he is with the promotion he has received which will keep him in close contact with this District as he attempts to improve our schools and hence the education of our children, amongst his many other roles.

I am genuinely very pleased that Councillor Lines does recognise the role that Essex County Council has taken in working with this Council and its partners to address the future of Jaywick.

Stephen Castle’s role in that cannot be underestimated and details of the group, what it is seeking to achieve and the way forward are all in the public domain and can be found on the Council’s website. This group is a textbook example of where a close working relationship with the County Council can be greatly beneficial to Tendring and I should also point out that most of the actual work on this project is being carried out by Stephen Lee-Foster, who is an Essex County Council employee who has been seconded to work here in Tendring and without his input, knowledge and experience this project would simply not be where it is today.

Solving the issues and challenges of Jaywick is going to be a hugely difficult and sensitive issue. To achieve real success will require total political commitment at every level and, to be blunt, a huge amount of money. With Lord Hanningfield personally committing himself to this project and taking over the chair of the Jaywick Strategic Leadership Group means that the prospect of finally achieving that success is now more likely than ever before.

With regards to the rather specific point in the question regarding Lord Hanningfield’s time commitments I would respectfully suggest that this is a question which should more appropriately be directed towards a County Councillor. I do believe that we have several in the Chamber tonight.

This administration is committed to working to reduce the wholly unacceptable inequalities we have in the District and tackling the big issues which includes improving the physical and social wellbeing of our Jaywick residents.”

Councillor Lines then asked a supplementary question of the Executive Leader and received a reply thereto.

(10) Creation of a Leader's Office and a Cabinet Office

The Chairman informed Members that this question was being asked pursuant to Council Procedure Rule 15.4(b) and with the consent of the Executive Leader.

Councillor Lines asked the Executive Leader:-

“On Tuesday 30 June at 18.19, Councillor Stephen Mayzes sent an e-mail to all Members and Staff at TDC, telling them about the creation of a Leader's Office and a Cabinet Office, with staff allocated to each new function. He also made reference to himself as Chief Whip and to Councillor Halliday as Deputy Executive Leader. The creation of the two offices and allocation of staff seems to be in contravention of Executive Decision 1507 and its subsequent confirmation of October 17 2007, requiring a countervailing Executive Decision to change it. As far as I am aware, there has been none.

Similarly, the positions of Deputy Leader and Chief Whip are not recognised in the Constitution, requiring a meeting and the authority of the full Council to change it. As far as I am aware, there has been none.

Whilst everyone would recognise that it is reasonable for a new administration to organise itself as it sees appropriate, the methods of doing so have been established so that changes take place in an open, transparent and legitimate manner. The Chairman has stated his intention to ensure that the Constitution is upheld – this will be the first major test of that commitment.

Could the Leader explain the following:-

- (1) Who authorised Councillor Mayzes to issue to what appears to be an unauthorised and therefore illicit instruction?
- (2) What steps would the Leader take to ensure that these changes will now be implemented transparently, in a legitimate manner and be subject to scrutiny, a process that he was such a strong supporter of when he was in opposition?”

The Executive Leader replied as follows:-

“I am prepared to take this question at extremely short notice and I would like to thank the staff in Legal Services who dropped whatever they were doing this afternoon to assist me in putting this reply together.

As you say, it is entirely expected that any new administration will have its own requirements and will make changes to meet these. The temporary reorganisation of the Member support services is costing taxpayers nothing. No new members of staff have been taken on. This is simply an internal re-organisation.

As part of that re-organisation we are reducing the number of offices used by the Cabinet from five under the previous administration down to just three. It is my intention to offer one or possibly both of those empty offices for the use of opposition groups – something I would remind Councillor Lines that he was fundamentally opposed to.

Cabinet decision 1507, which is mentioned in the question is about the removal of graffiti from private domestic dwellings and surely not relevant to this matter. If, as I rather suspect, he was actually referring to decision 1407 "Opposition Groups and Support for Members" then I really cannot see why he objects to Councillor Mayzes' e-mail which simply gave contact details for the Cabinet. Decision 1407 dictated amongst other things that "Any briefings for opposition spokesmen should be through the relevant Cabinet Portfolio Holder and not with/through any Officers."

I think the fact that Councillor Mayzes advised everybody of these new arrangements almost as soon as they had been implemented confirms our commitment to transparency. I am happy to reaffirm that I will continue to be guided by my Officers on this and all matters, and that any and all constitutional requirements will be fully complied with in all aspects of decision making."

#### 41. MINUTES OF COMMITTEES

RESOLVED - That the minutes of the under-mentioned Committees, as circulated, be received and noted:-

Community Leadership and Partnerships	-	18/5/09
Human Resources	-	21/5/09
Scrutiny	-	16/6/09
Human Resources	-	17/6/09

The Chairmen of the Community Leadership and Partnerships Committee and the Human Resources Committee undertook to respond in writing to those Members who had asked questions on their respective minutes.

#### 42. THE GOVERNMENT'S FREE SWIMMING CAPITAL MODERNISATION PROGRAMME - CAPITAL CHALLENGE FUND

The Council gave consideration to the Cabinet's decision to defer a decision to accept grant funding from Sport England's Capital Challenge Fund to enhance the facilities at Frinton and Walton Swimming Pool, which decision had been referred to the Council by the Scrutiny Committee in accordance with the provisions of Overview and Scrutiny Procedure Rule 15.

Councillor Stock moved and Councillor Halliday seconded:-

That the Council does object to the decision that has been made and refers it back to Cabinet for further consideration.

Councillor P J Oxley, supported by ten other Members who signified their support by rising in their places requisitioned, in accordance with the provisions of Council Procedure Rule 23.4, a record of the vote on Councillor Stock's motion, which vote resulted as follows:-

#### Councillors For

Brown  
Callender  
Candy  
Chapman  
Downing  
Fawcett  
Ferguson

#### Councillors Against

Aldis  
Beckett  
Bragg  
Broderick  
Bucke  
Calver  
Cossens

#### Councillors Abstained

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Goggin	Cripps
Griffiths	De-Vaux Balbirnie
G V Guglielmi	Dew
V E Guglielmi	Double
Halliday	Hockridge
Heaney	Johnson
Henderson	J King
P B Honeywood	K T King
S A Honeywood	Lines
Hughes	McLeod
D R Mayzes	D Oxley
S S Mayzes	P J Oxley
McWilliams	Payne
Mitchell	Powell
Patten	G G I Scott
Rutson	H A Shearing
Sambridge	S E Shearing
P S Scott	Smith
Skeels	Steady
Stock	Talbot
N W Turner	C A Turner
Walker	Watson
Watling	Whitson

Councillor Stock's motion was thereupon declared CARRIED on the Chairman's casting vote.

43. SECONDMENT FROM ESSEX COUNTY COUNCIL

Councillor Candy declared a personal interest in the subject matter of this item.

The Council gave consideration to the Cabinet's decision to request the Human Resources Committee to agree to the part-time secondment from Essex County Council of Doctor Thomas Nutt, which decision had been referred to the Council by the Scrutiny Committee in accordance with the provisions of Overview and Scrutiny Procedure Rule 15.

It was moved by Councillor Stock, seconded by Councillor Halliday and:-

RESOLVED on the Chairman's casting vote – That the Council does not object to the decision that has been made and therefore the decision comes into effect forthwith.

44. ESSEX WASTE MANAGEMENT STRATEGY PROGRAMME – INTER AUTHORITY AGREEMENT (IAA)

Councillor Candy declared a personal interest in the subject matter of this item.

Members of the Council placed on record their appreciation of the hard work and dedicated effort undertaken by the former Environment Portfolio Holder (Councillor Talbot) and Officers of both this Council and Essex County Council in bringing this matter to fruition.

The Council gave consideration to recommendations made by the Cabinet at their meeting held on 24 June (minute 25 referred) that this Council enter into an Inter Authority Agreement with Essex County Council and eleven of the other twelve waste collecting authorities in Essex for the collection, delivery and disposal of waste in Essex in the next 25 years.

It was moved by Councillor Stock, seconded by Councillor Lines and:-

RESOLVED Unanimously – (a) That this Council enter into and sign the Inter Authority Agreement (including the Service Delivery Plan and Baseline) with Essex County Council.

(b) That, subject to (a) above, this Council accepts the revenue and capital funding offered by Essex County Council, as stated in paragraphs 5.1 and 7.2.2 and set out in the letter from Essex County Council attached as Appendix 'C' to item A.2 of the Joint Report of the Acting Head of Environmental Services, Head of Financial Services and Head of Legal Services and Monitoring Officer which was submitted to the meeting of the Cabinet held on 24 June 2009.

(c) That, subject to (a) and (b) above, the Head of Legal Services, in consultation with the Acting Head of Environmental Services, be authorised to sign the documents under the Seal of the Council, provided there is no significant difference from the version referred to in the aforementioned report which was considered at this meeting of the Council.

(d) That this Council resolves to maintain a weekly waste collection.

(e) That for the avoidance of doubt the third bullet point under the aforementioned paragraph 7.2.2 should be taken as reading as “ongoing annual revenue contribution of £575,000 per annum index linked” and that this, together with the related reference to index linked revenue payments in the letter from Councillor Tracy Chapman to Councillor Michael Talbot dated 23 December 2008, will form part of this Council’s negotiating position with Essex County Council in finalising the aforementioned documentation.

45. LOCAL GOVERNMENT ACT 1972 – EXEMPT ITEM – EXCLUSION OF PUBLIC

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A of the Act:-

Special minutes of the meeting of the Human Resources Committee held on 17 June 2009.

46. SPECIAL MINUTES OF THE HUMAN RESOURCES COMMITTEE

RESOLVED – That the special minutes of the meeting of the Human Resources Committee held on 17 June 2009 be received and noted.

Chairman