



CABINET

DATE:	Friday, 9 November 2018
TIME:	10.30 am
VENUE:	Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Finance and Corporate Resources Portfolio Holder and Deputy Leader of the Council
Councillor Fairley	- Investment and Growth Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Health and Education Portfolio Holder
Councillor Nicholls	- Corporate Enforcement Portfolio Holder
Councillor Skeels (Snr)	- Leisure and Tourism Portfolio Holder
Councillor Talbot	- Environment Portfolio Holder

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: WEDNESDAY, 31 OCTOBER, 2018

AGENDA

1 Apologies for Absence

The Cabinet is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 12 October 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Leader of the Council

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council

There are none on this occasion.

7 Matters Referred to the Cabinet by a Committee - Reference from Community Leadership Overview and Scrutiny Committee - A.1 - Task and Finish Review Tendring Road Rally (Pages 9 - 20)

To enable Cabinet to give consideration to recommendations made by the Community Leadership Overview and Scrutiny Committee in respect of the Tendring Road Rally.

8 Leader of the Council's Items

There are none on this occasion.

9 Cabinet Members' Items - Report of the Corporate Enforcement Portfolio Holder - A.2 - Brownfield Land Register - Part 1 (Pages 21 - 30)

To inform Cabinet of the requirement for the Council to prepare and maintain a 'Brownfield Land Register' (the Register) and to seek formal approval for the publication of Part 1 of the Register.

10 Cabinet Members' Items - Report of the Finance and Corporate Resources Portfolio Holder - A.3 - Review of the Council's Constitution (Pages 31 - 184)

To request that Cabinet approve the recommended changes to the Constitution for referral on to Full Council, following a review undertaken by the Portfolio Holder through a Working Party.

11 Cabinet Members' Items - Report of the Finance and Corporate Resources Portfolio Holder - A.4 - Corporate Peer Challenge - Action Plan Update (Pages 185 - 196)

To provide an update on the actions identified within the Peer Review Action Plan.

12 Cabinet Members' Items - Report of the Finance and Corporate Resources Portfolio Holder - A.5 - Performance Report July - September 2018 (Quarter 2) (Pages 197 - 240)

To present the Performance Reports (2018/19) for the period July – September 2018 (Quarter 2).

13 Cabinet Members' Items - Report of the Finance and Corporate Resources Portfolio Holder - A.6 - Financial Performance Report - In-Year Performance against the Budget as at the end of September 2018 and Long-Term Financial Forecast Update (Pages 241 - 294)

To provide an overview of the Council's financial position against the budget as at the end of September 2018 and to present an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

14 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.7 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions / Discounts for 2019/20 and Annual Minimum Revenue Provision Policy Statement 2019/20 (Pages 295 - 340)

To enable Cabinet to consider and agree for recommending to Full Council the following:

- Local Council Tax Support Scheme 2019/20 (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2019/20; and
- Annual MRP Policy Statement for 2019/20.

15 Management Team Items

There are none on this occasion.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 14 December 2018.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 12 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Information for Visitors

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 12TH OCTOBER, 2018 AT 10.32 AM
ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors Stock OBE (Leader of the Council) (Chairman), C Guglielmi (Deputy Leader of the Council & Finance and Corporate Resources Portfolio Holder), Fairley (Investment and Growth Portfolio Holder), P Honeywood (Housing Portfolio Holder), McWilliams (Health and Education Portfolio Holder), Nicholls (Corporate Enforcement Portfolio Holder), Skeels (Snr) (Leisure and Tourism Portfolio Holder) and Talbot (Environment Portfolio Holder)

Group Leaders Present by Invitation:

Councillor Robert Bucke (Leader of the Liberal Democrats / Tendring First Group), Councillor Ivan Henderson (Leader of the Labour Group), Councillor Mary Newton (Leader of the UKIP Group) and Councillor Mark Stephenson (Leader of the Tendring Independents Group)

Also Present: Councillor Mike Bush (Deputy Leader of the Tendring Independents Group), Councillor Peter Cawthron and Councillor Anne Davis

In Attendance: Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Richard Barrett (Head of Finance, Revenues and Benefits Services), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager) and Martin Klaassen (Senior Governance Officer)

50. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Joy Broderick (Leader of the Holland-on-Sea Group).

51. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 14 September 2018 be approved as a correct record and signed by the Chairman.

52. DECLARATIONS OF INTEREST

There were none declared at this time, though later in the meeting, under Minute 58 below, Councillor Talbot declared a personal interest in item A.3 of the Report of the Health and Education Portfolio Holder.

53. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Ian Davidson, Chief Executive

The Leader of the Council, on behalf of the Cabinet, extended best wishes to Ian Davidson, the Council's Chief Executive as he recovered from a medical procedure.

Harwich – BREXIT Opportunities

The Leader of the Council read out the following statement:-

"As Britain prepares to leave the EU on March 29th there is still much uncertainty as to what our future trading arrangements are going to be, particularly the customs and regulatory arrangements for goods being imported from and exported to the EU.

New arrangements, new systems and new ways of doing business might well create a lot of challenges for the business community and indeed the country as a whole but amidst that fog of uncertainty there could be opportunities to create new jobs and employment in this district and specifically in and around the International port of Harwich and I am determined that we explore every possible opportunity that could arise regardless of the sort of Brexit we end up with.

I make no comment or prediction about which version of Brexit might be best for the country or the national economy, I just recognise that history is very clear that with every dramatic change of circumstances that has befallen this country there have followed challenges and problems, of course, but also new openings and opportunities. I want us to be on the front foot as a district, seeking to exploit any possible advantages for this area and for our residents. Fortune favours the bold, and this Council has always been at its best when it has been bold.

I am not going to attempt to prophesise what those opportunities will look like, as it all depends on the precise details of the deal that gets agreed, or even the lack thereof. It might simply be that Harwich could provide additional capacity for Felixstowe, which is only 2 miles across the River Stour and where currently 40% of all UK imports are landed. Or perhaps we could see a requirement for new customs posts to inspect goods or collect import duties coming in from the EU, and we could help to establish that facility in Harwich. Whatever the scenario is we need to do all we can to identify as soon as possible the impact of leaving the EU and to exploit any opportunities we can to the benefit of this District.

I make this statement today to announce that I am asking our officers to draw up a report, as a matter of urgency, to look at how we can address these aforementioned issues, how we can make sure we are in the strongest possible position to identify the opportunities from Brexit and to have in place the necessary resources to exploit those opportunities to the fullest extent."

Manningtree Rail Crossing Road Improvements

The Leader of the Council read out the following statement:-

"My other announcement today concerns the Manningtree rail crossing. This is an issue I have raised before on several occasions. The situation is that the Norwich to London mainline crosses the A137 by means of either an unmanned level crossing which is frequently closed due to the volume of rail traffic or via an underpass of restricted height and width which severely impedes the free-flowing movement of road traffic. And this is

all in immediate proximity to the entrance to the railway station, to a major roundabout and also a bus stop.

Use of the Station has increased hugely over the past few years and despite a second-storey extension being constructed the car park is again full to capacity on a daily basis and this extra usage is adding further to the traffic problems.

The congestion in that area at peak times has to be experienced to be believed; Just this morning traffic was stationary for not just the entire length of Cox's Hill, but also along Wignall Street and adjoining roads for some distance. It is an unacceptable situation that is entirely avoidable with the proper road and rail planning and given the huge amount of new housing development taking place in and around Manningtree, including the Suffolk side of the river, the problems are only going to get worse.

We have made strenuous efforts – in particular Carlo and I have between us attended countless meetings with untold agencies, partners, MPs, County cabinet members etc, etc in an effort to get some short-term improvements made now whilst working towards a longer-term solution that will solve the problem once and for all. But even getting a simple traffic light system installed to control the traffic flow under the rail line has so far failed to materialise and I find that failure of action to be totally unacceptable. Trying to make meaningful progress on this issue has not been helped by the failure of the rail industry to take their responsibilities seriously and to engage with us.

I propose therefore to write to the Transport Secretary and ask him personally to look at this issue as a matter of urgency. I shall also set up a meeting to which I shall invite the Chief Executives of Network Rail and Greater Anglia, the Leaders of Essex and Suffolk county councils, the MPs for that area as well as other key stakeholders and partners to attempt to thrash out a solution to this problem as it is only fair that people and businesses in the area know what is being planned and when it is going to happen.”

54. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

55. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - REFERENCE FROM COUNCIL - A.1 - MOTION TO COUNCIL - "FREE SWIMMING LESSONS FOR CHILDREN"

Cabinet was aware that, at the meeting of the Council held on 11 September 2018, the following motion had been moved by Councillor Pemberton and seconded by Councillor Gray and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for consideration and report:

“That this Council takes the necessary steps to offer, at Clacton Leisure Centre and other suitable venues, up to six free swimming lessons every year for all children under the age of 15 years, in order to see that every child in the District of Tendring can be taught to swim, cope with a rip tide or strong current, swim/float fully clothed and learn basic life-saving.”

Members were informed that, in accordance with Council Procedure Rule 12.5, Councillor Pemberton had been invited to attend the meeting and explain the motion. However, Councillor Pemberton had informed Officers that, due to his work

commitments, he would be unable to attend the Cabinet meeting. He had, therefore, asked Councillor Davis to explain the motion on his behalf.

Cabinet had before it a written submission which had been circulated, on behalf of Councillor Davis, prior to the meeting.

Councillor Davis attended the meeting and formally explained Councillor Pemberton's motion.

The Leisure and Tourism Portfolio Holder (Councillor Skeels Snr.) then responded, as follows, to the issues and matters raised by Councillor Pemberton in his motion and in Councillor Davis' written and oral submissions:-

"I would like to thank Councillor Pemberton for his motion; he raises an issue of the greatest significance.

As all Members will no doubt be aware, each school has a statutory obligation under the National Curriculum to provide swimming instruction for every child either in key stage 1 or key stage 2.

As a result of this, children should be able to swim competently, confidently and proficiently over a distance of at least 25 meters using a range of strokes; and perform safe self-rescue in different water-based situations by the time they leave primary school.

It is not clear that every school in the District is meeting this obligation and in our role as Community Leaders, we need to try to understand why and if we can support schools to ensure this vital strand of education is taking place.

There is far from any guarantee that Free Swimming Lessons provided by ourselves or any other agency, would attract any additional children than are currently participating in a Learn to Swim programme. It would make sense therefore, that we focus our efforts on ensuring our local children are taught to swim 'competently and proficiently' in their primary school, as should be their entitlement.

With that in mind, it is my suggestion that we invite the Director for Education from Essex County Council to attend a future meeting of the Community Leadership Overview and Scrutiny Committee to discuss how we can move towards 100% of our local children learning to swim before they leave primary school education.

Further to this, it is important the Council does not make decisions in isolation, but through a partnership approach with water safety professionals.

In our role as community leaders, I am pleased to inform Cabinet we are actively working with partners in the RNLI, Coastguard, Essex Police and other emergency services to review what additional safety measures could be implemented across the entire stretch of Tendring coastline. Rather than work in isolation, it is a sensible approach to develop a cohesive plan of action with partners possessing wide ranging local and national professional expertise in water safety. This work will continue during the remainder of 2018, with the view of implementing a number of initiatives prior to the 2019 season.

With regards to just one of these evolving initiatives, Members may be aware that Swim England and the RNLI provided a Swim Safe course in the sea at Dovercourt Bay during the summer, which was a huge success. This involved children of 7 to 14-years of age learning how to swim outdoors and what to do if they got into trouble in the water. The Council is actively working with these organisations to see if this scheme can be rolled out to other parts of the District in 2019. I will keep Members up to date with progress.

Taking all this into account I applaud the spirit of Cllr Pemberton's motion, but I believe there is a better way of achieving the outcomes that we all want."

Having considered the motion and the supporting submissions:-

It was moved by Councillor Skeels Snr., seconded by Councillor Talbot and:-

RECOMMENDED TO COUNCIL that Council does not support the motion in its original format and that instead the following amended motion be approved:-

"That this Council takes the following steps in order to see that every child in the District of Tendring can be taught to swim, before they leave primary school education:

(a) the Community Leadership Overview and Scrutiny Committee invite the Director for Education from Essex County Council to attend a future meeting of that Committee in order to discuss how all schools can meet their statutory duty and move towards 100% of the District's children learning to swim before they leave primary school education; and

(b) that Officers continue work with partners to develop a cohesive plan to further improve safety measures across the District's coastline and report back with findings and any recommendations to Cabinet in February 2019, for implementation prior to the 2019 season."

56. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE - A.2 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AS AT THE END OF JULY 2018 AND LONG-TERM FINANCIAL FORECAST UPDATE

Cabinet was informed that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 17 September 2018 (Minute 29 referred), that Committee had had before it a report of the Deputy Chief Executive (Corporate Services), which had presented it with an overview of the Council's actual financial position against the budget as at the end of July 2018 and which had also presented an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

Having considered and discussed the report the Resources and Services Overview and Scrutiny Committee had:-

"RESOLVED that this Committee comments and recommends to Cabinet that –

(1) the Committee proposes that in respect of the in-year position for 2018/19, the Committee notes the position regarding planning income which was expected at some point given the progress of the local plan. However, it is suggested that if this trend in planning income continues, Officers explore ways to manage the cash flow implications across financial years to alleviate any adverse implications on the budget in any one year.

(2) the Committee will remain alert to the rental income situation within the HRA and hope to see the position stabilise over the coming year. Although not necessarily for inclusion in future reports, it would be helpful for Members to receive more detailed information concerning void periods on a regular basis whilst the current adverse position continues.

(3) in respect of the money owed by one public sector debtor, it would be helpful to the Council's cash flow position if the relevant service took whatever steps necessary to ensure that money is recovered as soon as possible during the year.

(4) in respect of the Updated Forecast, the Committee notes the updated forecast but in respect of the cost pressure allowance figure of £150k, which is recognised as one of the highest risks to the forecast, the Committee waits to see the level of cost pressures submitted by Services for 2019/20.

(5) the Committee hopes that the Council and its Essex neighbours are successful in forming a business rate pilot/pool in 2019/20 given the level of additional income that this is likely to generate in the area.

(6) when Cabinet see the recommendations from this Committee, Cabinet's recommendations and comments are to go forward onto this Committee's next agenda."

Cabinet was made aware that the Finance and Corporate Resources Portfolio Holder had thanked the Resources and Services Overview and Scrutiny Committee (RSOSC) for its recommendations and had commented as follows:-

"(a) That in respect of point (1), it is recognised that this is a significant risk to the forecast and will be kept under review, with Officers requested to explore how such cash flow implications can be managed across financial years if required; but we need to recognise that planning Income was always going to level out, once the onslaught of speculative applications decreased, but rest assured that this will continue to be monitored;

(b) that in respect of point (2), I agree, and this is something I have already flagged up previously, therefore Officers are requested to provide Members with additional detail in respect of void periods within the HRA to support their role in reviewing the financial position of the Council as part of the on-going budget management process;

(c) that in respect of point (3), the relevant service is requested to review the current situation to see if they can identify opportunities to improve the time taken to recover money owed to the Council;

(d) that in respect of point (4), information relating to future cost pressures will form part of the new on-going approach to reporting the financial forecast and will be available as part of the next report in November;

(e) that in respect of point (5), Cabinet joins the Committee in hoping that this Council, along with other authorities in Essex, are successful in their bid to form a business rates pool and pilot in 2019/20. The application was made on 25 September and we should hear if we have been successful or not by late November / early December, although we are disappointed that Thurrock have taken the decision of not joining the Pilot, and it's very much hoped that this will not weaken the bid; and

(f) that in respect of point (6), Cabinet's recommendations are always freely available. The replies to comments from RSOSC are given as a genuine response to those specific comments, and should not be construed as the start of a secondary debate."

Having considered the recommendations of the Resources and Services Overview and Scrutiny Committee and the responses of the Finance and Corporate Resources Portfolio Holder thereto:-

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

RESOLVED that the Resources and Services Overview and Scrutiny Committee's comments and recommendations be noted and that the responses of the Finance and Corporate Resources Portfolio Holder thereto be endorsed.

57. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

58. CABINET MEMBERS' ITEMS - REPORT OF THE HEALTH AND EDUCATION PORTFOLIO HOLDER - A.3 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE GLOBE INN, CASTLEGATE STREET, HARWICH

Councillor Talbot declared a Personal Interest in this matter insofar as he was a member of CAMRA.

The Cabinet gave consideration to a report of the Health and Education Portfolio Holder (A.3) which sought its determination whether The Globe Inn, Castlegate Street, Harwich met the criteria set out in the Localism Act 2011 ("the Act") and the Assets of Community Value (England) Regulations 2012 ("the Regulations") following its valid nomination as an Asset of Community Value by Tendring CAMRA Branch. No other criteria were pertinent to the decision.

Cabinet was reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

Members were made aware that the Government's non-statutory guidance defined an asset of community value as: "Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future".

Cabinet was informed that taking the evidence provided into account it was the advice of Officers that the building nominated did meet the criteria set out in Section 88 of the Localism Act 2011. Accordingly it was being recommended by Officers that the building should be listed as an Asset of Community Value.

Having considered the valid nomination submitted by the Tendring CAMRA Branch together with the advice of Officers:-

It was moved by Councillor McWilliams, seconded by Councillor Fairley and:-

RESOLVED that The Globe Inn, Castlegate Street, Harwich, CO12 3HA does meet the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011 and that therefore the asset be now added to the Council's list of Assets of Community Value.

59. MANAGEMENT TEAM ITEMS

There were none on this occasion.

60. 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 12 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.

61. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 14 SEPTEMBER 2018

It was **RESOLVED** that the Exempt Minute of the meeting of the Cabinet held on Friday 14 September 2018 be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.07 am

Chairman

Key Decision Required	NO	In the Forward Plan	NO
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CABINET

9 NOVEMBER 2018

REFERENCE REPORT FROM COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE OF 1 OCTOBER 2018

A.1 TASK AND FINISH REVIEW – TENDRING ROAD RALLY

(Report prepared by Charlotte Cooper)

BACKGROUND

At the meeting of the Community Leadership Overview and Scrutiny Committee held on 01 October 2018 (minute 19 refers). The Committee had before it a report of the Head of Leadership Support and Community which presented the outcome of the review undertaken by the Task and Finish Group on the Tendring Road Rally with recommendations for consideration and submission to Cabinet.

The Committee were made aware that, at its meeting held on 4 June a brief was agreed for a Task and Finish Group to undertake a review of the Tendring Road Rally. The Group consisted of four members of the Committee together with the Committee Chairman. The Group have now completed the review and the report was considered by the Committee after hearing further statements made by two other District Councillors and members of the public present at the meeting.

Members raised questions and concerns which were responded to by the members of the Task and Finish Review Group.

A full copy of the Task and Finish Group report and recommendations is attached as Appendix A.

COMMITTEE COMMENTS AND RECOMMENDATIONS TO CABINET

Having considered and discussed the report it was:-

RESOLVED that this Committee recommends to Cabinet that –

- Cabinet decides whether Tendring District Council should become a joint partner, or continue to act as a consulting partner or oversight body in respect of the 2019 Road Rally;
- Cabinet be requested in its decision making to take into account the recommendations of the Task and Finish Review; and
- Cabinet be also requested to pay particular close attention to the health and safety issues around this event.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

"I would like to thank the Community Leadership Committee and in particular the members of the Task and Finish Group for their hard work in producing this report.

The Road Rally is one of many diverse events that are important to promoting the Tendring area for tourists and visitors as well as residents and for generating income for the businesses in the area. Tourism brings in over £370m to the Tendring district and thousands of jobs are dependent on it.

I recommend that Tendring District Council is a joint partner in the delivery of the future Road Rally events and, whilst Chelmsford Motor Club will continue to retain responsibility for the route planning, marshalling and running of the rally for 2019, the Council is able to offer assistance in the following areas:-

- **Distribution of residents letters** - as well as delivering to residents along the route we will look to widen the net and also capture houses peripheral to the route.
- **Signs and other infrastructure** - in principal the Council can agree to placing the concrete blocks on Marine Parade as was done last year. Furthermore, we will distribute the signs and barriers to their locations in preparation for the road closures etc.
- **PR/Communications** – the Council will assist and support on communications and our PR Manager will provide some thoughts on a communication plan including audience, channels of communication, branding and key messages.
- **Event Management** – The Council is happy to share its knowledge, expertise and contacts for the running of special events.
- **Safety Advisory Group** – Tendring District Council will continue to chair the Safety advisory Group and will engage with partners in the emergency services and other stakeholders. It is recognised that health and safety must be and remain a key concern for the running of this event.

I will ask officers to review the recommendations from the report to determine those that have relevance for the Council and how these can be delivered. I will also ask for the final report from the Committee to be shared with Essex Police, Chelmsford Motor Club and Essex Highways, and I would strongly urge these organisations to have regard to the recommendations of the Committee particularly those that relate to the safe running of the event."

Recommendations to Cabinet

It is recommended that:-

- a) **The Committee and Task and Finish Group be thanked for their work in producing this report;**
- b) **Tendring District Council commits to being a partner in the delivery of future Road Rally events offering support and assistance in the areas of**

resident consultation, PR and communications, event management and distribution of signage;

- c) The final report is shared with Essex Police, Chelmsford Motor Club and Essex Highways and that these organisations be strongly requested to have regard to the final recommendations particularly those that relate to the safe running of the event.**

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Tendring District Council
Community Leadership Task and Finish Group
Review of Tendring Road Rally
1 October 2018

1.0 INTRODUCTION

At Council on 23rd January 2018, it was agreed that from May 2018 there would be two Overview and Scrutiny Committees of which the Community Leadership Overview and Scrutiny Committee would be one. The new Community Leadership Overview and Scrutiny Committee has fewer ordinary meetings but its work is supplemented by Task and Finish Groups.

An item to review the recent road rally in Tendring was previously included on the Work Programme of the Resources and Services Overview and Scrutiny Committee. However, it was ruled that this item should be considered by the Community Leadership Overview and Scrutiny Committee as the Council was not the organiser for this event. At the meeting of the Committee on 4 June 2018 it was agreed that, rather than be a single agenda item, this formed the basis of a task and finish topic.

2.0 BACKGROUND

The first Tendring Road Rally was held on 22 April 2018. It was England's first ever car rally on closed public roads following a change in legislation. The Corbeau Seats Rally Tendring and Clacton saw 106 rally cars complete three laps of a five-stage course which totalled 45 miles around Tendring. Drivers used open, public roads to access the closed-road rally sections. An estimated 6,000 people watched the event.

A date of 28 April has been confirmed for the Rally to run again in 2019. The Task and Finish Group is therefore looking at what recommendations it considers should be put forward to be taken into account in planning next years event.

The Task and Finish Group has no remit to make a decision on whether the Closed Road Rally should or should not go ahead in 2019. The authorising authority is the Motor Sports Association and they have a dedicated safety delegate that oversees and scrutinises the event. Essex County Council is responsible for agreeing the road closures. The scope of the review, set out below, is to consider evidence and make recommendations on the running of any future event.

3.0 SCOPE OF THE REVIEW

The programme for this Task and Finish Review was agreed at the meeting of the Community Leadership Overview and Scrutiny Committee held on 4 June 2018.

Review Topic: Tendring Road Rally
How does the topic fit with the Committee's Terms of Reference: Community Safety
What question is the review aiming to answer: What recommendations would the Committee make in relation to any future road rally event held in Tendring?
Aim / Objectives: To review the Road Rally event which took place in Tendring In April 2018, speak with the relevant parties and put forward recommendations in relation to any future road rally event held in Tendring.
Scope: The review will consider:-

Management process and event planning;

Health and safety aspects;

Communication and public engagement;

Impact and benefit on residents and TDC;

Advertising and marketing;

Future recommendations

Membership (including officer support):

Councillor Mike Bush

Councillor Chris Griffiths

Councillor Karen Yallop

Councillor Andrew Pemberton

Head of Leadership Support and Community

Timescale:

Final recommendations to be presented to the meeting of the Committee in September 2018.

[Note: due to the work undertaken to ensure that the review was thorough, the task and finish did not complete the review in time to bring before the main Committee in September]

4.0 EVIDENCE GATHERING

The Task and Finish Group held three meetings on 12 July, 2 August and 4 September. Attendees who provided oral evidence for the review were:-

Paul Price Services	Tendring District Council (TDC)	Corporate Director – Operational
Mike Carran	Tendring District Council (TDC)	Head of Sport and Leisure
Cllr Mick Skeels	Tendring District Council (TDC)	Portfolio Holder for Leisure and Tourism
Tony Clements	Chelmsford Motor Club (CMC)	Event Director
Andy Champ	Essex County Council(ECC)	Network Operations Manager
Will Lodge	Tendring District Council	Communications Manager

Written evidence was received from:-

Adam Pipe	Essex Police	
Will Lodge	Tendring District Council	Communications Manager
Great Bromley Parish Council		
Tendring Parish Council		
Bradfield Parish Council		
Ardleigh Parish Council		
Great Bentley Parish Council		
Great Oakley Parish Council		

In addition Lawford, Wix, Manningtree and Little Bentley Town and Parish Councils were asked if they wished to submit any evidence but no response was received.

5.0 EVIDENCE AND CONCLUSIONS

The evidence received and conclusions reached by the Task and Finish Group are as follows:-

5.1 *Management process and event planning*

Overall Chelmsford Motor Club (CMC) and ECC reported that from their perspective the event went very smoothly. The turnout was at the upper end of what was manageable within the arrangements put in place on the day. Both CMC and ECC commented that the pleasant weather had helped attract people to the event. However, CMC have said that there are some detailed areas of the planning process that can be improved for any future event. CMC are considering an extension to the route for 2019 to bring it up to 60 miles. This would include more spectator areas. The group were advised that in terms of consideration of the overall route, other bigger roads were not suitable for rallying as they were too fast.

ECC Highways examined the whole route following the event but did not identify any defects or areas that needed remedial works.

From a roads policing point of view, Essex Police have raised no concerns.

The Portfolio Holder and officers from TDC also endorsed the event as being very successful with many people saying they had enjoyed the event and also offering compliments on the Tendring countryside.

Feedback from those Parish Councils that responded has been mixed with some residents being reported as unequivocally against the event and not wanting to see it repeated whilst others have expressed support for the event. However there are a number of recurring issues which will be considered under the relevant headings below. Concerns raised regarding the planning of the event were that:-

- for those on the route the disruption was not just on the day of the event but also the day before where competitors were undertaking reconnaissance of the route;
- comments regarding disruption on the actual day have been received with some citing this as reason for opposing the rally with other suggesting that the disruption can be justified through the overall beneficial impact for the district and that it may help local opposition if more of the benefit were seen in those areas that the route passes through (see also section 5.4 on this); and
- some landowners have complained that there were trespassers onto their land.

Conclusions and Recommendations

The Task and Finish Group recognises that there are mixed feelings about the Rally with some very supportive of it whilst others absolutely do not want it ever to be repeated. The Group has had sight of the proposed route for the 2019 event and notes that there is now a stage that proposes to pass through Wix. IT is of concern to the Group that this passes through a residential area and appears to have implications for access to and from the A120. The Group considers it imperative that all necessary and appropriate consultation is undertaken as a matter of urgency and that all additional health and safety requirements are fully and properly instigated.

The Group RECOMMENDS that:-

- a. Any proposed change or extension to the route for 2019 is consulted on with all affected local residents as soon as possible with particular attention given to the proposed route through Wix.
- b. In Planning for any future event CMC ensures that information is provided and consultation undertaken on the impact on local roads on the day before the event as well as on race day itself.
- c. CMC seeks to establish all landowners that will be affected and ensures that consultation is undertaken with them.

5.2 Health and safety aspects

A Safety Advisory Group (SAG) was set up prior to the event with a range of partners attending to look at all the aspects of health and safety for the event. As well as involving the traditional Emergency Service consideration, the SAG also looked at environmental concerns, the effect on local wildlife and the impact on the local infrastructure. Hourly updates on the situation on the group were fed back to the team on the day. None of the SAG partners have reported any concerns about the health and safety of the event on the day.

Although a number of the responses from residents through the Parish Councils have expressed concern about the health and safety implications there is a paucity of evidence to show any serious health or safety incidents actually happening on the rally day. There has been very little feedback regarding the marshals but what there has been has been positive citing their politeness and helpfulness.

Notwithstanding this, health and safety continues to be a key concern of those residents opposed to the rally. This includes risks to all potential road users including horse riders, cyclists and pedestrians.

One recurring point is concern that the road rally has engendered an increase in speeding especially from people wanting to 'try out' the route. For residents this seems at odds with other initiatives that seek to control and reduce speed particularly on narrow country roads. Although initiatives, such as Community Speedwatch, are undertaken under normal road conditions.

Some concerns about the level of noise the start of stages 1,6 and 11 have been raised.

It was reported that some hay bales were set alight.

Conclusions and Recommendations

The Task and Finish Group recognises the good work that the SAG did prior to the event and are pleased that the Rally happened without any serious injury. Nevertheless, the group recognises that health and safety remains a key concern for those opposed to the rally and that effective marshalling of the event is paramount to ensuring the safe running of the event.

The Group RECOMMENDS that:-

- a. For a few days leading up to and after the Rally, Essex Highways and Essex Police consider actions that can be taken to prevent any speeding taking place as a result of the promotion and running of the Rally.
- b. Chelmsford Motor Club ensure that sufficient trained marshals with the necessary local knowledge are stationed along the length of the route.

5.3 Communication and public engagement

CMC and TDC reported that the overriding feedback from the event has been positive and supportive, and that any negative feedback and complaints has generally been from residents who have homes on the rally route.

Correspondence from the Parishes has indicated that some residents were dissatisfied with the timing and extent of consultation prior to the event. The feedback received is that there was confusion about where, when and to whom comments could be given, that it did not happen early enough, that there was sometimes inconsistency in the information provided, that not all residents on the route were consulted and that consultation was not meaningful. There is also confusion from residents about the relative roles of TDC, CMC and ECC in the process and where responsibility lays. A suggestion has been made by residents that a TDC liaison officer could be provided. After the event a few complaints were received by TDC Officers from residents who live on the periphery of the event but, nevertheless, were not consulted.

The comments regarding the actual communication with the public on the day are mostly positive although feedback is that some aspects of the arrangements were a bit last minute and that some information such as alternative routes, viewing points and parking arrangements were not immediately clear. Although residents actually on the route received an information pack it is felt that this would also have been useful for other residents in the villages if not directly on the route.

Appendix A shows a selection of the media coverage following the event.

Conclusions and Recommendations

The Task and Finish Group notes the comments that have been made about consultation prior to the event. The Group feels that the consultation process can be improved and that early, clear and comprehensive consultation prior to any future event is vital to the successful running of the event.

The Group RECOMMENDS that:-

- a. ECC, CMC, TDC and a parish representative set up a joint project board to oversee any future event. The representative board member from each organisation and the role of each organisation should be clearly identified.
- b. Clear and Comprehensive consultation takes place as early as possible.
- c. The Project Board is clear about who the affected residents are and not only those who live directly on the route.

5.4 Impact and benefit on residents and TDC

As part of the review the Task and Finish Group asked for information on the cost / benefit of the rally to the District. However, these figures are not currently available.

This point is also raised in the feedback from parishes with comments made about maximising the benefit for Tendring as whole.

A number of comments in the feedback provided by the Parishes also make the point about how far financial and economic benefits from the rally filter down to the parishes that the route goes through. Most responses on this subject felt that the local areas were not seeing any real benefit but there are also a number of suggestions about how local communities can benefit more. These range from some sort of direct financial contribution or contribution in kind coming back to the parish area to arranging community events through the local pub etc.

A comment has been made that it is not clear who the charitable beneficiaries from the rally were.

One common suggestion is to have much more promotion of local amenities for use by competitors so that local businesses can benefit from the event including accommodation where competitors can stay and where they can eat.

In relation to a question raised at the Council on 15 May 2018 about providing allocated parking for residents when events mean that road closures restrict residents access, it was suggested that the scheme be rolled out for all events.

Conclusions and Recommendations

The Task and Finish Group is of the view that this is an area where much more can be done to bring benefits from the road rally more directly to those living where the route passes.

The Group RECOMMENDS that:-

- a. TDC produces a promotional brochure to Tendring for members of the public.
- b. TDC produces a local guide to Tendring amenities for competitors.
- c. CMC and TDC work with local parish councils to identify ways in which the benefits from the road rally could assist their local area.
- d. Parishes take a lead in establishing local events that could enhance the road rally day in their local area.
- e. CMC consider giving local parishes a say in who the charitable donations go to or give a direct donation to the parishes.
- f. TDC undertake an exercise to identify the value of these types of outdoor events to the district as a whole.
- g. The provision of allocated parking for residents who have difficulty accessing their property due to road closures for events, be considered for all events.

5.5 Advertising and marketing

There was agreement from CMC and TDC as well as comments from parishes that advertising and marketing is an area where much more can be done for any future event. It was felt that the Clacton greensward was underused.

Conclusions and Recommendations

In terms of making better use of the Clacton greensward the Group RECOMMENDS that:-

- a. In relation to the service area:
 - i. consideration to purchasing some TDC banners to put around the event service area as a way of advertising the local authority
 - ii. Put up a marquee on West Greensward to allow visitors to get up close to a rally car providing an opportunity for the organisers to publicise their sport.
 - iii. Install information boards showing times of races etc. at the service area with 'Supported by TDC' on it.
- b. In relation to advertising:
 - i. Creation of a stuffed toy mascot for the town that we can sell at these type of events on sale in the marquee.
 - ii. Install notice boards in Clacton town centre and sea front areas listing events e.g. Beach Festivals, Car Rallies, Air Shows.
 - iii. Ask if we can have a mention in car rally publications to advertise the area.
 - iv. Undertake a competition via social media with a prize, for example, of a ride in a rally car.

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

9 NOVEMBER 2018

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE ENFORCEMENT

A. 2 BROWNFIELD LAND REGISTER – PART 1

(Report prepared by Ashley Wood)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform Cabinet of the legal requirement for local planning authorities to prepare, publish and maintain a 'Brownfield Land Register' (the Register) and to seek formal approval for the publication of Part 1 of the Register and delegation for future updates.

EXECUTIVE SUMMARY

Under the Housing and Planning Act 2016, the Council is required to prepare, maintain and publish a 'Brownfield Land Register' comprising two parts.

Part 1 of the Register is simply a list of sites within the district that qualify as 'Brownfield' (i.e. previously developed) and that are considered to be suitable for development, when assessed against certain criteria.

Part 2 is a subset of Part 1 of the Register and comprises certain sites on the Register that by virtue of the inclusion on Part 2, grants 'planning permission in principle', avoiding the need for landowners and developers to apply for outline planning permission and enabling them to progress through the planning process more swiftly, with only matters of detail requiring Council approval.

Requiring Councils to produce a Brownfield Land Register is one of the government's measures to speed up the planning process and boost the supply of new housing.

In line with government requirements, the Council published its Part 1 Register before the deadline of 31 December 2017. However, Officers have learnt that the publication of Part 1 should have been approved by the Cabinet. This report seeks the Cabinet's retrospective approval to delegate this responsibility to the Head of Planning. The Part 1 register published by the Council last year only includes sites that have either already obtained planning permission in the past or have been allocated in the emerging Local Plan – i.e. sites where the principle of development has already been accepted by the Council.

The authority for approving Part 2 of the register lies with the Planning Committee who will be invited to grant planning permission in principle for certain sites, as appropriate, in due course.

RECOMMENDATION

- a) That the Cabinet approves the publication of Part 1 of the Council's Brownfield Land Register as attached at Appendix 1; and
- b) Authority is delegated to the Head of Planning Services to publish, review and maintain Part 1 of the Brownfield Land Register in accordance with the criteria set out within the report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

- The Brownfield Land Register helps to implement place shaping priorities in the Corporate Plan 2016-2020 for Tendring District Council through:
- Health and Housing through providing opportunities for local regeneration, by enabling the redevelopment of brownfield sites to deliver a quality living environment.

RESOURCES AND RISK

There are no particular financial and resource implications for the preparation and publication of the Brownfield Land Register, particularly as the Council was awarded £14,645 in 2016/17 in New Burdens monies from MHCLG to cover the costs of the first Brownfield Land Register. (Local planning authorities will receive further grant payments from MHCLG for the 2017/18, 2018/19 and 2019/20 Brownfield Land Registers; the amount of funding for these years is yet to be determined.) However, there may well be financial and resource implications relating to the granting of Permission in Principle for those sites included on Part 2 of the Brownfield Land Register, in particular applications for Technical Details Consent.

The production of a Brownfield Land Register is a legislative requirement under the Town & Country Planning (Brownfield Land Register) Regulations 2017. Whilst at the current time it is unclear what sanctions would be placed on the Council if it does not produce a Brownfield Land Register, the Council would be in breach of its legislative duties.

LEGAL

The Town and Country Planning (Brownfield Land Register) 2017 Regulations, in particular Regulation 3, place a duty on local planning authorities with responsibility for housing development, to prepare (by 31st December 2017) and maintain (review at least once a year) a register of previously developed land (brownfield land) that meets the following criteria:

- (a) the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings
- (b) the land is suitable for residential development
- (c) the land is available for residential development
- (d) residential development of the land is achievable.

These functions for Part 1 of the Brownfield Register remain the responsibility of Cabinet.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: Part 1 of the Brownfield Land Register to be published on the Council's website.

Implications of the New Legislation

The Council has an obligation to prepare a Brownfield Land Register and update it at least once a year. In doing so, it must consider whether to place any of the sites on Part 1 of the Register on Part 2, and in so doing grant Permission in Principle (PiP) to those sites. This new requirement although not especially onerous, even with the consultation requirements associated with Part 2 of the Register, it does introduce a new burden on the Council, for which a New Burdens Grant has been given to the Council.

Once sites have been entered on to Part 2 of the Register and have PiP, it is possible for applicants to bring forward applications for Technical Details Consent. Technical Details Consent would be similar to the approval of reserved matters following the grant of outline planning permission.

The new procedures under the Regulations and the Order will ultimately create additional work for the Council in considering those sites that should be placed on the Register and dealing with any applications for Technical Details Consent. There is a need to consider appropriate delegations for dealing with Technical Details Consent applications given the short timescales required by the Order to determine such applications (10 weeks for a major development and 5 weeks for a development not considered to be major, compared to 13 weeks and 8 weeks respectively for a standard planning application), especially given that the implication of not determining Technical Details Consent applications within the required timescales is that they will automatically be granted.

PART 3 – SUPPORTING INFORMATION

Background

In April 2017 The Town and Country Planning (Brownfield Land Register) Regulations 2017 ("the Regulations") and The Town and Country Planning (Permission in Principle) Order 2017 ("the Order") came into force.

The Regulations require local planning authorities to prepare and maintain a Brownfield Land Register of previously developed land in their area, which meets specific criteria in relation to residential development, and to publish their first Register by 31 December 2017. The Register is to be made up of two parts. Part 1 includes all previously developed land in the local planning authority's area that meets the following four criteria:

- (a) the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings
- (b) the land is suitable for residential development
- (c) the land is available for residential development

(d) residential development of the land is achievable.

Part 2 comprises those sites on Part 1 that the Council has decided would be suitable for a grant of "Permission in Principle" (PiP) for residential development under Article 4 of the Order. PiP is similar to an outline planning permission, in that further details must be submitted to and approved by the Council before any development can proceed. Only very basic details of the development proposal are required at PiP stage, including a site plan and the number of housing units the site could accommodate.

In order to include a site on Part 2, the Council must first comply with Regulations 6 to 13 of the Regulations in that it must publicise, notify and consult on the intention to include sites on Part 2. The Regulations include exemptions for certain types of land where residential development of that land would be Schedule 1 or Schedule 2 development under the Environmental Impact Assessment Regulations 2011.

When deciding which sites to enter on the Register and exercising their functions under the Regulations, the Council must have regard to the development plan (i.e. the Local Plan), national policies and advice and any guidance issued by the Secretary of State for the purpose of the Regulations.

Part 1 of the Register

The Council's Brownfield Land Register (Appendix 1) lists 46 previously developed sites that have been assessed as suitable and available for residential development, of which 29 already have planning permission. These are automatically entered on Part 1 of the Register. Of the remaining sites, 16 are currently without permission (previous planning permission having expired on three sites, 12 are allocated sites within the emerging Local Plan and one is pending a decision). All of these sites have been assessed against the four criteria listed above and found to be deliverable for residential development within the next 15 years.

Part 1 of the Register was compiled from the Council's existing information on previously developed land contained within the Council's databases of sites with planning permission and from the Council's Strategic Housing Land Availability Assessment (SHLAA). The preparation and publication of Part 1 of the Register is simply a reflection of facts and information available to the Council.

Whilst the publication of Part 1 of the Register has already taken place, the Council's solicitor has identified that Cabinet approval should have been sought. The Cabinet is therefore asked to endorse the Part 1 Register retrospectively. As explained above, all sites included within the list have either already been deemed suitable for development through current or historic planning permissions, or through allocation in the emerging Local Plan.

Part 2 of the Register

Government guidance indicates that local planning authorities should consider the suitability of all relevant sites on Part 1 of their Register for a grant of PiP, taking into account relevant policies in the development plan and other material considerations. A decision on whether to grant PiP to a site must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

The decision to include sites on Part 2 of the Register, based on the sites included on Part 1 of the Register, would be relatively uncontroversial, as all the sites would, in principle, be acceptable for residential development under the current Local Plan and be likely to gain outline planning permission, if applied for.

The decision to enter sites onto Part 2 of the Register and grant PiP to those sites is delegated to the Planning Committee. A developer cannot proceed with development, however, until they have also obtained Technical Details Consent.

The requirements for a valid Technical Details Consent application are the same as those for an application for full planning permission. A fee is payable for applications for Technical Details Consent. An application for Technical Details Consent must be decided in accordance with the terms of the PiP granted for the site. The requirements that apply to decisions on other types of application for planning permission also apply. When granting PiP, the Council can provide information on the relevant entry on the Register about what they expect the detailed proposals to include at the Technical Details Consent stage.

In relation to making decisions on applications for Technical Details Consent on sites granted PiP, it is recommended that decision-making on Technical Details Consent applications is delegated to the Head of Planning.

The inclusion of sites on Part 2 of the Register is a regulatory function delegated to Planning Committee and will be dealt with via separate reports to that Committee, as appropriate, in due course.

APPENDICES

Appendix 1 – Tendring District Council Brownfield Land Register

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Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Siteplan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part 2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/00578/FUL		Sandles Inn, 26 Rosemary Road, Clacton On Sea, Essex CO15 1NZ	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NN3P93QB0G5000	ETSR89	1.156828	51.789301	0.16	Not owned by a public authority		pending decision			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001GB1QB1U000			23 Demolition of all existing buildings (use classes C1 Hotels, A3 Restaurants, A4 Drinking Establishments and Sal Generis Nightclub). Construction of building fronting Rosemary Road containing three A1 retail/A3 restaurant units at ground floor with 17 holiday flats above; Construction of 34 holiday flats in an up to six storey building to the rear; and construction of basement cycle and car parking access from rear service road (off Beach Road), and egress onto Rosemary Road.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/00615/FUL		20 - 20B Market Street, Harwich CO12 3DX	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NN9N1WQB0G5000	ETSR89	1.289262	51.946200	0.02	Not owned by a public authority	Yes	Permissioned	Full planning permission	16/06/2015	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E1EQB1U000			3 Demolition of existing building (retail ground floor & residential 1st, 2nd, 3rd floors) and replacement with new residential 4 storey building providing 8 proposed apartments.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01038/FUL		27-31 High Street, Walton On The Naze, Essex CO14 8BN	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0RY6F4QB0E1000	ETSR89	1.271002	51.848196	0.07	Not owned by a public authority	Yes	Permissioned	Full planning permission	16/08/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=MJAEN0QB03B000			8 Demolition of existing commercial building and erection of new building containing 8 No. flats and 1 No. retail unit (Use Classes A1, A2 and A3), with associated parking, cycle and bin- stores							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01048/FUL		274 Harwich Road, Little Clacton, Clacton On Sea, Essex CO16 9PY	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0S5W9RBQB0K0000	ETSR89	1.158320	51.841011	0.46	Not owned by a public authority	Yes	Permissioned	Full planning permission	27/09/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=000FS1QB1U0000			7 Proposed conversion to 8 no. apartments. Change of use from C2 to C3.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/01358/FUL		7 Sea Pink Way, Jaywick, Essex CO15 2HQ	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0C5432QB0G5000	ETSR89	1.118360	51.773360	0.02	Not owned by a public authority	Yes	Permissioned	Full planning permission	02/02/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=000MB1QB1U0000			7 Demolition of existing fire damaged building and erection of new block of flats.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	11/01124/FUL		723 Main Road Harwich Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=LRYT6ZQB07Y000	ETSR89	1.245941	51.929875	0.10	Not owned by a public authority		Not Permissioned		17/01/2012	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001F68QB1U0000			9 Demolition of existing buildings and construction of 9 one bedroom flats.					Permission granted - expired 17.01.2015. Demolition completed.	15/01/2018	15/01/2018		
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/01575/FUL		Land Site of Former Ramsey Primary School, Wix Road, Ramsey, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NW7FX1QB0G5000	ETSR89	1.210781	51.926884	0.62	Not owned by a public authority	Yes	Permissioned	Full planning permission	02/06/2016	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=MB1014QB03B000			8 Redevelopment of site with eight dwellings.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01479/FUL		2 High Street, Manningtree, Essex CO11 1AD	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0VVU0QB0L00000	ETSR89	1.064189	51.944707	0.04	Not owned by a public authority	Yes	Permissioned	Full planning permission	10/11/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001ES1QB1U0000			7 Alterations and extensions of existing vacant bank premises, to provide a retail unit and change of use to multi-residential accommodation. (1 Retail Unit, 6 Flats and 1 House).							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	14/00693/FUL		70-84A Connaught Avenue, Frinton	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=N6AS1UQB0G4000	ETSR89	1.247233	51.832491	0.10	Not owned by a public authority	Yes	Permissioned	Full planning permission	15/07/2014	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=MM0U3RBQB03B0100			8 Demolition of existing buildings and redevelopment of site to provide retail units (use class A1) at ground floor level, eight two - bedroom residential units (use class C3) at first and second floor level, and associated parking and works.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/01791/FUL		79 Stour Road, Harwich	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NVF3JHQB01U00000	ETSR89	1.284960	51.940505	0.05	Not owned by a public authority	Yes	Permissioned	Full planning permission	22/03/2016	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0012BFBQB1U00000			8 Erection of 8 x one bed flats							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/01397/DETAIL		Forboun Motors, High Street, Thorpe-le-Soken	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0D2VICQB0K100000	ETSR89	1.163058	51.858060	0.22	Not owned by a public authority	Yes	Permissioned	Reserved matters approval	31/10/2016	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001ZUQB1U000000			8 Reserved matters application for the demolition of existing garage workshops and erection of 8 no. mixed residential units and one shop/office.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/01634/FUL		The Abbey, High Street, Mistley	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NWVXSQB0IH000000	ETSR89	1.081013	51.943954	0.21	Not owned by a public authority	Yes	Permissioned	Full planning permission	24/12/2015	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001K6PQB1U000000			2 Demolition of an existing extension, conversion of a building comprising of four flats and office to provide three dwellings, the construction of three new dwellings, associated access and landscaping.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/00562/FUL 16/018 29/FUL		The Carlton, Rosemary Road, Clacton On Sea, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0S5MF81QB0E100000	ETSR89	1.154419	51.789086	0.07	Not owned by a public authority	Yes	Permissioned	Full planning permission	31/01/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0YA204QB03B000000			7							15/01/2018	15/01/2018	

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http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	14/01552/OUT		Former Red Cross Centre, Manor Lane, Dovercourt, CO12 4EB	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NDQQJMQ8NG400	ETSR89	1.267731	51.931754	0.25	Not owned by a public authority	Yes	Permissioned	Outline Planning Permission	06/01/2015	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E7RQB1000			6 Proposed residential development to provide 6 detached dwellings.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	14/01560/FUL		Hamilton Lodge, Parsons Hill, Great Bromley	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NDSELDQB0G400	ETSR89	1.035097	51.889160	0.48	Not owned by a public authority		Not Permissioned		19/12/2014	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=LTQB8YQB03800		8	Proposed 8 new supported living apartments, staff office, car park and landscaping and demolition of existing lean-to store and wall to make way new access driveway.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/00456/FUL		Sturicks Farm, Sturrick Lane, Great Bentley, Colchester, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=ON4354QB0K000	ETSR89	1.059937	51.858462	0.59	Not owned by a public authority	Yes	Permissioned	Full planning permission	14/08/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001LF1QB1000		8	Erection of eight two-storey dwellings following demolition of and alteration to existing buildings.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/00920/FUL		32-37 Brooklands, Jaywick, Essex CO15 2JS	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=08T180QB0IH00	ETSR89	1.104947	51.772139	0.05	Not owned by a public authority	Yes	Permissioned	Full planning permission	12/01/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=08RGDQPQB03801		9	Demolition of existing detached bungalows and erection of four storey block of flats, comprising of car parking and storage to ground floor and first, second and third floor residential with associated amenity.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	15/00013/COUNOT		Valley Barns, Golden Lane, Thorpe le Soken	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NHUSIXQB0G500	ETSR89	1.164873	51.866585	0.21	Not owned by a public authority	Yes	Permissioned	Other	23/02/2015	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0004NRQB1000		6								15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01721/FUL		58/58A Station Road, Alresford, Colchester, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0XX8LHQ80LD000	ETSR89	0.998936	51.853685	0.09	Not owned by a public authority	Yes	Permissioned	Full planning permission	01/12/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=000US8QB1000		4	Extensions and alterations to create 7 flats with associated parking facilities - revisions to 17/00495/FUL including the demolition and rebuilding of the walls to the former bungalow and changes to the fenestration and external materials.							15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	14/01375/FUL		3 Marine Parade East, Clacton-on-Sea, Essex CO15 1PT	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NCANPQB0G400	ETSR89	1.156717	51.787443	0.09	Not owned by a public authority	Yes	Not Permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001G95QB1000		14	Demolition of existing building containing bar/restaurant and flat over (to facilitate construction of new 5 storey building with restaurant/bar at ground floor level with car parking under and 14 residential apartments over approved under 11/01317/FUL).					Planning Permission expired	29/12/2017	29/12/2017		
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/00921/FUL		23 - 27 Brooklands, Jaywick, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=08T23GQB0IH00	ETSR89	1.103896	51.772088	0.06	Not owned by a public authority	Yes	Permissioned	Full planning permission	12/01/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0009TWQB100000		11	Demolition of existing detached bungalows and erection of four storey block of flats, comprising of car parking and storage to ground floor and first, second and third floor residential with associated amenity.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/01916/FUL		Coppins Court, Coppins Road, Clacton On Sea, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0H3LP6QB0K000	ETSR89	1.148464	51.797025	0.88	Owned by a public authority	Yes	Permissioned	Full planning permission	24/02/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0017TSQB1000		60	Demolition of building, site clearance with retention of TPO trees (excluding tree ref T13 under 16/01364/TPO) and redevelopment of the site to a C2 use as an independent living residential home with 60 units with associated infrastructure, car parking and vehicle access and hard and soft landscaping.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01708/FUL		Former Car Park off Ravensdale, Clacton On Sea, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0XENTEQB0K000	ETSR89	1.158442	51.804801	0.27	Not owned by a public authority	Yes	Permissioned	Full planning permission	22/12/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=00069VQB1000		9	Construction of 9no. almshouse-type two bed dwellings.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/00729/FUL		Former Delfords Factory Site, 606 Main Road, Harwich, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=070Q8UQB0G500	ETSR89	1.254404	51.933039	1.72	Not owned by a public authority	Yes	Permissioned	Full planning permission	16/12/2016	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0V6RNNQB03802		66	Demolition of existing buildings and redevelopment to provide 66 dwellings with associated highways, infrastructure and landscaping works.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/00571/FUL		Former Martello Caravan Park, Kirby Road, Walton On The Naze, Essex	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0NZIAPQB01U000	ETSR89	1.268648	51.850266	0.21	Not owned by a public authority	Yes	Permissioned	Full planning permission	11/08/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=NR40VEQB038000		16	A two storey enabled living facility providing 16 apartments for profoundly disabled adults.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	06/00255/FUL		Royal Hotel, Marine Parade East, Clacton-on-Sea CO15 1PT	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=1UQ9HCQB100000	ETSR89	1.155950	51.787428	0.36	Not owned by a public authority		Permissioned	Full planning permission	25/08/2009	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001GWBQB100000		47	Refurbishment, partial demolition and extension to form 25 bed hotel, bar, restaurant, up to 7 (A1/A2/A3/B1/D1) Commercial Units, 47 apartments, new public realm and landscape planting.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	13/01385/FUL		Land at Thorpe Maltings & Former King Edward VII Public House, Station Road, Thorpe le soken	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=MXASNSQB09LD000	ETSR89	1.163076	51.847761	1.90	Not owned by a public authority	Yes	Not Permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=JF3GWBQB8B3001		54	Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Conversion of existing vacant King Edward VII public house to private residential (creating 3 apartments). Demolition of former stable block and development of 20 new dwellings and commercial unit including associated infrastructure and public open space.					Planning Permission expired	29/12/2017	29/12/2017		
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/01080/FUL		The Ernest Luff Home, 2 Luff Way, Walton On The Naze, Essex CO14 8SW	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0SCUTZQB0K0000	ETSR89	1.251836	51.844710	0.27	Not owned by a public authority	Yes	Permissioned	Full planning permission	28/09/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0XJXPEQB03802		12	Construction of 12 almshouse-type one bed dwellings.							29/12/2017	29/12/2017	

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http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	12/00427/FUL		Thorn Quay Warehouse, High Street, Mistley, Manningtree, Essex CO11 1HB	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=M2MBDRQB07Y00	ETSR89	1.081865	51.944088	0.25	Not owned by a public authority	Yes	Permissioned	Full planning permission	26/06/2014	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E8TQB0U000		45	Demolition of existing warehouse and construction of a new building comprising 45 dwellings, quay level warehouse floorspace, office floorspace and car parking provision.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/00435/FUL		Sea Breeze, 32 and 34 Carnarvon Road, Clacton On Sea, Essex CO15 6QE	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0MU0E8QB0E0U00	ETSR89	1.156987	51.791739	0.09	Not owned by a public authority	Yes	Permissioned	Full planning permission	31/08/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=k8FAXQB03801		9	Change of use of former care-home and dwelling and erection of single storey rear extension to create 11 self-contained flats; demolition of existing flat-roof rear extension, and removal of metal fire escapes, along with associated parking, cycle-storage, bin-store and communal garden area.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	13/01213/FUL		The Barley Kiln, Malt Store and Malt Kiln, The Quayside Maltings,High Street, Mistley	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=MVDVVCQB09U00	ETSR89	1.083599	51.943705	0.19	Not owned by a public authority	Yes	Permissioned	Full planning permission	08/07/2014	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=NVR5Y1QB03800		6								15/01/2018	15/01/2018	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	14/00593/FUL		Rumours Nightclub, 50 Rosemary Road, Clacton On Sea, Essex CO15 1PB	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=N55H65QB09U00	ETSR89	1.155824	51.789331	0.09	Not owned by a public authority		Permissioned	Full planning permission	23/10/2015	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001GE1QB0U000		16	Conversion of the existing first and second floors and erection of a third floor and extensions to create 16 self contained flats.								29/12/2017	29/12/2017
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	16/00538/FUL		88 - 90 Pole Barn Lane, Frinton On Sea, Essex CO13 9NG	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=051Y1RQB01U000	ETSR89	1.251886	51.837100	0.12	Not owned by a public authority	Yes	Permissioned	Full planning permission	23/08/2016	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=00024FQB0U000		9	Demolition of a mixed commercial and residential building and two commercial units and erection of 2 no. apartment blocks containing 10 residential units with ancillary car parking, garaging and bin store.							29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	17/00370/OUT 15/015 49/OUT		Sato UK Limited, Valley Road, Dovercourt, Harwich, Essex CO12 4RR	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=NVUWN9QB0G5000	ETSR89	1.238819	51.929941	2.48	Not owned by a public authority	Yes	Permissioned	Outline planning permission	16/05/2017	https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E34QB0U000		38	Hybrid application consisting of: Full application for a replacement factory on northern component of site (following demolition of existing office).								29/12/2017	29/12/2017
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA1		Land at Weeley Council Offices, Thorpe Road, Weeley CO16 9AJ	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA1%20Land%20off%20Weeley%20Council%20Offices.pdf	ETSR89	1.121092	51.858505	0.81	owned by a public authority	Yes	Not permissioned					24								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA3		Orchard Works, r/o London Road, Clacton-on-Sea, Essex CO15 3SY	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=0UD508QB0E0U00	ETSR89	1.151095	51.802469	0.38	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001H55QB0U000		20								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA6		Land Off Waterworks Drive, Clacton-on-Sea, Essex CO16 8AW	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA6%20Land%20off%20Waterworks%20Drive.pdf	ETSR89	1.129953	51.802337	2.30	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0001GHQB0U0000		90								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA9		Former Town Hall Site, Public Conveniences and Depot, Mill Lane, Walton-on-Naze	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA9%20Former%20Town%20Hall%20Site%20Mill%20Lane.pdf	ETSR89	1.271962	51.848772	0.06	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0003G0QB0U0000		15								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA10		Southcliffe Trailer Park, Woodberry Way, Walton-on-the-Naze, Essex CO14 8PE	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA10%20Southcliffe%20Trailer%20Park.pdf	ETSR89	1.267263	51.842950	0.80	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001G4BQB0U0000		15								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA5		Land Adjacent to Railway Station and Sadd's Yard and St John's Yard, Skelmersdale Road, Clacton-on-Sea, Essex CO15 6BP	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA5%20Land%20Adjacent%20to%20RailwayStation%20and%20Saddys%20Yard.pdf	ETSR89	1.157518	51.793979	1.58	Not owned by a public authority	Yes	Not permissioned					60								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA2		Land off Cotswold Road, Clacton-on-Sea, Essex	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA2%20Land%20off%20Cotswold%20Road.pdf	ETSR89	1.158540	51.800437	0.68	Not owned by a public authority	Yes	Not permissioned					12								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	ALT15		Navy Yard Wharf, Kings Quay Street, The Quay, Harwich, Essex CO12 3UJ	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/ALT15%20Navyards%20Wharf%20Harwich.pdf	ETSR89	1.290963	51.947974	4.34	Not owned by a public authority		Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=0003H0QB0U0000		200								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA8		Land at Harwich & Parkeston Football Club, Main Road, Harwich, Essex CO12 4AA	https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=H1WU05QB0Y1000	ETSR89	1.275271	51.934463	1.32	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E25QB0U0000		89								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	SAMU1		EDME Maltings, Mistley	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/SAMU1%20EDME%20Maltings%20Mistley.pdf	ETSR89	1.081328	51.943418	1.65	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=001E6FQB0U0000		150								29/12/2017	29/12/2017	

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Siteplan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part 2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA7		Mayflower County Primary School, Main Road, Dovercourt, Essex CO12 4AJ	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA7%20Mayflower%20Primary%20School.pdf	ETSR89	1.272478	51.935249	0.36	Not owned by a public authority	Yes	Not permissioned					15								29/12/2017	29/12/2017	
http://opendatacommunities.org/id/district-council/tendring	Tendring District Council	MSA11		Station Yard and Former Avon Works, off Station Road, Walton-on-the-Naze, Essex CO14 8DA	https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/brownfield/MSA11%20Station%20Yard%20Former%20Avon%20Works.pdf	ETSR89	1.268172	51.845826	1.17	Not owned by a public authority	Yes	Not permissioned			https://idox.tendringdc.gov.uk/online-applications/propertyDetails.do?activeTab=relatedCases&keyVal=00032xQBU000		40							29/12/2017	29/12/2017		

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

9 NOVEMBER 2018

REPORT OF THE FINANCE & CORPORATE RESOURCES PORTFOLIO HOLDER

A.3 REVIEW OF THE COUNCIL'S CONSTITUTION

(Report prepared by Lisa Hastings, Monitoring Officer and Ian Ford, Deputy Monitoring Officer)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder through a Working Party.

The main proposals cover a number of miscellaneous amendments to the Council Procedure Rules, changes required to comply with legislation and to ensure the Constitution is effective, efficient and consistent at an operational level.

The key changes to each of these documents are highlighted within the body of this Report.

EXECUTIVE SUMMARY

A Portfolio Holder Constitution Review Working Party was established following various matters being raised at previous meetings of Full Council to “*undertake a light touch review of the Constitutional Rules and Procedures highlighted by Members and Officers ensuring the governance arrangements are up to date, clear and consistent, with the outcome and recommended changes being presented to Cabinet and Council in November 2018.*”

A Portfolio Holder Working Party has undertaken a thorough review of the Constitution with the proposed revisions to the Council Procedure Rules to take effect from May 2019, and other changes to be implemented following approval by Full Council in November. The Working Party's membership included the Portfolio Holder, Councillor Stephenson, Councillor Newton, Councillor Talbot and Councillor I.J. Henderson. The subject areas reviewed were requested by the membership, other Councillors, the Standards Committee and Officers; with proposed changes being discussed and advised upon with suggested alterations being reconsidered prior to full agreement by the Constitutional Working Party.

A summary of the changes compared to the existing Parts of the Constitution are provided under each heading in the Current Position section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient working practices for Members and Officers and checked to ensure it is in accordance with legislation, where necessary.

The Constitutional Review Working Party has agreed to undertake the 6 month review requested by Full Council on the revised committee structure, presenting the findings and recommendations to Full Council in January 2019. This work will be commenced in November.

RECOMMENDATION

That Cabinet recommends to Council:

- (a) that the Council's Constitution be amended to reflect the proposed changes as set out in this report and the appendices attached hereto;**
- (b) with the exception of the Council Procedure Rules, all changes to come into effect immediately following approval; and**
- (c) as approved, the revised Council Procedure Rules to come into effect on 1st May 2019.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

FINANCE, OTHER RESOURCES AND RISK

Risk

Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.

LEGAL

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority operating executive arrangements must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance.

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Equality and Diversity implications were considered when taking into account how the Chairman of the Council should be addressed (Article 5 – Appendix F), with the final proposal allowing the appointed Member to use their discretion on how to be addressed.

The impact of religious prayers has been considered and prayers or other religious observances are permitted business at a meeting of the Council under Section 138A of the Local Government Act 1972 (as amended by the Local Government (Religious etc. Observances) Act 2015). However, any person who wishes or is required to attend the meeting should be given the opportunity not to attend until after the observance has finished. Any observance should be at the discretion of the person running the meeting. The Monitoring Officer will provide a detailed guidance note on this specific point in due course consequently, it is not considered necessary to include anything within the Constitution on this point.

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Working Party reviewed various areas of the Constitution and the following changes are recommended (note that references to Part numbers relate to the Constitution prior to any amendments):

(a) Council Procedure Rules – Section 1 (Full Council)(Part 4.1 to 4.20):

Rule 1 – Annual Meeting of the Council:

To include the appointment of up to four Member Representatives to General Assembly of the Local Government Association at the Annual meeting.

Rule 5 – Time and Place of Meetings:

Propose an earlier start time of 7pm.

Rule 9 – Duration of Meeting:

Propose a later finish time of 10.30pm.

Rules 10 and 11– Questions by the Public and Members:

Proposed changes to provide consistency between the scope of questions submitted by the public and Members and reasons for rejection. The same consistency to apply to questions and motions.

Rules 10.1 and 11.2 – Time allocated to Questions by the Public and Members:

Overall time for questions to be reduced to allow further time at the meeting for debating motions that are to be dealt with on the night. The allocated time for questions allows up to a maximum of 3 from the public and a further 3 from Members to be dealt with.

Rules 11.6 & 7 – Response and Supplementary Questions:

Electronic or written responses given by Members to questions to be provided to the Committee Services Manager on the day of the meeting to allow the response to be circulated to the questioner, Chairman, Leader and relevant officers.

Supplementary Questions must solely relate to the response received. This will enable more control over the permissibility of supplementary questions. The content of supplementary questions will no longer be included minutes to prevent this rule being abused.

Rules 12 and 14 – Motions on Notice and Not Permitted:

Proposed changes to provide consistency between the scope of motions and those not permitted with the scope of questions and reasons for rejection.

Rule 12 – Motions:

A maximum of 3 motions shall be accepted at an Ordinary Meeting, and dealt with on the night, in accordance with Rule 12.4 once moved and seconded, unless Council decides to refer the motion to the Cabinet or relevant Committee.

A maximum of 30 minutes debate to be allowed per motion, with the mover and other speakers being allowed 5 and 3 minutes respectively.

Notice of a Referral to Cabinet or the relevant Committee may be given prior to the meeting in accordance with Rule 12.5. If this is received, it will take precedence and no amendments on notice could be received. This allows a Referral to be debated upon at Council and a decision made for further consideration and/or work to be undertaken.

Notices of Amendments may be given prior to the meeting in accordance with Rule 12.5. This could assist members to consider a proposed amendment and for officers to provide advice in advance.

Rule 12.6 sets out how referred motions will be dealt with allowing an opportunity for further work to be undertaken prior to decisions being made, if necessary.

Rule 16 – Rules of Debate:

Removal of the reference to an appropriate body or an individual from amendments to motions, as this was not considered appropriate for motions with the Cabinet and relevant Committee remaining, as the suitable decision making bodies.

Any amendments to the Budget proposals must be submitted to the Council's Chief Financial Officer at least two working days before the budget meeting of Council to enable them to consider the implications for the budget.

Remove the requirement to seek the meeting's consent to alter or withdraw (unless an amendment is pending) a motion because this has not been the practice of Full Council for several years.

Closure motions to include referral to Cabinet or a Committee.

Rule 32 – Application to Committees

Rule 23.2 – Chairman standing during debate to apply to Committees and Sub-committees, so that any member speaking at the time must stop and the meeting must be silent. This application is to demonstrate further respect to the role of Chairman at Committees and Sub-Committees.

*Rule numbers throughout the Council Procedure Rules shown attached in **Appendix A1** have been amended to reflect the proposed changes.*

(b) Council Procedure Rules – Section 2 (Committees)(Part 4.21 to 4.24):

Rule 33 – Appointment of Members of Committees and Sub-Committees:

The Rules relating to eligibility requirements for membership of Committees and Sub-Committees be reordered. Additional requirements following good practice and guidance such as:

- Local Plan and Planning Committee membership remaining separate prior to a Local Plan being adopted;
- Membership of the Audit Committee following CIPFA Guidance; and
- How often mandatory training must be undertaken to remain a member of certain committees.

Rule 38 – Questions on Notice at Committees:

Remove the ability for members to submit Questions on Notice to Sub-Committees (such as Licensing and HR) due to the terms of reference of the sub-committees it was not considered appropriate to allow questions at sub-committees, which could be directed to the main committees.

*Proposed changes to Section 2 of the Council Procedure Rules are shown attached as **Appendix A2**.*

(c) Access To Information Procedure Rules (Part 5):

Rule 13 – Procedure before taking Key Decisions (Part 5.6-7):

Remove reference to the term Forward Plan as the Council has for some time been producing to all Members and on the website, notification of forthcoming key decisions or a decision that would involve the disclosure or likely disclosure of confidential information. Notifications are provided on a rolling-basis rather than monthly.

Cross referring to the definitions of Key Decisions and Confidential and Exempt Information to be included for ease of reference.

Rule 18 – Procedures Prior to a Private Meeting (Part 5.9):

To be expanded to provide all the legislative criteria for notification of private meetings.

*Proposed changes to the Access to Information Procedure Rules are shown attached as **Appendix B**.*

(d) Overview and Scrutiny Function and Procedure Rules:

Article 6 - Overview and Scrutiny Function:

Inclusion of 'executive' prior to 'decisions' which will be reviewed or scrutinised and those to be made.

*Proposed changes to the Overview and Scrutiny Function (Article 6) are shown attached as **Appendix C**.*

Rules 10 (Part 5.21) and 13 (Part 5.24) – Overview Procedure Rules:

Remove reference to the forward plan and replace with forthcoming executive decisions within the Procedure at Committee Meetings and Scrutiny of Proposed Decisions.

Rule 14 – Rights of Committee Members to Documents (Part 5.24):

Provide cross reference to the Access to Information Procedure Rules rather than repeat the text to ensure consistency.

Rule 17 – Call-in (Part 5.25-29):

Provide clarity that Key Decisions made by Officers are also subject to Call-in and non-executive decisions are not eligible.

Provide further information when the Mediation Process is used to resolve matters setting out operational requirements and the decision outcome where mediation is successful.

Include provisions on how a Call-in will be dealt with if the relevant Overview and Scrutiny Committee has already commented or made recommendations to Cabinet prior to a decision being made and thereby being perceived to be pre-determined through its previous endorsement. New material considerations would be required to allow a Call-in to be made.

Should the Overview and Scrutiny Committee decide, following a Call-in of an Officer Decision, to refer the matter back for reconsideration, it will be referred to the Portfolio Holder to undertake the reconsideration.

A Call-in can be withdrawn.

*Proposed changes to the Overview and Scrutiny Procedure Rules are shown attached as **Appendix D**.*

(e) Members of the Council (Article 2):

2.03 - Roles and Functions of all Councillors (Rights and Duties) (Part 2.3):

Additional wording to incorporate the common law position of 'need to know' in respect of rights to access information.

2.04 – Conduct (Part 2.4):

A clear statement that Members are also expected to comply with the requirements of any risk assessments issued by the Council in performance of their functions.

2.05 – Attendance (Part 2.4):

Additional wording to allow a Portfolio Holder's attendance at Cabinet to be included within the calculation and removing duplication of committee and sub-committee.

*Proposed changes to Article 2 Members of the Council are shown attached as **Appendix E**.*

When considering the 'Need to Know Principle' the CRWP decided that the Proper Officer for Access to Information should be extended to cover determinations on the application of the common law position. *Proposed changes to Schedule 4 of the Scheme of Delegation are shown attached as **Appendix N**.*

(f) Chairing the Council and Committees (Article 5)(Part 2.10):

Extending Article 5, which currently only applies to Chairing the Council to include:
5.02 The Role and Function of the Chairman of a Committee:

Emphasising their roles and responsibilities;

5.03 Addressing the Chairman:

Allowing to the appointed Chairman to use their discretion and choice; and

5.04 Training of the Chairman of the Council or Committees:

Setting out an expectation that members appointed to these roles will attend training to enable them to fulfil their roles and responsibilities.

*Proposed changes to Article 5 Chairing the Council are shown attached as **Appendix F**.*

(g) The Cabinet (Article 7)(Part 2):

Rule 5 - Procedures for Private Meetings (Part 2.19)

Remove wording relating to process for forming Portfolio Holder Working Parties, because this is irrelevant to this rule.

Rule 7 - Procedures for Portfolio Holder Working Parties

Include a new Rule bringing together the practices referred elsewhere in the Constitution, by using the wording currently in Rule 5 and the Scheme of Delegation, but expanding the requirements to include setting terms of reference, size of membership, consultation with ward councillors and recording decisions.

*Proposed changes to Article 7 – The Cabinet (also Referred to as the Executive) are shown attached as **Appendix G**.*

(h) Scheme of Delegation - Part 3 - Schedule 3 - Responsibility for Executive Functions

General Principles Regarding Decision Making By The Cabinet (Part 3.27)

Include at the request of the Monitoring Officer and the Section 151 Officer wording on how the Leader can take decisions on behalf of Cabinet, which is a permitted practice under the Leader model of governance but explicit reference was previously omitted.

Part 3.35

Remove wording relating to Portfolio Holder Working Parties to be made under the new Rule 7 (Article 7), referred to above.

*Proposed changes to Executive Functions are shown attached as **Appendix H**.*

(i) Scheme of Delegation (Non-Executive Functions) – Planning Committee and HR Sub-Committee:

Planning Committee (Part 3.15)

Additional wording to be inserted stating that any written request received from a District Councillor requesting that an application be determined by the Planning Committee, should be in accordance with the Member Referral Scheme.

The Scheme has previously been used by the Council and would be relaunched, with the wording being agreed by the Head of Planning and Monitoring Officer, in consultation with the Chairman of the Planning Committee ensuring consistency with the Public Speaking Scheme, Planning Protocol and accepted practice of ward councillors dealing with ward issues.

Human Resources Sub-Committee (Part 3.18):

The Panel currently comprises of 3 members including a member of Cabinet being the relevant Portfolio Holder for the service concerned. Additional wording is required to state “*unless that Portfolio Holder requires the Leader to appoint a substitute for them because they will be unable to attend*”.

*Proposed changes to the Planning Committee’s delegation and Human Resources Sub-Committee terms of reference are shown attached as **Appendix I**.*

(j) Budget and Policy Framework Procedure Rules (Part 5):

Chief Financial Officer has suggested the following amendments for the reasons set out:

Budget and Policy Framework – Rule 3: Process for Developing the Budget (Part 5.15):

To provide the opportunity for amended budget approved by Full Council to be accepted as the final decision, preventing any unnecessary delay. This could only take place, following consultation with the Chief Financial Officer and that they are able to advise on the financial implications of the amendment, at the Council meeting.

*Proposed changes to the Budget and Policy Framework are shown attached as **Appendix J**.*

(k) Financial Procedure Rules:

Chief Financial Officer has suggested the following amendments for the reasons set out:

Financial Procedure Rule 6.3.5: Virement Limits and Approvals (Part 5.40):

Delete Table (a) relating to virements from employee costs to temporary agency staff estimates, because these are items of expenditure within the General Fund and HRA and would be treated in accordance with table (b) on Part 5.41. Decisions regarding these virements would still highlight the types of expenditure.

Financial Procedure Rule 14: Investments, Loans and Borrowing (Part 5.57):

New wording to reflect the new CIPFA Guidance issued in 2018 on respect of Treasury Management.

*Proposed changes to the Financial Procedure Rules are shown attached as **Appendix K**.*

(l) Property Dealing Procedure – Part 5.62:

Including a small amendment to exclude arrangements for utilities to be provided on Council owned land from the Property Dealing Procedure, due to the position that any terms for the provision of utilities is fixed by the service providers.

(m) Part 5 – Procurement Procedure Rules:

Section 4.2.2 – Procurement over £10,000, but not expected to exceed £50,000 (Part 5.71):

Insert within paragraph (v) '*for £25,000 and above*' at the end of the first sentence, this will make the distinction that the standard contract is only required when seeking quotations over £25,000 being consistent with our requirements to use Contract Finder.

OTHER MATTERS CONSIDERED:

The Standards Committee had requested that the Constitution Review Working Party (CRWP) to consider whether attendance to mandatory training sessions for committees should be linked to Members allowances. Advice was provided that this would only be feasible through amendments to the Members Allowances Scheme and recommendations could be put forward to the Independent Remuneration Panel to research this matter further, should the CRWP decide to do so. After discussing the issue in detail, the CRWP agreed that Members failing to attend mandatory training sessions could be resolved through the Group Leaders ensuring that members appointed to committees were able to commit to the additional training required to fulfil their roles.

Some members had raised with the Monitoring Officer whether the Council's arrangements in requiring individuals to observe prayers at the Full Council meeting was lawful following the High Court challenge in 2011 and whether an Equality Impact Assessment had been undertaken. The Monitoring Officer confirmed the legal position and highlighted, that individuals should have the choice whether to observe religious ceremonies at all times. For those Members, Officers or the public who did not wish to take part in prayers they should be allowed to do so without further questions. The CRWP agreed that the Constitution did not require amendment on this matter but requested the Monitoring Officer to issue guidance to all members.

Following recent discussions between various Members regarding practices for dealing with ward issues, the CRWP considered guidance issued to Members by other elected Members at another Council, which was regarded as good practice. It was agreed that the Constitution did not require any amendment on this point, but the guidance could be used as part of the induction programme for elected members following the elections in May 2019. The Monitoring Officer was requested to take this forward.

BACKGROUND PAPERS

There are no background papers (as defined by the Local Government Act 2000) arising from this report.

APPENDICES

A.3

APPENDIX A1	Part 4	Council Procedure Rules – Section 1
APPENDIX A2	Part 4	Council Procedure Rules – Section 2
APPENDIX B	Part 5	Access To Information Procedure Rules
APPENDIX C	Article 6	Overview and Scrutiny Function
APPENDIX D	Part 5	Overview and Scrutiny Procedure Rules
APPENDIX E	Article 2	Members of the Council

APPENDIX F	Article 5	Chairing the Council and Committees
APPENDIX G	Article 7	The Cabinet
APPENDIX H	Part 3	Scheme of Delegation (Executive functions)
APPENDIX I	Part 3	Scheme of Delegation – Planning Committee and HR Sub-Committee
APPENDIX J	Part 5	Budget and Policy Framework Procedure Rules
APPENDIX K	Part 5	Financial Procedure Rules
APPENDIX L	Part 5	Property Dealing Procedure
APPENDIX M	Part 5	Procurement Procedure Rules
APPENDIX N	Part 3	Scheme of Delegation (Proper Officer functions)

COUNCIL PROCEDURE RULES

SECTION 1 – COUNCIL MEETINGS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place on the third Tuesday after the elections. In any other year, the annual meeting will take place in April or May. No business except that identified below in this Rule and Rule 1.2 will be included on the Agenda of the Annual Council meeting and all other Council Procedure Rules shall be construed accordingly.

The annual meeting will:

- (i) Receive a report from the Returning Officer on the return of Members elected (if it is the annual meeting immediately following the District Council Elections);
- (ii) Receive apologies for absence;
- (iii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (iv) Receive any announcements from the retiring Chairman of the Council;
- (v) Elect the Chairman of the Council for the ensuing year;
- (vi) Elect the Vice-Chairman of the Council for the ensuing year;
- (vii) Receive any announcements from the Chairman and/or the Chief Executive;
- (viii) Receive notification of the memberships of political groups and the names of the Group Leaders and their Deputies (if it is the annual meeting immediately following the District Council Elections);
- (ix) Elect the Leader of the Council (if it is the annual meeting immediately following the District Council Elections);
- (x) Fix the allowances for the Chairman and Vice-Chairman and Members for the municipal year;
- (xi) Selection of Councillors on Committees etc. in accordance with Council Procedure Rule 1.2;
- (xii) Reaffirm the Council's Constitution;

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- (xiii) Approve a programme of ordinary meetings of the Council and Committees for the year;
 - (xiv) Approve the work programmes for the overview and scrutiny committees in accordance with Overview and Scrutiny Procedure Rule 7; and
 - (xv) Appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Two of the Members appointed will always be the Leader and Deputy Leader of the Council. Up to two further names can be put forward to Council by the Leader of the Council, following consultation with Group Leaders; and
- ~~(xiii)~~(xvi) Consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the Council will:

- (i) Appoint the Committees and Sub-Committees it considers appropriate for the municipal year;
- (ii) Decide the size and the terms of reference and delegated powers for any new Committees and Sub-Committees;
- (iii) Decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and
- (iv) Appoint Members to each Committee and Sub-Committee and the Chairman and Vice-Chairman of each Committee and Sub-Committee as appropriate.

2. BUDGET AND COUNCIL TAX SETTING

At the relevant ordinary meeting of the Council, when the Council's Budget and Council Tax is approved and set, no business except that identified below will be included on the Agenda of the Budget and Council Tax Setting Meeting and all other Council Procedure Rules shall be construed accordingly. The Budget and Council Tax Setting Meeting shall:

- (i) Receive apologies for absence;
- (ii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (iii) Deal with any business required by Statute to be dealt with before any other business;
- (iv) Approve the minutes of the last meeting;
- (v) Receive any announcements from the Chairman and/or the Chief Executive and any Statements from the Leader of the Council and/or members of the Cabinet;

(Yellow)

-
- (vi) Approve and set the Council's Budget and Council Tax;
 - (vii) Deal with any business remaining from the last Council meeting; and
 - (viii) Consider any Urgent Matters for Debate

Matters which are not on the agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or the Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.

3. ORDINARY MEETING

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Such programmes shall ensure that the first ordinary meeting is held within 15 working days of the annual meeting of the Council except in a year when there is an ordinary election of Councillors. The order of business at every ordinary meeting of the Council be as follows:

- (i) To receive apologies for absence:
- (ii) To elect a person to preside if the Chairman and Vice Chairman are not present;
- (iii) To deal with any business required by Statute to be dealt with before any other business;
- (iv) To approve the minutes of the last meeting (or in the case of the first ordinary meeting of the municipal year, to approve the minutes of the Annual meeting and the preceding meeting);
- (v) To receive any announcements from the Chairman and the Chief Executive and any statements from the Leader and Members of the Cabinet;
- (vi) To deal with any Petitions;
- (vii) In accordance with Rule 10, to receive questions from, and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (viii) To receive questions from Members in accordance with Rule 11.2;

(Yellow)

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- (ix) To receive a report from the Leader on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and Overview and Scrutiny Procedure Rule 18(i);
 - (x) To deal with any business from the last Council meeting;
 - (xi) To receive the minutes of Committees (with the exception of the Licensing and Registration and Planning Committees) and to receive questions and answers from Councillors on any of those items;
 - (xii) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - (xiii) To consider motions (in the order in which notice has been received);
 - (xiv) To consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, other reports from the Cabinet, reports of the Overview and Scrutiny Committees, or other Committees for debate and reports from Officers for consideration; and
 - (xv) Urgent matters for Debate

Matters which are not on the Agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

With the exception of items (i) (ii) (iii) and (iv), the order of items may be varied at the discretion of the Chairman or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be put without discussion. At the last ordinary meeting of the Council in the municipal year, following item (v) the meeting will receive the annual State of Tending Statement from the Leader.

4. EXTRAORDINARY MEETINGS

4.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an Extraordinary Council meeting in addition to ordinary meetings, where such a request is received the meeting will be held within 14 days of the request.

- (i) The Chairman of the Council;

(Yellow)

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- (ii) The Council by resolution;
 - (iii) The Monitoring Officer in circumstances where a Section 5 report is to be presented; and
 - (iv) Any five members of the Council if they have signed a requisition to the Chairman of the Council and he has refused to request a meeting or has failed to call a meeting to be held within seven clear working days of the requisition.

4.2 Order of Business

- (i) To receive apologies for absence;
- (ii) To elect a person to preside if the Chairman and Vice-Chairman are not present;
- (iii) To deal with any business required by Statute to be dealt with before any other business;
- (iv) To consider any other business specified in the summons to the meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of Council meetings will be notified in the summons.

Meetings will normally be held at ~~7.30 p.m.~~ **7.00 p.m.** in the Princes Theatre, Town Hall, Clacton-on-Sea and the Council may, from time to time, vary the place, date or hour of a meeting or meetings. Where it is not practicable for the Council to meet to agree a variation, such variation shall be determined by the Chairman (or failing him the Vice-Chairman) of the Council.

6. NOTICE OF AND SUMMONS TO MEETING

The Committee Services Manager will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. **In addition to sending an electronic notification,** At **at** least five clear days before a meeting, the Committee Services Manager will send a summons by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRING OF MEETINGS

The person presiding may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM

(Yellow)

The quorum of a meeting will be one quarter of the whole number of Members, subject always to a minimum of three Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

- 9.1** The business of ordinary meetings of the Council shall cease at ~~10.00 p.m.~~ **10.30 p.m.** on the day on which the meeting commenced, or such earlier, or later, time as the Chairman shall consider appropriate.
- 9.2** When the business of a meeting is terminated in accordance with 9.1 above any remaining business shall stand adjourned until a date and time to be fixed by the Chairman.
- 9.3** Where 9.2 applies, given that the agenda and associated reports and papers for the original meeting have been published, the adjourned meeting can be called as soon as practicable and without necessary delay, having regard to the remaining business and venue availability. In the case of Committees and Sub-Committees, where Substitutes have been appointed the same Members should attend (the Substituted Members must not take their seats).
- 9.4** Notice of the adjourned meeting will be published on the Council's website, unless the adjourned meeting is held within 24 hours.

10. QUESTIONS BY THE PUBLIC

10.1 ~~General~~ **Scope of Questions and Time Allocated in the Meeting**

Members of the public may ask questions of **the relevant** Members of the Cabinet or the Leader or Committee Chairmen ~~at ordinary meetings of the Council~~ **on any matter in relation to which the Council has powers or duties or which affects the Tendring District**. The time limit for the asking of each question is two minutes and for the reply, five minutes. The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to ~~half an hour~~ **21 minutes**.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

10.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by personal e-mail to the Committee Services Manager no later than midday 8 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

10.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

10.5 ~~Scope of~~ Reasons for Rejection of Questions

The Committee Services Manager and/or Monitoring Officer may reject a question if in their judgement it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the District;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- (d) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (e) requires the disclosure of confidential or exempt information; or
- (f) the question is about a matter that is subject to call in or ongoing legal proceedings

10.6 Record of Questions

The Committee Services Manager will keep a copy of each question for six years after the meeting at which the question was put and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

10.7 Asking the Question at the Meeting

All questions will be set out in the agenda and the Chairman will invite the questioner to put the question to the Member named in the notice. There will be no further questions or debate. If the questioner is not present, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Written Answers

Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member, to whom it was to be put, will be dealt with by a written answer, with a copy circulated to all Members.

10.9 Reference of Question to the Cabinet or a Committee

No discussion will take place on any question, but any Member may formally, without discussion, move that a matter raised by a question be referred to the Cabinet or the appropriate Committee ~~or Sub-Committee~~. Once seconded, such a motion will be voted on without discussion.

10.10 Withdrawal of Question

A member of the public may withdraw their question by giving notice of their wish to do so to the Committee Services Manager prior to the commencement of the meeting at which their question is to be put.

11. QUESTIONS BY MEMBERS

11.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports or References from the Cabinet or Minutes of Committees

A Member of the Council may ask the Leader or a Member of the Cabinet any question without notice about any statement made by the Leader or a Member of the Cabinet to the Council when that item is being received.

A Member of the Council may ask the Leader or a Member of the Cabinet or the Chairman of a Committee any question without notice upon a report or recommendation of the Cabinet or the minutes or reference from a Committee when that item is being received by the Council.

Supplementary Questions will not be permitted under this rule.

11.2 Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask ~~at an ordinary meeting of the Council:-~~

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee ~~or Sub-Committee~~;

a question on any matter, ~~which is within their area of responsibilities as set out in Part 3 of the Constitution~~, in relation to which the Council has powers or duties or which affects the Tendring District.

~~Questions from Members will be set out in the agenda in the order in which they were received.~~

The time allocated for receiving and disposing of questions shall be a maximum ~~45~~ 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members ~~the following working day~~ unless withdrawn by the questioner.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council **or to the Budget and Council Tax setting meeting of the Council.**

11.3 Notice of Questions

A Member may only ask a question under Rule 11.2 if either:

- (a) notice has been given by delivering it in writing (or by personal e-mail) to the Committee Services Manager no later than midday 8 (eight) working days before the day of the meeting; or
- (b) the question relates to urgent matters, he has the consent of the person to whom the question is to be put and the content of the question is given to the Committee Services Manager by noon on the day of the meeting.

11.4 Number of Questions

At any one meeting no Councillor may submit more than two questions.

11.5 Reasons for rejection Scope of Questions

- (a) **the question is not about a matter for which the local authority has a responsibility or which affects the District;**
- (b) the Monitoring Officer will reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information **(as defined in the Access to Information Procedure Rules);**
- (c) the Monitoring Officer will reject a question if in their judgement it is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- (d) the Monitoring Officer will reject a question if in their judgement it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (e) the Monitoring Officer will reject a question if in their judgement it is likely to lead to a breach of the Members' Code of Conduct; or
- (f) **the question is about a matter that is subject to call in or ongoing legal proceedings**

11.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(Yellow)

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- (c) where a reply cannot conveniently be given orally, a written answer given later to all Members.

The Member giving the response must provide an electronic or written copy of that response to the Committee Services Manager by 10.00 a.m. on the day of the meeting in order to enable the response to be circulated to the Questioner, the Chairman of the Council, the Leader of the Council and relevant Officers.

11.7 Supplementary Questions

After the response has been given to a Question on Notice, the Member who asked the question may ask one supplementary question, of which no notice is required. The supplementary question must solely relate to ~~the original question and/or~~ clarifying the response received. No statements will be allowed. The ruling of the Chairman on the admissibility of the supplementary question is final.

The minutes of the meeting will record that a supplementary question and response was asked and given, without detailing the content.

11.8 Time Available Limits for Asking/Answering Questions

~~Questions from Members will be set out in the agenda in the order in which they were received.~~ The time limit for asking each question is two minutes and the time limit for each reply is ~~five~~ three minutes.

11.9 Withdrawal of Question

A Member may withdraw their question by giving notice of their wish to do so to the Committee Services Manager prior to the commencement of the meeting at which their question is to be put.

12. MOTIONS ON NOTICE

12.1 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Tendring District.

12.2 Notices of Motion

Except for motions which can be moved without notice under Rule 13, written and signed notice (or notice by personal e-mail) of every motion by the Member or Members submitting it, must be delivered to the Committee Services Manager no later than midday eight working days before the day of the meeting. The Monitoring Officer and/or the Committee Services Manager will decide whether to accept the motion as a valid motion having had regard to the provisions of Rule 14.

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council. ~~Motions shall not be submitted to the annual meeting of the Council or to an extraordinary meeting of the Council or to the Budget and Council Tax setting meeting of the Council.~~

A maximum of three motions shall be accepted for debate at an Ordinary Meeting of the Council under this Procedure Rule. Motions shall not be submitted to the annual meeting of the Council or to an Extraordinary meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

12.3 Motion Set out in Agenda

Valid ~~M~~otions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he proposes to move it to a later meeting or withdraw it.

Once the motion is moved and seconded it will be dealt with in accordance with Rule 12.4.

If a motion thus set out in the agenda is not moved either by a Member who gave notice thereof or by a Member nominated by him ~~of the same political group~~ it shall unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

~~12.3 Scope~~

~~Motions must be about matters for which the Council has a responsibility or which affect the Tendring District.~~

12.4 Consideration of Motion

Subject to Rules 12.3 and 12.5, a motion submitted in accordance with Rule 12.1 will be debated and determined at the meeting at which it was submitted. In considering the motion the provisions, as applicable, of Rules 16, 19, 23, 24, 25, 28 and 29 will apply.

The mover of the Motion will be allowed to speak on it for five minutes. All other speakers on the motion will be allowed three minutes.

A maximum of 30 minutes for debate will be allowed for each motion.

12.5 Notices of Referral or Amendment

1. Prior notice of a Referral may be given to refer the matter to the Cabinet or relevant Committee (in accordance with the responsibility of functions and the defined terms of reference) for consideration or reconsideration;
2. Upon receipt of a Referral on Notice, the referral takes precedence over any other amendments on notice that have been submitted;

3. Prior notice of an amendment may be given by a Member in accordance with this Rule if it is relevant to the motion and either be:

- (i) to leave out words;
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words

as long as the effect of (i), (ii) or (iii) is not to negate the motion or introduce a new subject matter into the motion before the Council.

Written and signed notice (or notice by personal e-mail) of such Referral or Amendment by the Member or Members submitting it, must be delivered to the Committee Services Manager no later than midday on the working day before the Council meeting. Once the Monitoring Officer and/or Committee Services Manager have accepted the Referral or Amendment on Notice as being valid it will be sent electronically to all Members of the Council.

At the meeting of the Council the mover of the motion which is the subject of a Referral or an Amendment on Notice will be permitted to explain the motion to the Council, once it has been seconded.

A Referral or an Amendment on Notice will then be debated by Council in accordance with the relevant Council Procedure Rules.

If the Referral to the Cabinet or relevant Committee for consideration or reconsideration is approved by the Council then Rule 12.6 will then apply.

12.6 Referral of Motions

~~The Chairman may, if the mover has provided reasons with the motion, consider it convenient and conducive to the despatch of business, and allow the motion to be dealt with at the meeting at which it is brought forward or refer it.~~

~~If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any Committee(s) it shall, upon being formally moved and seconded, stand referred without speeches or discussion to the Cabinet or relevant Committee(s) as the Chairman may determine, for consideration and report.~~

~~Where a motion is to be referred then notwithstanding the provisions of Council Procedure Rule 16.1 the mover shall explain the motion to the Cabinet or relevant Committee and not at the meeting of the Council at which it is moved.~~

Where a motion has been referred in accordance with Rule 12.5 ~~±~~ the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.7) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held

following the date of Council's referral) of the Cabinet's or relevant Committee's ~~their~~ opinion and reason as to whether such motion should be supported in its original format.

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format ~~should not~~ be supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b).

12.7 Referred Motions – Right of Mover to Attend Meeting

If a motion has, in accordance with the provisions of Rule 12.4, 12.5 been formally moved and seconded and referred to the Cabinet or relevant Committee(s), the mover (or some other Member on his ~~their~~ behalf) shall attend the first practicable meeting of the Cabinet or relevant Committee(s) immediately following the Council meeting at which the motion was moved ~~to answer any questions and/or points of clarification, if requested. The motion shall not be considered unless, and until, the mover (or other Member) has explained it and, if they do not attend the meeting, the motion shall be treated as withdrawn, unless the Cabinet or relevant Committee(s) at their sole discretion permit the mover (or other Member) to attend a subsequent meeting.~~

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) To appoint a Chairman of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business in the agenda;
- (d) To refer something to, or back to, Cabinet ~~an appropriate body, individual~~ or relevant Committee;
- (e) ~~To appoint a Committee or Member arising from an item on the summons for the meeting;~~
- (f) To receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) To withdraw a motion;

(Yellow)

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- (h) To amend a motion;
 - (i) To proceed to the next business;
 - (j) That the question be now put;
 - (k) To adjourn a debate;
 - (l) To adjourn a meeting;
 - (m) To exclude the public and press in accordance with the Access to Information Procedure Rules;
 - (n) That a Member named under Rule 23.3 Disorderly Conduct not to be heard further or to exclude them from the meeting under Rule 23.4;
 - (o) To give the consent of the Council where its consent is required by this Constitution;
 - (p) To extend the time limit for a speech; and
 - (q) In the case of urgency, notice of motion may be given, in writing, signed by the Member, or Members, giving the notice and the reason for its urgency and delivered by noon on the morning of the day of the meeting at the office of the Chief Executive who will immediately advise the Chairman of its receipt. If in the opinion of the Chairman, the matter is not urgent, the Chairman may direct that it be disallowed.

14. **MOTIONS NOT PERMITTED**

No motion shall be submitted on a matter that relates to an item which;

- (a) is not about a matter for which the local authority has a responsibility or which affects the District;
- ~~(a)~~(b) is to be considered on the same Council agenda;
- ~~(b)~~(c) is substantially the same as a motion already received to be put to the ordinary meeting of the Council in question;
- ~~(c)~~(d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- ~~(d)~~(e) has been the subject of a Key Decision in the previous six months;
- ~~(e)~~(f) is included within the work programme of an Overview and Scrutiny Committee;
- ~~(f)~~(g) is, at the time of submission, subject to call-in or on-going legal proceedings or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);

(Yellow)

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- (h) the Monitoring Officer will reject a motion if in their judgement it is likely to lead to a breach of the Members' Code of Conduct.

15. MOTIONS OR QUESTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a Committee or Sub-Committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee or Sub-Committee has decided whether or not the power of exclusion of the public shall be exercised.

16. RULES OF DEBATE

16.1 No Speeches until Motion Seconded

No speeches may be made after a motion has been proposed and explained until it has been seconded. However, a motion that the recommendations from Cabinet or the minutes or references from the relevant Committee shall be adopted need not be seconded.

A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of debate, subject to Rule 16.10 – Closure Motions.

16.2 Right to Require Motion or Amendment in Writing

Unless notice of the motion or amendment has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

16.3 Content and Length of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. Subject to Rule 12.4, no speech (including those to move motions) other than the statement by the Leader on the State of the District and the Leader's presentation of the budget may exceed five minutes except with the consent of the Council.

16.4 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move or second a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);

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- (d) in exercise of a right of reply;
 - (e) on a point of procedure; and/or
 - (f) by way of personal explanation.

16.5 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and either be:
 - (i) to refer the matter to ~~an appropriate body, individual~~ the Cabinet or relevant Committee for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of ~~(ii) to (iv)~~ (ii), (iii) or (iv) is not to negate the motion or introduce a new subject matter into the motion before the Council.
- (b) Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.
- ~~(b)~~(c) Only one amendment may be moved and discussed at any one time. Subject to Rule 16.10 no further amendment may be moved until the amendment under discussion has been disposed of. However the Chairman may permit a Member to give formal notice of the terms of any further amendment which he proposes to move at a later stage in the proceedings.
- (d) A Member may withdraw their proposed amendment with the consent of the seconder.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (g) After an amendment has been carried, the Chairman will read out the substantive motion before accepting any further amendments, or if there are none, put it to the vote.

16.6 Alteration of Motion

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- (a) A Member may alter a motion of which he has given notice with the consent of the ~~second meeting. Consent will be signified without discussion.~~
 - (b) A Member may alter a motion that he has moved without notice with the consent of ~~both the meeting and~~ the seconder. ~~Consent will be signified without discussion.~~
 - (c) Only alterations that could be made as an amendment may be made.

16.7 Withdrawal of Motion

A Member may withdraw a motion that he has moved with the consent of ~~both the meeting and~~ the seconder ~~unless it is the subject of an amendment. Consent will be signified without discussion.~~ No Member may speak on the motion after the mover has ~~asked permission to~~ withdrawn it ~~unless permission is refused.~~

16.8 Right of Reply

- (a) The mover of a motion (including the mover of a motion on which an amendment has been moved) and the mover of an amendment have a right of reply at the end of the debate on the motion or amendment. Following this, the appropriate Portfolio Holder or the Chairman of the relevant Committee shall have the right to speak on the motion or amendment immediately before it is put to the vote. Where the mover of the motion or amendment was the Leader of the Council, he shall have the final right to speak.
- (b) A Member exercising a right of reply shall confine his remarks to answering the arguments employed or observations made during the debate and shall not introduce any new matter.

16.9 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motion:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time for speeches;
- (h) to give any consent required by these procedure rules;

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- (i) to suspend one or more of the procedure rules;
 - (j) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
 - (k) that a Member named under Rule 23.3 below (Disorderly Conduct), not to be heard further or to exclude them from the meeting under Rule 23.4.

16.10 Closure Motion

- (a) A Member may move, without comment, the following motions at the conclusion of a speech of another Member;
 - (i) That the Council proceed to the next business;
 - (ii) That the question now be put;
 - (iii) That the debate now be adjourned; or
 - (iv) That the Council does now adjourn; or
 - (v) That the matter be referred to the Cabinet or a Committee(s) in accordance with the responsibility of functions and the defined terms of reference.
- (b) On the seconding of which the Chairman shall, unless in their opinion the matter before the meeting has been insufficiently discussed, proceed as follows:
 - (i) On a motion to proceed to the next business or to refer the matter to the Cabinet or a Committee(s): they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business or to refer the matter;
 - (ii) On a motion that the question now be put: they shall put to the vote the motion that the question now be put, and if it is passed then give the mover of the original motion their right of reply under Rule 16.8 above before putting their motion to the vote;
 - (iii) On a motion to adjourn the debate or the meeting: they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.
- ~~(c) A motion will be considered closed if, at the meeting of Cabinet or relevant Committee to which the motion was referred, it is agreed to support a motion in its original format, subject to the mover agreeing that referral back is not required. This prevents any unnecessary delay.~~

16.11 Point of Procedure

A Member may raise a point of procedure at any time. The Chairman will hear him immediately. A point of procedure may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

16.12 Personal Explanation

A Member has the right to make a personal explanation when directly related to some material part of an earlier speech by the Member if it appears to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

17. STATE OF TENDRING STATEMENT

At the last ordinary meeting before the Annual Council meeting each year, the Leader will make a Statement on the State of the Tendring District. ~~The Chairman may permit debate following the statement.~~

18. PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members.

18.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

This procedure rule does not apply to motions moved to adopt a recommendation to the Council from the Cabinet or a Committee.

19. VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members present in the room and voting at the time the question was put to the vote.

19.2 Chairman's Casting Vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how or whether the Chairman chooses to exercise a casting vote. In the case of an equality of votes for the election of the Chairman of the Council, the retiring Chairman or the person presiding at the meeting must exercise a casting vote.

19.3 Show of Hands

(Yellow)

Unless a recorded vote is demanded under Rule 19.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded Vote

If 11 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A recorded vote is mandatory on any decision relating to the budget or Council Tax. This includes not only the substantive budget motions agreeing the budget and setting Council taxes, but also on any amendments proposed at the meeting.

19.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, his vote will be so recorded in the minutes to show whether he voted for, or against, the motion, or abstained from voting.

19.6 Voting on Appointments

Where there is more than one person nominated and seconded for any position to be filled by the Council then unless the Council decides otherwise at the time, the person receiving most votes shall be appointed. Where there is only one person nominated and seconded, Members will cast their votes either for or against that person. The person nominated will be appointed if the votes for are more than the votes against.

20. MINUTES

20.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable ordinary meeting. The Chairman will move that the minutes of any previous meeting be signed as a correct record. The only issue in relation to the minutes that can be discussed is their accuracy.

20.2 Form of Minutes

Minutes of any Council, Committee or Sub-Committee meeting shall comprise a brief summary of the proceedings of, and business transacted at, the meeting. Minutes will not record details of the debate or the views or comments of individual Members.

Minutes will contain all motions and amendments in the exact form and order the Chairman accepted them as being proper motions/amendments and put them to the vote.

21. RECORD OF ATTENDANCE

All Members present during the whole, or part, of any meeting must sign their names on the attendance sheets before the end of that meeting to assist with the record of attendance.

22. EXCLUSION OF PUBLIC

(Yellow)

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23. MEMBERS' CONDUCT

23.1 Standing to Speak

When a Member speaks at full Council he must stand (if possible) and address the meeting through the Chairman. If more than one Member stand, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of procedure or a point of personal explanation.

23.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at that time must stop and sit down. The meeting must be silent.

23.3 Member Not to be Heard Further

If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman or any other Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to Leave the Meeting

If the Member continues to behave improperly after a motion in Rule 23.3 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

24. DISTURBANCE BY PUBLIC

24.1 Removal of a Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he continues to interrupt, the Chairman will order his removal from the meeting room.

24.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

(Yellow)

25.1 Suspension

All of these Council Procedure Rules except Rules 19.5 and 20.1 may be suspended by motion on notice, or without notice, if at least 45 Members of the Council are present and 31 Members vote in favour of suspension. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion by a Member to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, will stand adjourned without discussion to the next ordinary meeting of the Council.

26. RESIGNATION OF CHAIRMANSHIP ETC

The Chairman or Vice-Chairman of the Council may at any time, by notice in writing delivered to the Chief Executive, resign their position and such resignation shall take immediate effect on delivery of the notice.

27. CASUAL VACANCIES ETC

On a casual vacancy occurring in the office of Chairman or Vice-Chairman of the Council an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election.

28. STATUTORY OFFICERS' ADVICE

The Chief Executive, Monitoring Officer and Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to the Chairman and, if requested, to all Councillors present.

29. INTERPRETATION OF PROCEDURE RULES

At any meeting the ruling of the Chairman as to the construction or application of any of the Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged.

Any advice provided by the Statutory Officers in assisting the Chair for the application of the Rules can be shared with all Councillors.

30. PETITIONS

Petitions will be dealt with in accordance with the scheme approved by Council, contained within Part 5 of the Constitution.

The rules of debate will be in accordance with the Council Procedure Rules.

The length of speeches by presenters of petitions shall not exceed five minutes.

31. MINOR AMENDMENTS OF GUIDANCE

Any minor amendment of these rules as a consequence of any written advice or guidance to Officers and Members is delegated to the Monitoring Officer.

32. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of the Council.

None of these rules apply to meetings of the Cabinet.

Rules 6-9, 11.3-11.5, 11.7 – 11.9, 16 (excluding 16.4), 19 (excluding 19.4 and 19.6), 20 – 24 (excluding 23.1 ~~and 23.2~~), 26, 28, 29 and 31 including those in Part 2 below apply with any necessary modification to meetings of Committees and Sub-Committees. Rule ~~39~~ 40 applies only to the Local Plan Committee and the Planning Committee.

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COUNCIL PROCEDURE RULES

SECTION 2 – COMMITTEE MEETINGS

33. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES/VACANCIES IN CHAIRMANSHIP

33.1 General

Subject to the rules of political proportionality, as provided in the Local Government and Housing Act 1985 (Section 15) and the Local Government (Committees and Political Groups) Regulations 1990, and Rule 33.2 below, Full Council (usually at its Annual Meeting) will appoint Committees and Sub-Committees in accordance with the Local Government Act 1972 (Section 102).

33.2 Eligibility

Subject to the provisions of Rule 33.3 below the eligibility requirements with regard to membership of Committees and Sub-Committees are as follows:-

Overview and Scrutiny Committees

All Councillors except Cabinet members may be members of the Overview and Scrutiny Committees.

Audit Committee, Human Resources and Council Tax Committee, Licensing and Registration Committee, Local Plan Committee, Planning Committee and Miscellaneous Licensing Sub-Committee

All Councillors may be members of these Committees though the Local Plan Committee will contain different Members from the Planning Committee in order to minimise the risk and perception of, or accusations of, 'pre-determination' in the consideration of planning applications against policies in the Local Plan.

In addition, the members of the Miscellaneous Licensing Sub-Committee must also be members of the parent Licensing and Registration Committee.

CIPFA Guidance recommends that the membership of the Audit Committee should not cross-over with either the Executive or Scrutiny functions. However, Officers' advice is that if Members feel that cross membership is necessary then this should be limited to one member from each of the Executive or Scrutiny functions. The Chairman of the Audit Committee should not be a member of the Cabinet.

Standards Committee

All Councillors may be members of this Committee except that no more than one member of the Committee shall be a member of the Cabinet (and that member cannot be the Leader of the Council). In addition, no Leaders of Political Groups can be members of the Committee.

Premises/Personal Licences Sub-Committee

The membership of this Sub-Committee is appointed on an ad hoc basis from the membership of the Licensing and Registration Committee.

33.3 Training Members of the Audit, Licensing & Registration, Planning and Standards Committees

In addition to specific training required as and when necessary, training shall be provided to all Members appointed to the Audit, Licensing & Registration, Planning and Standards Committees on an annual basis at an appropriate date and time after each annual meeting of the Council.

A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications.

A Member cannot sit as a member of the Licensing and Registration Committee unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.

No Member can continue to sit as a member of one of the above committees if they have gone more than two years without attending any of the relevant training events.

33.4 Resignation of Chairmanship

Any Chairman, Vice-Chairman or Member of a Committee, Sub-Committee or Working Party may at any time, by notice in writing or personal email delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.

33.5 Casual Vacancies

In the case of a casual vacancy in the office of a Chairmanship or Vice-Chairmanship of a Committee, Sub-Committee or Working Party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.

33.34 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES/VACANCIES IN CHAIRMANSHIP

~~33.1~~34.1 General

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules ~~33.3~~ 34.3 and ~~33.4~~ 34.4. In the case of the

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Overview and Scrutiny Committees, such Substitute Members may not be Members of the Cabinet. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

~~33.2~~**34.2** Eligibility

A Substitute shall belong to the same political group (as defined in the Local Government and Housing Act 1989) as the Member for whom he is a Substitute. Substitution by, or of, Members not in a political group is not permitted.

Only the Member being substituted or their Group Leader (or Deputy) can appoint substitute members. Notification of a substitute from the Member being substituted or their Group Leader (or Deputy) must be given to Committee Services prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is received, the Group Leader (or Deputy's) request will take precedence.

~~33.3~~**34.3** Training Members of the Audit, Licensing & Registration, Planning and Standards Committees

~~In addition to specific training required as and when necessary, all Members (and named Substitute Members) appointed to the Audit, Licensing & Registration, Planning and Standards Committees shall undertake annual training on an appropriate date and time after each annual meeting of the Council and such training shall be mandatory.~~

In addition to specific training required as and when necessary, training shall be provided to all named Substitute Members appointed to the Audit, Licensing & Registration, Planning and Standards Committees on an annual basis at an appropriate date and time after each annual meeting of the Council.

~~33.4~~**34.4** Substitute Members of the Audit, Licensing & Registration, Planning and Standards Committees

Group Leaders shall, provide named Substitute Members (in accordance with proportionality rules) and all substitutions will only be permitted from this list. Any member of a political group shall be eligible to act as a named Substitute Member providing that they have received training in relation to all relevant Audit, Licensing & Registration, Standards-related or Planning matters under a continuing programme arranged by the Council. When naming a designated substitute, Group Leaders shall, as far as reasonably practicable, satisfy themselves that the named Member is as conversant with all relevant Audit, Licensing and Registration, Standards-related and Planning matters as the appointed members of those Committees.

~~33.5~~**34.5** Substitute Members of Premises/Personal Licences Sub-Committees

Substitutes for Members of a Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute need

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not be a Member of the same political group and the provisions of Rule ~~33.2~~ 34.2 shall not apply.

The Committee Services Manager will, at the request of the Group Leader of a member of a Premises/Personal Licences Sub-Committee or at the request of the Member concerned, appoint a Substitute from amongst the appointed Membership of the Licensing & Registration Committee who should have received training in relation to licensing under a continuing programme arranged by the Council. Such request need not be in writing.

The Committee Services Manager will ensure that a fourth or standby Member, drawn from amongst the appointed membership of the Licensing & Registration Committee, is present at every meeting of a Premises/Personal Licence Sub-Committee. Such Member shall act as a member of the Sub-Committee in the event that one of the three Sub-Committee members becomes unable to act due to e.g. illness, conflict of interest.

~~33.6~~ Resignation of Chairmanship

~~Any Chairman, Vice-Chairman or Member of a Committee, Sub-Committee or Working Party may at any time, by notice in writing delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.~~

~~33.7~~ Casual Vacancies

~~In the case of a casual vacancy in the office of a Chairmanship or Vice-Chairmanship of a Committee, Sub-Committee or Working Party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.~~

34.35 MEETINGS OF COMMITTEES

~~34.1~~35.1 Ordinary Meetings

The Committees of the Council will normally hold meetings (known as Ordinary Meetings for the purposes of these Procedure Rules) on dates and at times as the Council decides at its Annual Meeting.

The Chairman (or failing him the Vice-Chairman) of a Committee may, from time to time, vary the place, date or hour of a meeting or meetings of that Committee.

~~34.2~~35.2 Special Meetings

1. The Chairman of a Committee can call a Special Meeting of a Committee at any time.
2. A Special Meeting shall also be called on the requisition of a not less than a quarter of the whole number of Members of the Committee, delivered in writing, or by email to the Chief Executive but in no case shall less than three Members requisition a Special Meeting.

No business except that set out in the Summons and Agenda shall be carried out at a Special Meeting of a Committee.

~~35.36~~ ATTENDANCE AT MEETINGS

Except as otherwise provided in this Constitution and in particular having regard to the provisions of the Access to Information Procedure Rules:-

- ~~35.1~~36.1** Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. A Member of the Council shall not take part in any discussion at a meeting of a Committee or Sub-Committee of which he is not a Member, unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the Committee under the provisions of Rule ~~44.5~~12.7, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate Chairman prior to the relevant meeting if he wishes to speak at that meeting. Where a Member has, pursuant to notice duly given under Rule ~~44.5~~ 12.7, moved a motion which has been referred to a Committee, he shall be given an opportunity of explaining that motion.

Where the public speaking scheme (Rule ~~39~~40) applies to a particular application or matter before the Planning Committee, no Member shall be entitled to address or speak to the Planning Committee under Rule ~~35.1~~ this Rule. This does not detract from any rights the Member has under the public speaking scheme.

~~36.37.~~ SUB-COMMITTEES AND WORKING PARTIES

The Council (~~usually at its Annual Meeting~~) will decide the establishment, terms of reference, delegated powers, number of Members and the allocation of seats to political groups for all new Sub-Committees.

The Council, (normally at its Annual Meeting) will also appoint individual Members to standing Sub-Committees and will appoint the Chairman and Vice-Chairman of those Sub-Committees.

Every ~~non-overview and scrutiny~~ Committee of the Council may appoint working parties for specified purposes in accordance with Part 3 of this Constitution. The Committee may amend the constitution of the working parties or dissolve them at any time.

The Chairman and Vice-Chairman of any working parties appointed by a Committee will be determined at the first meeting of the working party. Meetings of working parties will normally be convened, either at an earlier meeting of the working party or by the Committee Services Manager in consultation with their Chairman.

~~37~~38. QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

Subject to Rules 11.4 and 11.5 and upon providing two working days' notice, a Member of a Committee or ~~Sub-Committee~~ may, at a meeting thereof, ask the Chairman of it a question on any matter in relation to which the Council has powers or duties of which affect the Tendring District and which falls within the terms of reference of that Committee or ~~Sub-Committee~~.

~~38~~39. SITE VISITS, SPECIFIC BRIEFING OR TRAINING

~~38~~39.1 Where a site visit, specific briefing or training is called by Officers in relation to a planning or licensing application received by the Council, any Member or Substitute Member of that Committee who does not attend the site visit, specific training or briefing, shall not be eligible to take part at the meeting at which the application to which the site visit, specific training or briefing related is to be considered.

~~38~~39.2 Notification of site visits arranged by any Committee or Sub-Committee shall be given to the Members for the ward in which the site is situated. Such Members shall have the right to attend the site visit but shall not take part in any discussion unless specifically invited to do so by the Chairman of the body that has arranged the site visit. The body arranging the site visit shall not exercise any delegated powers nor take any decisions in the course of the visit.

~~39~~40. SCHEMES TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE LOCAL PLAN AND PLANNING COMMITTEES

The Local Plan Committee and the Planning Committee will each have a scheme providing a limited right for speaking by members of the public in relation to applications or other matters of business. The schemes shall be in such a form as the Monitoring Officer determines after consulting with the Head of Planning Services and the Chairman of the relevant Committee.

ACCESS TO INFORMATION PROCEDURE RULES

The Council considers that Local Government derives an important part of its authority and influence from the trust and confidence of the individuals and communities it serves. Access to Information in respect of decision making is a necessary prerequisite for generating that trust and confidence. Informed members of the local community are better able to contribute to, and take part in, the work of Local Authorities. Access to information is central to this process and requires Local Authorities to establish the appropriate balance between:

- making information readily and openly available to the public; and
- ensuring that certain areas of personal/public life remain the legitimate object of confidentiality.

1. SCOPE

Rules 1 to 11 outline the rights of members of the public and apply to all meetings of the Council, the Overview and Scrutiny Committees, Cabinet, Audit Committee, Human Resources and Council Tax Committee, Licensing and Registration Committee (and its sub-committees), Local Plan Committee, Planning Committee, Standards Committee and the Town and Parish Council Standards Sub-Committee, collectively called meetings.

Rule 12 relates to recording of Decisions by Officers.

Rule 13 deals specifically with Cabinet's schedule of key decisions by which future major decisions of the Council are publicised.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any, more specific, rights to information contained elsewhere in this Constitution or the law for example the Data Protection Act 1998 and the Freedom of Information Act 2000.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions to these rules.

Any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, save where the public have been excluded for consideration of exempt or confidential business. The rules, as prescribed by legislation, will allow for the reporting of meetings via social media of any kind. The Council will provide reasonable facilities to facilitate reporting.

Any person exercising such rights must not disrupt the proceedings. Examples of what will be regarded as disruptive include, but are not limited to, moving outside the area designated for

the public, making excessive noise, intrusive lighting/flash or asking a Councillor to repeat a statement. In addition, members of the public or the public gallery should not be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained. Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman and may be asked to leave the meeting.

4. NOTICES OF MEETING

The Council will give at least five clear working days notice of any meeting, except where an urgent meeting is convened, by making the agenda and reports publically available at the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (the "designated office") and on the Council's website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda, accompanying reports and background papers that are open to the public available for inspection at the designated office and on the website at least five clear working days before the meeting. If an item is added to the agenda after publication the revised agenda will be open to inspection from the time the item was added to the agenda.

Copies of the agenda and accompanying reports will be sent to the Councillors who serve on the decision-making body in question.

6. SUPPLY OF COPIES

Agendas, reports and background papers listed within Cabinet reports are available to view on the Council's website. The Council will on request, and for such reasonable charge as is from time to time agreed, supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any background papers listed within the reports; and
- (c) copies of any other documents supplied to Councillors in connection with an item to any person, on payment of a charge for postage and other costs, if the Proper Officer (Monitoring Officer) thinks fit.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

In addition to publishing information on the Council's website, the Council will make available, upon request copies of the following for six years after a meeting:

- (a) the minutes of the meeting which will include a record of decisions taken, together with reasons. However where the meetings discussed exempt or confidential information the minutes open to the public will only include a record of the proceedings and the

decision. The Council aims to publish minutes of meetings within 5 working days following the meeting;

- (b) records of executive decisions taken by individual Cabinet Members or Officers, including the reasons for the decision and any alternative options considered and rejected. They will be published and made available as soon as reasonably practicable after they have been taken;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

In every report a list will be included of those documents (called background papers) relating to the subject matter of the report which in the report author's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but do not include published works or those which disclose exempt or confidential information as defined in Rule 10.

8.2 Public Inspection of Background Papers

The Council will make available for public inspection, for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

Public reports must include not only a list of background papers but at least one copy of each of the documents in the list for public inspection. Arrangements for inspection should be made through the Council's Committee Services at the Town Hall and on the Council's website.

In the case of reports to Cabinet, the background papers will be published on the Council's website, subject to Rule 10 below.

The Council may now charge "a reasonable fee" for access to background papers to be inspected at the Council's offices.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept and be available to the public at the Town Hall, Station Road, Clacton-on-Sea.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information – Requirement to Exclude Public

The public will be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

10.2 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.3 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings that exempt information would be disclosed which falls into one of the seven definitions of information that is exempt from disclosure to the public and press.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of Exempt Information

Exempt information means any information falling within the following seven categories (subject to any condition) as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended):

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	

<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information is not exempt information if it is required to be registered under:-</p> <ul style="list-style-type: none"> (a) The Companies Act 1985; (b) The Friendly Societies Act 1974; (c) The Friendly Societies Act 1992; (d) The Industrial and Provident Societies Acts 1965 to 1978; (e) The Building Societies Act 1986; or (f) The Charities Act 1993. <p>“Financial and business affairs” includes contemplated, as well as past or current activities.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p> <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>6. Information which reveals that the authority proposes:-</p> <ul style="list-style-type: none"> (a) To give under any enactment or notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment. <p>7. Information relating to any action or any action proposed to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Employee means a person employed under a contract of service. “Labour relations matters” means any matters specified in section 218(1)(a) to (g) of the Trade Union and Labour Relations (Consolidation) Act 1992. These matters also apply to office holders as to employees.</p>

Notes:

- (a) Information falling within any of categories 1-7 is not exempt by virtue of that category if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (b) Information which:-
 - (a) falls within any of categories 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of the condition is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
 - (c) Where the meeting will determine any person's civil rights or obligations, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in that Article.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer (Monitoring Officer) thinks fit, the Council may exclude access by the public to reports which, in their opinion, relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with category of information likely to be concerned.

12. RECORDING OF DECISIONS BY OFFICERS

12.1 Written Record

A written record must be produced, as soon as reasonably practicable, after a decision has been made, which was delegated to an Officer by Council, a Committee or Sub-Committee either:

- (a) under an express authorisation; or
- (b) a general authority to take decisions which grant a permission or licence, affect an individual's rights or award a contract or incur expenditure, which in either case, materially affects the Council's finances.

12.2 Prescribed Format

The written record must be in the prescribed format approved by the Monitoring Officer and Committee Services and contain the following information:

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- (a) the date the decision was made;
 - (b) a record of the decision taken along with the reasons for the decision;
 - (c) details of alternative options, if any, considered and rejected; and
 - (d) where relevant, any conflicts of interest declared.

12.3 Public Inspection of Decision and Background Papers

The Officer making the decision must ensure that the written record and background papers are made available for inspection by the public and published on the Council's website.

APPLICATION OF RULES TO THE CABINET

Rules 13 to 21 apply to the Cabinet, any decisions taken by the Leader, Cabinet Members or Officers under the Scheme of Delegation. If any of these decision makers intend to take a key decision then it must also comply with Rule 13 unless Rule 15 (general exception) or Rule 16 (special urgency) applies. A "key decision" is defined in Article 13.03 of this Constitution.

13. ~~THE FORWARD PLAN &~~ PROCEDURE BEFORE TAKING KEY DECISIONS OR DECISIONS THAT WOULD INVOLVE THE DISCLOSURE OF CONFIDENTIAL OR EXEMPT INFORMATION

~~13.1 The Council's Forward Plan provides a published schedule of key decisions to give advance notice to the public and other interested parties of key decisions, as defined in Article 13 of this Constitution, which are due to be taken.~~

~~13.2~~ 13.1 Subject to Rules 14 and 15 below, a key decision or a decision that would involve the disclosure or likely disclosure of confidential information must not be made until a notice has been published ~~within the Forward Plan on the Council's website (under Forthcoming Decisions)~~ for at least 28 clear days, containing the following details:

- (a) that a key decision is to be made, and details of the matter excluding (if applicable) any details that would reveal confidential or exempt information; or ~~as referred to in Rules 10(2) and 10(4) above;~~
- (b) that a decision that would involve the disclosure or likely disclosure of confidential information is to be made and details of the matter excluding any details that would reveal such confidential or exempt information;
- ~~(b)~~(c) the decision-maker's name and title, if an individual, or if it is a body, its name and full membership;
- ~~(c)~~(d) the date on which, or period during which, the decision is to be made;

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-
- ~~(d)~~(e) a list of the documents already submitted to the decision-maker for consideration in relation to the matter and details of how to obtain copies; and
 - ~~(e)~~(f) a statement that documents relevant to the decision may be submitted to the decision-maker and details of how to receive copies.

13.2 DEFINITIONS

A “Key Decision” is an executive decision that meets the description of a Key Decision set out in Article 13.03 of the Constitution.

“Confidential” and “Exempt” information are defined in, respectively, Access to Information Procedure Rules 10.2 and 10.4.

14. GENERAL EXCEPTION

Subject to Rule 15, if publication under Rule 13 above is impracticable, a key decision may only be made:

- (a) where the Proper Officer has **informed** the Chairman of the relevant Overview and Scrutiny Committee in writing of the matter about which the decision is to be made;
- (b) notice is given and published on the Council's website of the details of the decision to be made and the reasons why it is impracticable to give 28 clear days' notice; and
- (c) at least five clear working days have elapsed between notice being given and the decision being taken.

15. SPECIAL URGENCY

If the general exception rule is impracticable, due to the date by which a key decision must be made, the key decision can only be taken if the decision-maker has **received the agreement** of the Chairman of the relevant overview and scrutiny committee, or if they are unable to act, the Chairman or Vice-Chairman of the **Council** and has published a notice on the Council's website, stating that the making of the decision is urgent and the reasons why it cannot reasonably be deferred.

16. REPORTS TO COUNCIL

16.1 When an Overview and Scrutiny Committee can require a Report

If the relevant overview and scrutiny committee thinks that a key decision has been made and was not:

- (a) ~~included in the Forward Plan~~ **published in accordance with Rule 13.1**; or
- (b) the subject of the general exception procedure; or

-
- (c) the subject of an agreement under Rule 15;

the Committee, by resolution at one of its meetings, may require the Cabinet to submit a report to full Council, within such reasonable time as the Committee specifies. The report to Council must include details of the decision, the decision maker and reasons why the Cabinet are of the opinion that the decision was not a key decision. The power to require a report rests with the Committee but may also be exercised by the Proper Officer on receipt of a written request, providing valid reasons to do so, from five members of the Committee.

16.2 Reports on Special Urgency Decisions

The Leader will submit a report to the next practicable ordinary meeting of the Council on Cabinet decisions or executive decisions taken by individual Portfolio Holders or Officers where the making of the decision was agreed as urgent in accordance with Rule 15 since the last such report. The report will include the number of decisions made, the particulars of each decision made and a summary of the matters in respect of which those decisions were made.

17. RECORD OF DECISIONS

A written record must be produced, as soon as reasonably practicable, after a Cabinet (executive) decision has been made, including where Cabinet Members have made individual decisions and Officer's decisions have been made exercising executive functions in accordance with the Responsibility of Functions – Delegated Powers contained within Part 3 of this Constitution.

Each record must be in the prescribed format approved by the Monitoring Officer and Committee Services and contain the following information:

- (a) the decision and the date it was made;
- (b) the reasons for the decision;
- (c) details of any alternative options considered and rejected; and
- (d) declarations of interest and details of any dispensations granted in respect of those interests.

The Record of the Executive Decision will be published on the Council's website together with any report considered at the meeting or by the individual Portfolio Holder or Officer and must be available for inspection, as soon as reasonably practicable. Any background paper must also be listed and one of each of the documents available for public inspection and published on the Council's website.

18. PROCEDURES PRIOR TO A PRIVATE MEETING

18.1 At least 28 days before a private meeting of the Cabinet:-

- (a) notice of intention to hold the meeting must be made available at the Council's offices and **include a statement of the reasons for the meeting to be held in private; and**
- (b) **details of any representations received about why the meeting should be held in public and a statement of its response to any such representations;**
- (c) **that Notice must list any decision that would involve the disclosure or likely disclosure of confidential information that is due to be made at that meeting together with details of the matter excluding any details that would reveal such confidential or exempt information; and**
- ~~(b)~~(d) that Notice must be published on the Council's website.

~~The Council's Forward Plan will be used to publish notice under this rule.~~

18.2 The Notice under 18.1 must include a statement of the reasons for the meeting being held in private.

18.3 At least five clear days before a private meeting, a further notice of the intention to hold a meeting must be available and published on the Council's website. This will form the Cabinet agenda for the meeting.

19. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

All Members of the Cabinet will be served notice of, and are entitled to attend, all private meetings of the Cabinet or Committees of the Cabinet.

The Chief Executive, the Deputy Chief Executive, the Chief Financial Officer, the Monitoring Officer (or Deputies) and the Corporate Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive can attend.

20. RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS

20.1 Upon request from a member of an overview and scrutiny committee, the Cabinet **must** make available any document which contains material relating to any business transacted at a public or private meeting of the Cabinet and any decisions made (whether by individual Cabinet Members or Officers).

20.2 This request must be complied with and the documentation provided as soon as reasonably practicable, but no later than 10 clear days after the request is made.

20.3 If the Cabinet determines that material will not be provided, it must provide the member of the overview and scrutiny committee with a written statement, setting out its reasons for that decision.

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Limits on Rights

The member of an overview and scrutiny committee will not be entitled to:

- (a) any document in draft form; or
- (b) any part of a document which contains exempt or confidential information unless it relates to an action or decision that is being scrutinised or to any review in a relevant overview and scrutiny committee's work programme; or
- (c) any exempt material which contains advice provided by a political adviser or assistant.

21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

21.1 Material Relating to Previous Business

All Members will be entitled to inspect any document that is in the possession of, or under the control of, the Cabinet and contains material relating to any business previously transacted at a private meeting unless it contains exempt or confidential information, or the advice of a political adviser or assistant.

21.2 Material Relating to Key Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet, which relates to any key decision unless paragraph 21.1 above applies.

21.3 Nature of Rights

These rights of a Member are additional to any other rights they may have.

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ARTICLE 6 – OVERVIEW AND SCRUTINY FUNCTION

6.01 General Role and Functions:

The Council will appoint two Overview and Scrutiny Committees, whose terms of reference are as set out below. Within its functions, each Overview and Scrutiny Committee will:

1. Review or scrutinise **executive** decisions made by the Cabinet (including delegated to Portfolio Holders and Officers) or ~~published in the forward plan~~ **are due to be made by the Cabinet or a Portfolio Holder** including performance in relation to individual decisions over a period of time;
2. Act as a consultee on policy development and review of policies;
3. Submit to Full Council for approval an annual overview and scrutiny work programme;
4. Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.
5. Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;
6. Deal with any Call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers);
7. Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.

In undertaking the General Role the following principles apply:

- (i) The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;
- (ii) Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and

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- (iii) Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.

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6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

(i) Community Leadership Overview and Scrutiny Committee

To hold scheduled quarterly meetings but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

To perform the role of Overview and Scrutiny and its functions in relation to

- Community Leadership developing the external focus of overview and scrutiny on “district-wide” issues’ (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:
 - Community Safety
 - Health and Well-being
 - Economy, Skills and Educational Attainment
- Community engagement, development and empowerment
- Emergency Planning

(ii) Resources and Services Overview and Scrutiny Committee

- To be chaired by a Member of a political group that is not represented on the Cabinet and to hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.
- To perform the role of Overview and Scrutiny and its functions in relation to the effective use of the Council’s resources including approval of discrete researched and evidenced reviews on the effectiveness of:

Financial Strategy

Budget setting (including General Fund & Housing Revenue Account)

Service Delivery and Performance

Procurement and Contract Management

Transformation and Digital Strategies

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Customer Service and Standards

6.03 Proceedings of the Overview and Scrutiny Committees:

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 5 of this Constitution.

OVERVIEW AND SCRUTINY PROCEDURE RULES**1. OVERVIEW AND SCRUTINY COMMITTEES**

The Council will have two Overview and Scrutiny Committees (“the Committees”), which together will perform all overview and scrutiny functions on behalf of the Council. They will each consist of eleven members, who will be appointed by the full Council at its annual meeting. Their terms of reference and functions will be as set out in Part 2, Article 6 of the Constitution.

2. MEMBERSHIP

All Councillors except Cabinet members may be members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved in making.

3. CO-OPTED MEMBERS (WITHOUT VOTING RIGHTS)

Each Overview and Scrutiny Committee shall be entitled to appoint people as Co-opted Members (without voting rights) as considered appropriate to enable them to perform their overview and scrutiny functions. The duration of the appointment will be determined by the Committee. In addition, the Council may determine which groups or bodies should be represented on a particular Committee by Co-opted Members (without voting rights).

4. MEETINGS OF THE COMMITTEE

There will be eight ordinary meetings of the Resources and Services Overview and Scrutiny Committee in each year. The Community Leadership Overview and Scrutiny Committee will meet quarterly. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of the relevant Committee, or by the Committee Services Manager, if considered necessary or appropriate.

5. QUORUM

The quorum for the Committee shall be as set out in Part 4 (Council Procedure Rules).

6. CHAIRMEN

The Chairmen of the Committees shall be appointed as set out in Part 4 (Council Procedure Rules).

The Chairmen of the Overview and Scrutiny Committees will meet with the Head of Democratic Services and appropriate Heads of Service or relevant officer to co-ordinate the

business of the relevant Committees and determine which Committee will assume responsibility for any particular issue.

7. WORK PROGRAMME

Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Annual Meeting of the full Council for approval. In addition, it will be responsible for co-ordinating and prioritising its work programme on an ongoing basis.

In preparing, co-ordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- The General Role and Principles of undertaking its functions, as set out in Part 2 Article 6
- the planned work on the preparation of elements of the Budget and Policy Framework as set out in the Council's Business Plan;
- the need for statutory timetables to be met;
- the wishes of all members of the committee;
- requests from the Cabinet to carry out reviews; and
- requests from Group Leaders in accordance with Rule 8.

8. AGENDA ITEMS

Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Head of Democratic Services that they wish an item relevant to the terms of reference and the functions of the Committee to be included on the agenda for the next meeting of that Committee. Such notice must be given by delivering it, in writing (or by personal e-mail) to the Head of Democratic Services no later than midday seven working days before the day of the meeting. On receipt of such a notice the Head of Democratic Services will ensure that the item is included on the agenda.

Any such request by Members will be considered at the next available meeting where the Committee will decide if the item should form part of the work programme.

The Leader of any political group may request that an item be included on the Overview and Scrutiny work programme. The relevant Overview and Scrutiny Committee will consider the request on the agenda and determine at its meeting, whether the item is appropriate for inclusion on the work programme.

The relevant Overview and Scrutiny Committee will respond, as soon as their work programme permits, to requests from the Council and if it considers appropriate, the Cabinet

to review particular areas of Council activity. Such referrals will be accompanied by Council/Cabinet's view on the matter under consideration to assist the relevant Overview and Scrutiny Committee in effective investigation of the matter. Where they do so, the relevant Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or Cabinet shall consider the report at its following meeting.

9. COUNCILLORS CALL FOR ACTION

The Councillors Call for Action is an additional means for Councillors to raise issues of local community concern, for consideration by the Council's overview and scrutiny function, on behalf of residents. A Councillors Call for Action should only be raised where other means of resolving the matter have been exhausted.

- (a) Any Member of the Council may raise a Councillors Call for Action, which should be sent to the Council's Head of Democratic Services.
- (b) Once the Councillors Call for Action is received, the matter must be considered by the relevant Overview and Scrutiny Committee, whose terms of reference the matter falls within and they must endeavour to consider the matter within a reasonable timescale. Where the matter falls within the terms of reference of more than one Committee, the Chairmen of the Committees will determine the most appropriate Committee to deal with the matter, except where the matter relates to a crime and disorder issue where all such matters must be considered by the Overview and Scrutiny Committee responsible for crime and disorder matters.
- (c) If a Councillors Call for Action is deemed not to be valid, a letter will be sent to the Member concerned informing them of the reasons for this. Where the issue has been deemed not to be valid because other methods of resolution have not been exhausted, the Call for Action may be re-submitted, if necessary, once the Councillor concerned has pursued the matter further.

10. PROCEDURE AT COMMITTEE MEETINGS

- (a) The Committees shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) Declarations of Interest;
 - (iii) Questions raised on ~~the Forward Plan~~ forthcoming executive decisions in accordance with Rule 13;
 - (iv) Responses of the Cabinet to reports of the Overview and Scrutiny Committee;

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- (v) Responses of the Cabinet to called-in decisions referred for reconsideration;
 - (vi) Consideration of any matter referred to the Committee for a decision in relation to the call-in of a decision; and
 - (vii) The business otherwise set out on the agenda for the meeting.
- (b) Where an Overview and Scrutiny Committee undertakes researched and evidence reviews on a specific topic, on a task and finish basis (e.g. with a view to policy development), the relevant Committee may also ask people to attend to give evidence at the Task and Finish Group meetings that are to be conducted in accordance with the following principles:
- (i) that the terms and reference of any Task and Finish Group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement;
 - (ii) consideration being given to the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny;
 - (iii) that the reviews be conducted fairly and all members of the Task and Finish Group be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (iv) that those assisting the Task and Finish Group by giving evidence be treated with respect and courtesy; and
 - (v) that the review by the Task and Finish Group be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any Task and Finish review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

11. POLICY REVIEW AND DEVELOPMENT

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules within this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, each Overview and Scrutiny Committee may make proposals or act as consultee for the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Each Overview and Scrutiny Committee where relevant to their terms of reference, may, as resources permit, agree to form a specific Task and Finish Group to

investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. REPORTS FROM AN OVERVIEW AND SCRUTINY COMMITTEE

- (a) Specific evidence based recommendations on proposals for development from an Overview and Scrutiny Committee will be submitted by way of a formal report for consideration by Cabinet. If the proposals would involve a change to the existing Budget and/or Policy Framework, the Cabinet will consider the matter and make a recommendation to Full Council. The report will be drafted by Officers and agreed by the relevant Chairman in respect of the proposals from the relevant Overview and Scrutiny Committee.
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Cabinet or Council, the report may refer to the contrary views of a Member, if the Member concerned specifically requests this.
- (c) The Cabinet shall consider the report from the relevant Overview and Scrutiny Committee at the next meeting of the Cabinet for which the agenda has not yet been published.
- (d) In addition to making recommendations on specific proposals for development, the Overview and Scrutiny Committees may make more general comments/suggestions regarding matters they have considered, which they would like the relevant Cabinet Member to consider and take appropriate action. In such instances, a copy of the relevant minute will be sent to the Cabinet Member.
- (e) Where specific evidence-based recommendations on proposals for development from the Overview and Scrutiny Committees relate to matters that are the responsibility of Partner Authorities and organisations, notice in writing by way of a formal report will be provided to the relevant Partner Authority or organisation requiring them to have regard to the recommendations. The Partner or organisation will be requested to respond to the relevant Committee within two calendar months setting out action, if any, that is to be taken in response to the recommendations.
- (f) On occasions, matters may be referred to Overview and Scrutiny from Council. On such occasions, the Chairman of the relevant Overview and Scrutiny Committee will respond to the request, be this via an Overview and Scrutiny Committee or a Task and Finish Review Group. Upon concluding the necessary work, the matter and any

recommendations made by the Overview and Scrutiny Committee will be referred to the Cabinet for consideration. The matter, along with the recommendations of the Overview and Scrutiny Committee, and any comments or recommendations of the Cabinet shall be referred back to Full Council for consideration.

13. SCRUTINY OF PROPOSED DECISIONS

The Overview and Scrutiny Committees will, at their ordinary meetings, review the new and/or amended items **forthcoming decisions** relevant to their terms of reference. ~~contained in the latest Forward Plan.~~ If they wish to enquire into any forthcoming decisions, such an enquiry might consist of questioning members of the Cabinet and Officers, and seeking the views of local stakeholders and/or other interested parties. The Cabinet will take into account any recommendations expressed by the relevant Overview and Scrutiny Committees when determining the final decision and record their response within any report and/or decision.

Matters may only be raised on the ~~Forward Plan~~ **forthcoming decisions** at Committee meetings where the Member has notified the Head of Democratic Services in writing (or by personal email) of the question they wish to ask, no later than Midday, two working days before the day of the meeting.

14. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

- (a) In addition to their rights as Councillors, members of the Overview and Scrutiny Committees in fulfilling their functions have the right to documents, ~~and as provided for in the Access to Information Procedure Rules (the Regulations).~~ **20 (Rights of Overview and Scrutiny Members).**

~~The Regulations include the following rights of Members of Overview and Scrutiny Committees (Upon Request):~~

- ~~• The Cabinet must make available any material relating to business in respect of past decisions (and within 10 days);~~
- ~~• Exempt information where this relates to an action or decision that the Member is scrutinising or to any review in a relevant Overview and Scrutiny Committee's work programme. (Such Members are not entitled to any exempt material which contains advice provided by a political adviser or assistant); and~~
- ~~• If Cabinet refuses, it must set out reasons for doing so, in writing.~~

- (b) ~~Nothing in this paragraph~~ **This would not** prevents more detailed liaison between the Cabinet and any **Overview and Scrutiny** Committee as appropriate.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

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- (a) It shall be for each Corporate Director to determine which Officers attend to provide advice to Overview and Scrutiny Committees, subject to each Committee being able to supplement this as thought necessary through (b), (c) and (d) below:
 - (b) Any Overview and Scrutiny Committee may scrutinise and review decisions made or action taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Overview and Scrutiny role, it may require any Cabinet Member, or any Senior Officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions (excluding decisions made by the Planning, Licensing, Audit or Standards Committees); and/or
 - (ii) the extent to which the actions taken implement Council policy.
 - (c) Where any Cabinet Member or Senior Officer is required to attend a meeting of the relevant Overview and Scrutiny Committee, at least seven working days' notice of the meeting at which they are required to attend shall be given. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the relevant Committee. Where the account to be given to the Committee will require production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that document.
 - (d) Where, in exceptional circumstances, the Cabinet Member or Senior Officer is unable to attend on the required date, the Chairman of the relevant Committee, shall, in consultation with the Member or Officer, arrange a substitute or an alternative date for attendance.
 - (e) Participation by any Cabinet Member(s) in the general debate of the Overview and Scrutiny Committees will be at the discretion of the relevant Chairman (this rule does not apply when the Committee is considering a call-in).

16. ATTENDANCE BY OTHERS

Each Overview and Scrutiny Committee may, in so far as it relates to matters within their terms of reference, invite people other than those referred to in paragraph 15 above to address them, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. Attendance by those invited is entirely optional but encouraged in the spirit of partnership working and community engagement.

17. CALL-IN

When a decision is made by the Cabinet, or an individual member of the Cabinet, the decision is published, normally within five working days of being made. The Chairman of the relevant

Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Decisions will also be sent to all Members.

That notice will include the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called-in.

(a) The rules applying to call-in are:

- (i) All executive decisions taken at Cabinet meetings, or by individual Cabinet Members or by Officers (who are making a Key Decision as defined in Article 13.03), may be called-in, subject to the exceptions outlined in Procedure Rule 18;
- (ii) Prior to holding a call-in, ~~all Members of the Council~~ the callers-in are expected to attempt to resolve the matter through informal mediation, together with the relevant Cabinet Member and/or the Leader of the Council, if appropriate to do so;
- (iii) The Committee Services Manager, will process call-in notices received from:
 - a. The Chairman of the relevant Overview and Scrutiny Committee; or
 - b. Three Non-Cabinet Members of the Council.

All valid call-in notices will be referred to the relevant Overview and Scrutiny Committee for determination and the decision-maker will be notified of the call-in.

- (iv) A notice of call-in must be made on the appropriate prescribed form or email (so long as the email addresses the relevant information required) and must be received within five working days of the date of publication of the decision. Use of the prescribed form is encouraged, and should be completed in full, with reference to the criteria for submitting call-in requests and stating the reasons why the issue needs to be scrutinised.
 - (v) ~~Only Cabinet decisions (including decisions by individual Cabinet Members) are eligible for call-in.~~ Individual decisions taken by ~~non-Cabinet and Non-Executive~~ Committees (such as Planning, and Licensing, Standards and Audit Committees) cannot be the subject of call-in; and
 - (vi) Any decision can only be called-in once.
- (b) Those seeking to call-in a decision shall be required to state their reasons, in accordance with the criteria set, in the call-in notice form based on one or more of the following seven assessment criteria. These seven criteria are as follows:

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- (i) The decision-maker has failed to consult relevant people, or bodies, in contravention of defined Council policies or procedures.
 - (ii) The decision is contrary to the Council's Budget or Policy Framework.
 - (iii) The decision is not consistent with Council policy.
 - (iv) The decision-maker did not take into account relevant considerations or other material factors and therefore, the decision is unreasonable.
 - (v) The decision is contrary to a previously agreed decision made in Full Council, which has not been superseded by a subsequent decision.
 - (vi) The decision is inconsistent with a previous Overview and Scrutiny recommendation that has been accepted by Cabinet or Council and that recommendation has not been superseded by a subsequent decision.
 - (vii) The decision was not taken in accordance with the principles set out in Article 13 (Decision-Making) of the Constitution.

(c) Mediation Process

- (i) Those seeking to call-in a decision shall state, when providing their reasons in the call-in notice, whether they wish to enter into mediation with the relevant Cabinet Member(s) and if so, what element of the decision and/or further information would they wish to discuss as part of the mediation.
- (ii) Once those seeking the call-in have provided this information, the relevant Cabinet Member(s) must respond and confirm whether they wish to engage with the mediation process.
- (iii) Upon confirmation that the parties wish to mediate, Committee Services will set up a mediation, at which an Officer(s) with knowledge of the background to the decision can attend to assist with providing or clarifying any information.
- (iv) The mediation meeting must be held no later than three working days before the date of any meeting arranged to allow consideration of the call-in by the relevant Overview and Scrutiny Committee.
- (v) The Council's Monitoring Officer and/or Section 151 Officer (or their appointed deputies) may attend the mediation meeting at their individual discretion.
- (vi) The Officer from Committee Services attending the mediation will, within 24 hours, produce a note for circulation to all parties to the meeting for approval. That note must include any and all assurances given by, or agreements reached with the Cabinet Member(s).
- (vii) Once those assurances or agreements are subsequently confirmed as being acceptable by all parties in writing then the call-in will be treated as having been dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution.

The Mediation Process does not preclude the relevant Cabinet Member(s), upon being made aware of the call-in and the reasons for it, making an immediate, unilateral undertaking to amend or rescind their decision or undertake any other appropriate action. Committee Services will inform the callers-in of such unilateral undertaking and ask if they are satisfied by that undertaking. If the callers-in confirm the undertaking as being acceptable to them in writing then the call-in will be treated as having been dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution.

- ~~(e)~~ (d) The submission of a call-in notice shall have the effect of suspending the implementation of the decision pending consideration of the matter by the relevant Overview and Scrutiny Committee, who must meet to consider the matter within 15 working days from the date following receipt of the call-in notice.

If the relevant Committee does not meet within this period, the decision shall take effect on the expiry of the 15 working day period. The Chairman of the relevant Overview and Scrutiny Committee is under an obligation to ensure that the meeting is held within 15 days.

If the relevant Overview and Scrutiny Committee has already commented or made recommendations on the specific matter which has been called-in prior to the decision being made then it will be deemed to be pre-determined on the matter and the call-in will be considered by another Overview and Scrutiny Committee.

- ~~(d)~~ (e) At the meeting to consider the call-in notice, the Overview and Scrutiny Committee shall limit its consideration to the reasons stated in the call-in notice.
- (i) The layout of the meeting will provide separate tables for both the callers-in and the relevant Cabinet Member to sit at for the item of the call-in.
 - (ii) Stage One of the meeting – the Councillor(s) requesting the call-in shall attend and explain their objections to the decision and the reasons for the call-in against the stated criteria.
 - (iii) Stage Two – the decision-maker (relevant Cabinet Member **and relevant Officer**) shall establish the reasons behind the decision and can determine whether it should be referred back to the ~~decision-maker~~ **Cabinet Member** for consideration.
 - (iv) Stage Three – Questions can be asked by:
 - a. The callers-in;
 - b. The relevant Cabinet Member **or relevant Officer**; and
 - c. The Committee.

All questions will be at the discretion of the Chairman, taking account of relevance to the subject matter.

- ~~(e)~~ (f) It should be noted that, although a decision may be deemed to meet the criteria for call-in, this does not automatically mean the matter should be referred back to the decision-maker. There may be compelling reasons for the decision being made and all evidence should be heard before determining what action should be taken.
- ~~(f)~~ (g) Both the callers-in and the decision-maker are permitted to stay at the meeting whilst the Committee debates and decides what action to take at the discretion of the relevant Chairman.
- ~~(g)~~ (h) Participation in the general debate will not be permitted but the callers-in and relevant Cabinet Member may answer questions or points of clarification arising through the debate, at the discretion of the relevant Chairman.
- ~~(h)~~ (i) On considering the matter, the Committee will decide whether or not to ask the decision-maker to reconsider its decision.
- ~~(i)~~ (j) If, having had regard to the advice of the Monitoring Officer, which will be summarised within the Report, the Committee considers the executive decision is contrary to the Budget or Policy Framework; the Committee may refer the matter to the next practicable meeting of the Council, subject to the provisions of Council Procedure Rules.
- ~~(j)~~ (k) If the relevant Overview and Scrutiny Committee decides to ask the decision-maker to reconsider their decision, the decision-maker shall be required to do so within 15 working days following the meeting of the relevant Overview and Scrutiny Committee, **unless the decision maker was an Officer in which case it will be referred back to the Leader of the Council or relevant Portfolio Holder for reconsideration. In that circumstance the Leader of the Council or relevant Portfolio Holder shall be required to reconsider the decision within 15 working days.**
- ~~(k)~~ (l) If the Overview and Scrutiny Committee decides that it does not wish to refer the matter back to the decision-maker or to Council, the decision shall be confirmed and take effect immediately following the meeting of the Committee.
- (l) (m) If the matter is referred to Council, who do not object to the decision, the subject of call-in, no further action is necessary and the decision will be effective on the date of the Council meeting. If Council does object, it only has authority to make decisions where it is considered contrary to the Budget and Policy Framework. The Council must refer any decision relating to Cabinet Functions, to which it objects, back to the decision-maker, together with the Council's views on the decision. The decision-maker shall, within a further 15 working days, choose whether to amend the decision or not before reaching a final decision and implementing it.
- ~~(m)~~ (n) **Decisions referred back to the Decision Maker**

The comments and views provided by Council or the relevant Overview and Scrutiny Committee when referring a decision back for reconsideration shall be final and no further representations shall be made to the decision-maker.

The decision-maker will send a report to the relevant Overview and Scrutiny Committee, once a decision has been reconsidered, and that report should include the reason why the decision-maker has either reconfirmed the original decision or why the decision has changed.

(o) Withdrawal of a Call-In

A request to call-in a decision may be withdrawn in writing (or by personal email) at any time by one of the Members making the request.

18. EXCEPTIONS TO CALL-IN

The call-in procedure set out above shall not apply in respect of Cabinet decisions regarding the following:

(i) Urgent Decisions

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person, or body, the decision is an urgent one and why, and therefore not subject to call-in.

The Chairman of the relevant Overview and Scrutiny Committee must agree that the proposed decision is reasonable in all its circumstances and that it should be treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

Decisions taken as a matter of urgency must be reported by the Leader to the next practicable ordinary meeting of the Council, together with the reasons for urgency.

(ii) Other Exceptions

(a) "Provisional" or "in principle" decisions where the issue is to be referred to an Overview and Scrutiny Committee for comment.

(b) Recommendations from Cabinet to Council.

(c) Decisions by the Cabinet where the issue has been referred to them by the Council or an Overview and Scrutiny Committee for their view or comment shall not be subject to call-in.

(d) Unless the decision has taken into account new material considerations arising since the original consultation with the Council or an Overview and Scrutiny

Committee a decision by the Cabinet in response to such consultation shall not be subject to call-in.

- ~~(d)~~(e) Where Full Council has delegated to the Cabinet the ability to approve additional information in respect of the Corporate Plan to ensure that statutory publishing deadlines are met, such decisions shall be construed as urgent for the purposes of Rule 18(i) above. In such circumstances the Chairman of the relevant Committee, or other Chairman or Vice-Chairman so authorised to act in his absence, will only be required to agree that the proposed decision is reasonable in all the circumstances.
- (iii) The operation of the provisions relating to call-in and urgency shall be monitored in accordance with Article 15 of this Constitution and a report submitted to Council with proposals for review if necessary.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) Composition

The Council comprises 60 members, otherwise called Councillors. One or more Councillors will be elected by the voters in Wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England, and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the District, or those living or working there, will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular elections.

2.03 Roles and Functions of all Councillors

(a) Key roles. All Councillors will:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;
- (iii) Effectively represent the interests of their ward and of individual residents;
- (iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;
- (v) Be involved in decision-making for the people of the District as a whole;
- (vi) Be available to represent the Council on other bodies; and
- (vii) Contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to ~~such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.~~
- (ii) Members are entitled to receive information from Officers in a timely manner to reasonable requests for the purposes of undertaking their role as Ward Councillors, decision makers and performing functions, such as overview and scrutiny **(this is referred to as the common law ‘need to know’ principle)**. Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

However, if the member’s motive for seeing documents is indirect, improper or ulterior this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on ‘fishing expedition’ through their council’s documents. If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why sight of them is necessary to perform their duties (See R v. Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603).

- (iii) Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iv) For these purposes “confidential” and “exempt” information is defined in the Access to Information Rules in Part 5 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and protocols set out in Part 6 of this Constitution.

Councillors are also expected to comply with the requirements of any risk assessments issued by the Council in performance of their functions.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 7 of this Constitution.

2.06 Attendance

It is a requirement that if a Member exceeds four months without attending a meeting of the Council ~~or of the Cabinet if appointed as a Portfolio Holder~~ 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.

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A3 APPENDIX G**ARTICLE 7 – THE CABINET (ALSO REFERRED TO AS THE EXECUTIVE)****7.01 Role and Responsibilities:**

The Cabinet will carry out all of the local authority's functions, known as Executive Functions, that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Forms and Composition:

The Cabinet will consist of the Leader of the Council together with other Councillors appointed to the Cabinet by the Leader. The Leader will determine the number of Councillors who may be appointed to the Cabinet subject to the statutory minimum requirement of two Councillors appointed to the Cabinet by the Leader and the statutory maximum number of ten members of the Cabinet.

7.03 Leader of the Council:

The Leader of the Council will be a Councillor elected to the position by the full Council. The election of the Leader will normally be carried out at the Annual Meeting of the Council following the District Council Elections. The Leader will hold office until the annual meeting of the Council following the next District Council elections or until:-

- (a) They resign from the office (only upon disqualification or resignation in accordance with Section 91B of the Local Government Act 2000); or
- (b) They cease to be a Councillor only; or
- (c) The Council passes a resolution removing the Leader from office at an earlier date. If the Council so passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

Upon expiry of the fixed term the Leader will be eligible for re-election for subsequent fixed terms.

Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination as provided for above.

In the interim period between the vacancy in the office of the Leader and the next ordinary meeting of the Council, the Deputy Leader will act as Leader on an interim basis.

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7.04 Deputy Leader of the Council

The Leader of the Council will appoint one of the members of the Cabinet to be his deputy. The Deputy Leader of the Council, unless he resigns as Deputy Leader or ceases to be a member of the authority, will hold office until the end of the term of office of the Leader of the Council. However, the Leader may, if he thinks fit, remove the Deputy Leader from office.

Where a vacancy occurs in the office of the Deputy Leader the Leader will appoint another person in his place.

If for any reason the Leader is permanently unable to act or the office of Leader is vacant, the Deputy Leader will act temporarily in his place until the next formal ordinary meeting of the Council when a new Leader will be elected.

If the Deputy Leader is also unable to act or the office is vacant the Cabinet will act in the Leader's place or will arrange for a member of the Cabinet to act in his place.

7.05 Other Cabinet Members (also known as Portfolio Holders)

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer Councillors; or
- (c) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out below at 7.08.

7.07 Responsibility for Executive Functions

The arrangements for the discharge of Executive Functions are contained in Part 3 of the Constitution.

The Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet, where appointed by the Leader;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area committee;

-
- (vii) joint arrangements; or
 - (viii) another local authority.

Part 3 of the Constitution will be maintained and kept up to date with the agreement of the Leader of the Council, setting out which Members of Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Executive Functions.

7.08 Cabinet Procedure Rules

1. MEETINGS

1.1 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices (the Town Hall) or another location to be agreed by the Leader.

1.2 Meetings of the Council

Meetings of the Cabinet and their committees must be held in public except where confidential or exempt information is to be discussed.

1.3 Quorum

The quorum for a meeting of the Cabinet shall be three including the Leader or in his absence the Deputy Leader.

1.4 Chairmanship

The Leader (or in his absence the Deputy Leader) will preside at any meeting of the Cabinet at which he is present.

1.5 Who may Attend?

- (i) Subject to the Access to Information Rules and the provisions of the Members' Code of Conduct, any Councillor may attend meetings of the Cabinet. They may not speak without the consent of the Leader, or in any case vote.
- (ii) The Leader or Deputy Leader of the opposition groups may, as of right, attend meetings of the Cabinet and participate fully in the discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group's opposition to all, or part, of a decision.
- (iii) Meetings of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer (or his Deputy), the Monitoring Officer (or his Deputy) and other relevant

Corporate Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive.

- (iv) The Chief Financial Officer and Monitoring Officer have the right to attend and present a report to discharge their statutory duties whenever necessary.
- (v) The Constitution includes no provision for substitute members at meetings of the Executive.

2. AGENDA

2.1 Members' Written Questions

Any Member has the right to submit a written question to the Cabinet on any item on their agenda and to attend to present it at the meeting of the Cabinet when the item is to be considered. Such question shall be submitted at least 24 hours before this Cabinet meeting. The Member may withdraw their question at any time.

2.2 Order of Business

At each meeting of the Executive the following business will be conducted:

- (a) Consideration of the minutes of the last meeting;
- (b) Declarations of interest, if any;
- (c) Matters referred to the Cabinet (by the Overview and Scrutiny Committees or the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 5 of this Constitution;
- (d) Any matter where the Overview and Scrutiny Committee or Council have resolved that an item be considered by the Cabinet. The Chief Executive will ensure that an item is placed on the agenda of the next available meeting;
- (e) Consideration of reports from the Overview and Scrutiny Committees;
- (f) Matters set out in the Agenda for the meeting and which shall indicate which are key decisions, and which are not, in accordance with the Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (g) Key decisions, as indicated on the agenda for the meeting, in accordance with Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (h) Any matter relating to an executive function that the Leader of the Council wishes to be included, whether or not authority has been delegated to the

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Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect;

- (i) Any matter relating to an executive function requested by a member of the Cabinet. The Chief Executive will be required to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration, subject to the issue in question not having been considered in the last six months;
- (j) Any matter relating to an executive function requested by a Member of the Council, subject to the agreement of the Leader of the Council. A Member may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, subject to the issue in question not having been considered in the last six months. If the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered who will also be invited to attend the meeting. There may only be up to two such items per Cabinet meeting;
- (k) Any matter included on the agenda by the Monitoring Officer and/or the Chief Financial Officer for consideration. They may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered; and
- (l) The Chief Executive or any member of Management Team may place an item on the agenda of any meeting of the Executive.

3. CONSULTATION

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Prior to all Cabinet Decisions, Ward Members must be consulted in specific ward related matters; the outcome of the consultation will be included within the body of the Report.

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All reports to the Executive will include details of all appropriate officer advice in respect of the matter under consideration, in particular, advice from the Chief Executive, the Chief Financial Officer and/or the Monitoring Officer.

4. CONDUCT

(a) Disturbance by Public – Removal of Member of the Public

If a member of the public interrupts proceedings, the Leader will warn the person concerned. If he continues to interrupt, the Leader will order his removal from the meeting room.

(b) Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Leader may call for that part to be cleared.

5. PROCEDURES FOR PRIVATE MEETINGS OF THE CABINET

The rules concerning private meetings of the Cabinet are set out in the Access to Information Procedure Rules in Part 5. This does not apply to Portfolio Holder Working Parties or Groups, who meet for specific subjects with cross party representation.

~~The process for appointing members of the Portfolio Holder Working Parties or Groups will require a letter to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the group.~~

6. DECISIONS

6.1 Overlap of Interests

- (a) In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall advise of the relevant Portfolio Holder to make the decision.
- (b) Where any, or all, members of the Cabinet have an interest this should be dealt with in accordance with the Council's Code of Conduct for Members as set out in Part 5 of this Constitution.

6.2 How are Decisions to be taken by the Cabinet?

Cabinet decisions which have been retained to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules, as applicable in Part 5 of the Constitution.

After any meeting of the Cabinet, whether held in public or private, or with regards to decisions taken by individual members of the Cabinet, within their delegated powers, the Chief Executive, or, where no Officer was present, the person presiding at the

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meeting, will produce a record of every decision taken at that meeting or by individual members of the Cabinet. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record of decisions made at meetings will take the form of the minutes of the meeting.

Records of all decisions will be published as soon as practicable after they have been taken and made publicly available. In accordance with the Overview and Scrutiny Procedure Rules, decisions of the Cabinet, subject to certain exceptions, may not be implemented until the expiry of the call-in period.

7. PROCEDURES FOR PORTFOLIO HOLDER WORKING PARTIES

Portfolio Holders can form working parties to examine and advise the Portfolio Holder under specific aspects of the Portfolio Holder's responsibility, for a period limited to delivery of the project.

The process for forming a Portfolio Holder Working Party will require a letter or personal email to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the working party.

The appointments of Members to serve on working parties will therefore have had regard to the suggestions of the Group Leaders and if necessary, the need to maintain a broad political balance within the membership thereof.

The Portfolio Holder will determine the size of the working party together with its terms of reference. The Portfolio Holder will also decide whether to involve relevant Ward Members and interested third parties in the work of the working party.

Any decision of a Portfolio Holder in respect of the administration of a working party cannot be called-in for scrutiny.

Any formal decision taken by the Portfolio Holder following the outcome of the Working Party will need to be formally recorded in accordance with Article 7 (7.08 Section 6.2) and include any declarations of interest as required by the Members' Code of Conduct and details of consultation undertaken with the relevant Ward Members.

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The Leader of the Council will be a Councillor elected to the position by the full Council. The election of the Leader will normally be carried out at the Annual Meeting of the Council following the District Council Elections. The Leader will hold office until the annual meeting of the Council following the next District Council elections or until:-

- (a) They resign from the office (only upon disqualification or resignation in accordance with Section 91B of the Local Government Act 2000); or
- (b) They cease to be a Councillor only; or
- (c) The Council passes a resolution removing the Leader from office at an earlier date. If the Council so passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

Upon expiry of the fixed term the Leader will be eligible for re-election for subsequent fixed terms.

Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination as provided for above.

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- (i) Subject to the Access to Information Rules and the provisions of the Members' Code of Conduct, any Councillor may attend meetings of the Cabinet. They may not speak without the consent of the Leader, or in any case vote.
- (ii) The Leader or Deputy Leader of the opposition groups may, as of right, attend meetings of the Cabinet and participate fully in the discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group's opposition to all, or part, of a decision.
- (iii) Meetings of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer (or his Deputy), the Monitoring Officer (or his Deputy) and other relevant

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Corporate Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive.

- (iv) The Chief Financial Officer and Monitoring Officer have the right to attend and present a report to discharge their statutory duties whenever necessary.
- (v) The Constitution includes no provision for substitute members at meetings of the Executive.

2. AGENDA

2.1 Members' Written Questions

Any Member has the right to submit a written question to the Cabinet on any item on their agenda and to attend to present it at the meeting of the Cabinet when the item is to be considered. Such question shall be submitted at least 24 hours before this Cabinet meeting. The Member may withdraw their question at any time.

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- (d) Any matter where the Overview and Scrutiny Committee or Council have resolved that an item be considered by the Cabinet. The Chief Executive will ensure that an item is placed on the agenda of the next available meeting;
- (e) Consideration of reports from the Overview and Scrutiny Committees;
- (f) Matters set out in the Agenda for the meeting and which shall indicate which are key decisions, and which are not, in accordance with the Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (g) Key decisions, as indicated on the agenda for the meeting, in accordance with Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (h) Any matter relating to an executive function that the Leader of the Council wishes to be included, whether or not authority has been delegated to the

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Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect;

- (i) Any matter relating to an executive function requested by a member of the Cabinet. The Chief Executive will be required to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration, subject to the issue in question not having been considered in the last six months;
- (j) Any matter relating to an executive function requested by a Member of the Council, subject to the agreement of the Leader of the Council. A Member may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, subject to the issue in question not having been considered in the last six months. If the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered who will also be invited to attend the meeting. There may only be up to two such items per Cabinet meeting;
- (k) Any matter included on the agenda by the Monitoring Officer and/or the Chief Financial Officer for consideration. They may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered; and
- (l) The Chief Executive or any member of Management Team may place an item on the agenda of any meeting of the Executive.

3. CONSULTATION

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Prior to all Cabinet Decisions, Ward Members must be consulted in specific ward related matters; the outcome of the consultation will be included within the body of the Report.

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All reports to the Executive will include details of all appropriate officer advice in respect of the matter under consideration, in particular, advice from the Chief Executive, the Chief Financial Officer and/or the Monitoring Officer.

4. CONDUCT

(a) Disturbance by Public – Removal of Member of the Public

If a member of the public interrupts proceedings, the Leader will warn the person concerned. If he continues to interrupt, the Leader will order his removal from the meeting room.

(b) Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Leader may call for that part to be cleared.

5. PROCEDURES FOR PRIVATE MEETINGS OF THE CABINET

The rules concerning private meetings of the Cabinet are set out in the Access to Information Procedure Rules in Part 5. This does not apply to Portfolio Holder Working Parties or Groups, who meet for specific subjects with cross party representation.

~~The process for appointing members of the Portfolio Holder Working Parties or Groups will require a letter to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the group.~~

6. DECISIONS

6.1 Overlap of Interests

- (a) In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall advise of the relevant Portfolio Holder to make the decision.
- (b) Where any, or all, members of the Cabinet have an interest this should be dealt with in accordance with the Council's Code of Conduct for Members as set out in Part 5 of this Constitution.

6.2 How are Decisions to be taken by the Cabinet?

Cabinet decisions which have been retained to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules, as applicable in Part 5 of the Constitution.

After any meeting of the Cabinet, whether held in public or private, or with regards to decisions taken by individual members of the Cabinet, within their delegated powers, the Chief Executive, or, where no Officer was present, the person presiding at the

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meeting, will produce a record of every decision taken at that meeting or by individual members of the Cabinet. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record of decisions made at meetings will take the form of the minutes of the meeting.

Records of all decisions will be published as soon as practicable after they have been taken and made publicly available. In accordance with the Overview and Scrutiny Procedure Rules, decisions of the Cabinet, subject to certain exceptions, may not be implemented until the expiry of the call-in period.

7. PROCEDURES FOR PORTFOLIO HOLDER WORKING PARTIES

Portfolio Holders can form working parties to examine and advise the Portfolio Holder under specific aspects of the Portfolio Holder's responsibility, for a period limited to delivery of the project.

The process for forming a Portfolio Holder Working Party will require a letter or personal email to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the working party.

The appointments of Members to serve on working parties will therefore have had regard to the suggestions of the Group Leaders and if necessary, the need to maintain a broad political balance within the membership thereof.

The Portfolio Holder will determine the size of the working party together with its terms of reference. The Portfolio Holder will also decide whether to involve relevant Ward Members and interested third parties in the work of the working party.

Any decision of a Portfolio Holder in respect of the administration of a working party cannot be called-in for scrutiny.

Any formal decision taken by the Portfolio Holder following the outcome of the Working Party will need to be formally recorded in accordance with Article 7 (7.08 Section 6.2) and include any declarations of interest as required by the Members' Code of Conduct and details of consultation undertaken with the relevant Ward Members.

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Schedule 3

Responsibility for Executive Functions

A3 APPENDIX H

EXECUTIVE FUNCTIONS ARE THE RESPONSIBILITY OF THE CABINET.

1. ROLE AND RESPONSIBILITIES

1. The general roles and responsibilities of the Cabinet are as follows:-

- (i) To make recommendations to the District Council with regard to the formulation of its policy framework, including the setting of the budget and council tax levels.
- (ii) To advise the District Council on all matters requiring a decision outside of the Council's agreed budget and policy framework.
- (iii) To discharge in accordance with the District Council's policy framework all functions of the Council, except those functions which cannot, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation, be the responsibility of the Cabinet. Such functions are the responsibility of the Council and its various Committees as set out in Schedule 2 to Part 3 of the Constitution.
- (iv) To deal with those "local choice functions" which have been delegated to the Cabinet by the Council as detailed in Schedule 1 of Part 3 of the Constitution.

2. RESPONSIBILITIES OF THE LEADER OF THE COUNCIL

- 1. The Leader of the Council is responsible for the overall operation of the Council's portfolios through effective management of their Cabinet.
- 2. To ensure effective communication of Cabinet business including appropriate liaison with Overview and Scrutiny.
- 3. To be the leading voice of the Council on all executive functions and for overall policy.
- 4. To be the member representative for executive functions of the Council working with the Council's partners and stakeholders, on statutory bodies, the voluntary sector, the business community and other national and local organisations.
- 5. Ensure that their actions are taken in accordance with Section 3 below when making formal decisions.

3. GENERAL PRINCIPLES REGARDING DECISION MAKING BY THE CABINET

- 1. The Leader of the Council is responsible for approving the delegation of executive functions to either:
 - (i) The Cabinet collectively (see 4.1 below);
 - (ii) An individual Member of the Cabinet (Portfolio Holder) (see 4.2 below);

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- (iii) A Working Party of the Cabinet (known as a Portfolio Holder Working Party);
- (iv) An Officer, in consultation with the relevant Portfolio Holder(s); or
- (v) An Officer.

Executive functions can also be delegated to, and discharged by an area committee or another local authority or jointly with one or more local authorities.

No Member or Committee of the Cabinet to whom the Leader of the Council has delegated a function may delegate on to another Member or Committee.

2. Powers and duties of the Cabinet and Portfolio Holders under their delegated authorisation must be:-

- (i) performed on behalf of and in the name of the Council;
- (ii) subject to the directions of the Council and of the Cabinet as appropriate;
- (iii) subject to powers and duties reserved for confirmation by the Council as set out in Article 4 of the Constitution;
- (iv) within the limits of the Council's approved policy framework and budget;
- (v) statutory provisions and restrictions;
- (vi) taking into account Officer's advice; and
- (vii) in accordance with the Council's approved Policies, Procedures, Protocols and Codes of Conduct.

3. Absence of the Leader of the Council:

The Portfolio Holder designated by the Leader as their Deputy may exercise the functions of the Leader of the Council in the absence of the Leader.

4. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

- a. Following a resolution of the Cabinet (subject to the Constitution), or
- b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement to the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

5. The Leader of the Council may exercise any of the powers delegated to a Portfolio Holder:

- a. In their absence
- b. At their request
- c. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer, or
- d. As the Leader so determines.

6. Where decisions are taken by individual Portfolio Holders under delegated powers the following principles and decisions shall apply:

(Green)

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- (a) All delegations to Portfolio Holders will be exercised after consultation and written advice from all relevant Officers.
 - (b) In cases where there is a significant difference of opinion between Portfolio Holders, the issue will be referred to the Leader of the Council in consultation with the Chief Executive and if necessary to the Cabinet for decision.
 - (c) The exercise of delegations by Portfolio Holders shall be within the Scheme of Delegated Powers of the Portfolio Holders.
 - (d) A Portfolio Holder shall not delegate any powers to an Officer unless such delegation is approved by the Leader of the Council.
 - (e) A Portfolio Holder may, if they consider it appropriate, elect to refer up to the Cabinet, the exercise of any power delegated to them.
7. In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader Of the Council shall determine which Portfolio Holder(s) should make the decision.
 8. The Monitoring Officer shall in any case of uncertainty and after having considered relevant legislation, determine whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council.
 9. A record of Portfolio Holder decisions shall be maintained and published, as set out in Article 7 of the Constitution.
 10. In the event of a change to the delegations of Executive Functions by the Leader or to the corporate structure of the Council by the Chief Executive, the changes will take immediate effect. The relevant amendments to this scheme of delegation should be made in the Constitution as soon as practicable.

4.1 THE CABINET COLLECTIVELY

The following details the broad principles of issues that are the responsibility of the Cabinet and which shall be considered by the Cabinet collectively at public meetings:

TERMS OF REFERENCE

To be responsible for Community Leadership for the District of Tendring. To lead the preparation of the District Council's policies and budget. To take decisions on resources and priorities together with other stakeholders and community partners as appropriate, and to deliver and implement the budget and policies decided by full Council. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

1. Developing and making recommendations to the Council in respect of the plans and strategies that form the Council's policy framework.
2. Formulations of budgets and other statutory financial requirements for submission to Council.
3. Monitoring the Council's budgetary and overall financial position.

(Green)

Part 3.30

4. Decisions as required by the Council's Financial and Procurement Procedure Rules including transactions in respect of the Final Accounts.
5. Decisions outside of the Budget or Policy Framework in accordance with the Procedure Rules.
6. The approval of strategies, policies, plans and guidance which are the responsibility of Cabinet and are not delegated elsewhere within the Constitution.
7. Consideration and approval of the acquisition and disposal of property in accordance with the Property Dealing Procedure, legislation and specific consents.
8. Consideration, approval and determination of objections, under Section 123 of the Local Government Act 1972, received in respect of proposed disposals of land used as public open space. All such consideration and determination to be at a public meeting of the Cabinet.
9. Power to consider objections received and then determine proposed Traffic Regulation Orders under the Road Traffic Regulations Act 1984 (as amended). All such objections to be determined at a public meeting of the Cabinet.
10. Issues delegated to individual Portfolio Holders that in their opinion a collective decision by the Cabinet is required.
11. Issued delegated to an Officer that in the opinion of the Management Team a collective decision by the Cabinet is required.
12. Reviewing from time to time the Council's Constitution.

4.2 INDIVIDUAL MEMBERS OF THE CABINET (PORTFOLIO HOLDERS)

4.2.1 Responsibilities

The Leader of the Council has delegated overall strategic responsibilities for service areas to members of the Cabinet, known as Portfolio Holders, which are set out in the table below:

Portfolio Holder	Overall strategic responsibilities	
Leader	<ul style="list-style-type: none"> • Corporate Vision • Community Leadership • Countywide Leadership role • Representative role at County, Regional and National Level 	
	Overall strategic responsibility for	
Finance and Corporate Resources	Finance	<ul style="list-style-type: none"> • Annual budget strategy • Budget management • Accountancy • Exchequer • Insurance • Treasury management and banking • Procurement strategy and central purchasing • Internal Audit

(Green)

Part 3.30

		<ul style="list-style-type: none"> • Big Society Scheme • Corporate Health and Safety
	Broadband	<ul style="list-style-type: none"> • Broadband
	Corporate Asset Management	<ul style="list-style-type: none"> • Overview of the Property Programme • Overview and formulation of Assets Management Plan, Property Strategy and Property Office Procedures • Property Service providing property advice and support to service areas
		<ul style="list-style-type: none"> • Initiation and authorisation of property transactions in accordance with the Property Dealing Procedure
	ICT Services	<ul style="list-style-type: none"> • ICT contract and strategy • Networks and system support • Data Protection • Information Management • Internet • FOI/EIR requests for information
	Legal Services	<ul style="list-style-type: none"> • Legal advice and support to Council (re: executive and non-executive functions) • Legal services to departments • Regulation of Investigatory Powers Act 2000 – policy (compliance and co-ordination)
	Committee Services	<ul style="list-style-type: none"> • Council, Cabinet and Committee Services • Corporate Administration including programming meetings
	Human Resources and Business Management	<ul style="list-style-type: none"> • Performance management • Intranet • Public Service Reform • Career Track <p>(NB other Human Resources functions are non-executive and are delegated to the Human Resources and Council Tax Committee)</p>
	Management and Members Support	<ul style="list-style-type: none"> • Corporate Plan • Community Leadership • Member support • Corporate complaints • Ombudsman issues • Outside bodies appointments and

(Green)

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		support • Equality and Diversity
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Environment	Environment	<ul style="list-style-type: none"> • Household waste minimisation and collection • Recycling maximisation and collection • Street cleansing • Dog Warden Service • Pest Control • Food, safety and hygiene • Water safety/quality • Pollution • Animal welfare • Public protection • Environmental health • Abandoned vehicles • Port health • Unlawful car sales
	Open Spaces and Bereavement	<ul style="list-style-type: none"> • Crematorium and cemeteries • Horticultural services • Open spaces • Recreation grounds • Children's play areas • Public halls • Sports clubs • Fleet management and vehicle workshops
Housing	Strategic Housing (Private Sector Housing)	<ul style="list-style-type: none"> • Financial assistance for private sector housing • Houses in Multiple Occupation • Private Sector Housing – regulation and improvement • Tenants Redress Scheme • Private Sector Housing conditions enforcement and advice • Gypsy/Traveller liaison • Home energy efficiency and fuel poverty • Jaywick Team
	Strategic Housing (Housing Options and Allocations)	<ul style="list-style-type: none"> • Housing strategy and development • Homelessness policy and advice and assistance to homeless persons and in housing need • Housing allocation scheme
	Building Services and Facilities Management	<ul style="list-style-type: none"> • Maintenance of housing assets including sheltered schemes • Housing investment programme • Dangerous structures • Buildings advisory service • Council office and buildings policy including facilities management and

(Green)

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		<ul style="list-style-type: none"> • maintenance • Depots • Office cleaning • Telephony • Switchboard
	Housing Management	<ul style="list-style-type: none"> • Sheltered housing • Estates management • Housing Revenue Account and business plan • Supporting people contract with Essex County Council • Local supporting people • Partnership with registered providers • Enable new opportunities to address housing need through partnership working
	Revenue and Benefits	<ul style="list-style-type: none"> • Administration of council tax and housing benefit • Business rates (NNDR) and reliefs • Local Council Tax Support Scheme • Cash Collection/Paypoint • Rent collection • Right to Buy and other disposals
	Commercial	<ul style="list-style-type: none"> • Customer services • Careline service • Provision, maintenance and development of CCTV systems • Out of hours service • Tenant relations • Contact centre
Health and Education	Health and Well-being	<ul style="list-style-type: none"> • Health Service Liaison • Health and Well-being • Community Health • Health inequalities • Provision of Emergency Planning
	Partnerships	<ul style="list-style-type: none"> • Education • Community engagement, development and empowerment (including consultations, advice and support) • Relationships with public and third party organisations • Neighbourhood activities
	Community Safety	<ul style="list-style-type: none"> • Community Safety (including police and fire service liaison) • Crime and Disorder Strategy • Business Continuity
Corporate		<ul style="list-style-type: none"> • Corporate Enforcement (excludes

(Green)

Part 3.33

Enforcement	Corporate Enforcement	regulatory functions that are the responsibility of Planning and Licensing Committees)
	Planning	<ul style="list-style-type: none"> • Local Land Charges Services including the setting of appropriate fees • Planning pre-application advice service (including the setting of appropriate fees) • Building Control Service (including the setting of appropriate fees)
	Car Parking	<ul style="list-style-type: none"> • Off street car parking service • Traffic Regulation Orders • Strategic parking advice and on street functions as delegated by the Highway Authority
Inward Investment and Growth	Regeneration and Inward Investment	<ul style="list-style-type: none"> • Strategic Regeneration • Economic Growth Strategy • Inward Investment • Business Support (employment and development) • Town Centres support • Policy and Project development • Funding bids • Skills and apprenticeships • Job Centre Plus partnerships
Leisure and Tourism	Leisure Services	<ul style="list-style-type: none"> • Sports centres and facilities (including in partnership with schools) • Sports initiatives and sports development • Communities of interest (Children and Young People)
	Tourism and Events	<ul style="list-style-type: none"> • Tourism Strategy • Tourism Events • Tourism information and promotion • Princes Theatre management • Arts, entertainment, culture and heritage initiatives and events
	Seafronts	<ul style="list-style-type: none"> • Seafront Management • Beach Huts and beach cleaning • Kiosks
	Coast Protection and Engineering	<ul style="list-style-type: none"> • Coast Protection and flood defence – planning and major schemes • Coast Protection Maintenance • Minor Engineering works • Sewerage and land drainage • Local highways and lighting functions e.g. road closures, street

(Green)

Part 3.33

		naming, numbering and name plates and highways rangers
	Public Conveniences	<ul style="list-style-type: none"> • Transport liaison • Public conveniences

4.2.2 Role of Leader and Individual Portfolio Holders

In addition to the general principles set out in Section 3 above, the role of individual Portfolio Holders with areas of responsibility is as follows:-

1. To have overall responsibility for the development, implementation and review of Strategies and District Council Policy in relation to their portfolios and to be the main Council spokesperson thereon.
2. To monitor service performance regarding progress towards achieving strategies and objectives and delivery of service performance targets within approved budgets.
3. To satisfy themselves as the integrity of financial information and the adequacy of financial controls and risk management arrangements.
4. To represent and speak on behalf of the Cabinet at the Overview and Scrutiny and Audit Committees when they are dealing with issues in their portfolio.
5. To be a member of the Cabinet and exercise collective responsibility in decision making and in making recommendations to the Council.
6. To consult with the Committees, other Members, partners and stakeholders including the public as appropriate in the formulation and development of Council policy within their portfolio.
7. To inform and consult relevant ward Members when making formal decisions.
8. To make decisions in accordance with the Council's Strategies, Policies, Procedures, Protocols and Codes of Conduct or as otherwise required by the Constitution.
- ~~9. To form working parties to examine and advise the Portfolio Holder under specific aspects of the Portfolio Holder's responsibility, for a period limited to delivery of the project. The appointments of Members to serve on working parties will have had regard to the suggestions of the Group Leaders and if necessary, the need to maintain a broad political balance within the membership thereof.~~

4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS

Finance and Corporate Resources

1. Overseeing implementation of the Property Strategy, Property Programme and Property Office Procedures in accordance with the Property Dealing Procedure.
2. The exercise of functions delegated to the Portfolio Holder by the Property Dealing Procedure.
3. The monitoring and review of the operation of the Council's Constitution and recommending amendments to the Constitution to the Cabinet/Council.

(Green)

Part 3.36

(Amended page - April 2018)

4. To oversee the preparation and recommendation of financial forecasts and annual detailed budget.
5. In consultation with the Chief Financial Officer, to agree the outturn position/report each year to provide the necessary flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts.
6. Overview and presentation of financial monitoring reports to Cabinet.
7. The exercise of functions delegated to the Portfolio Holder by the Financial and Procurement Procedure Rules.
8. The approval of the Council's Council Tax Base and the Government's Annual NNDR Forecast Return.
9. Implementation and Monitoring of the Council's Treasury Management Policy Statement and Treasury Management Practices.

Leisure & Tourism

1. To approve the making of car parking regulation orders when requested by Essex County Council.
2. Proposals for and approve the making of traffic regulation orders where no objections are received.
3. The determination of Hackney Carriage stands under Section 63 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

Housing

1. The authorisation of delegated budgets to formally constituted stakeholder groups subject to adequate provision having been made in the revenue estimates approved by Cabinet.
2. Oversee the preparation of budgets relating to the Housing Revenue Account, Housing Revenue Account Business Plan, Housing General Fund, Housing Benefits and the Housing Investment Programme, including rent setting and review, within policy guidelines as determined by the Cabinet.
3. The development, implementation and amendment, as required, of the Housing Investment Programme in accordance with the annual budget set by Cabinet.
4. The development and review of the Council's Local Council Tax Support Scheme for presentation to Cabinet for recommendation to Council for approval.

Corporate Enforcement

1. Ensuring that there is effective two-way communication between the Executive and the Local Plan and Planning Committees. In particular in relation to the implementation of current Development Plan policies and to drafts of any review of the Development Plan

(Green)

Part 3.36

2. Approval, where permitted, of Master Plans, Conservation Area Management Plans and Development and Design Briefs prepared to support any Development Plan Documents.

Inward Investment & Growth

1. To act as lead portfolio holder in respect of all Transport cross-cutting issues.
2. Engagement with regional and sub-regional partnerships, planning and funding frameworks – including the Haven Gateway Partnership – to promote the interests of the Tendring District and the communities within it.
3. The approval of grants to organisations (including enhanced rate relief and other discretionary benefits).

4.4 DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS

1. With the exception of the matters which the Leader of the Council has determined are to be discharged by the Cabinet or individual Portfolio Holders, as detailed in the Cabinet Scheme of Delegation, the Deputy Chief Executive and the Corporate Directors have delegated authority to discharge all executive functions within their respective service areas as set out in Article 12, having authority to act on all such matters. The Chief Executive shall determine from time to time what the service responsibilities of the Deputy Chief Executive and each Corporate Director and Head of Service shall be.
2. The delegation of powers to officers is underpinned by the principle and culture of consultation and liaison with Members, as appropriate and the ability for officers to refer matters to the relevant decision maker i.e. individual Portfolio Holder or a meeting of the full Cabinet, where it is felt that this is appropriate due to the nature of an issue.
3. In all cases of delegations to officers where consultation with the relevant Portfolio Holder is necessary, and in cases where the relevant Portfolio Holder is not available, the Leader of the Council is to be consulted.

In instances, where there is disagreement between the officer and the relevant Portfolio Holder the matter should be referred to Cabinet for consideration and determination.

4. The discharge of all such functions by Officers shall be subject to:-
 - (i) actions being taken in accordance with the Council's Budget and Policy Framework and other Council Policies, Procedures, Protocols and Codes of Conduct;
 - (ii) consultation, as appropriate with relevant Portfolio Holder;
 - (iii) the referral of any required decision or action which is controversial in nature to the appropriate Member decision making individual or body; and
 - (iv) recording the decision in the required format.
5. The Leader of the Council has delegated authority for executive functions to Chief Executive, the Deputy Chief Executive and the Corporate Directors, however any authority granted to the Chief

(Green)

Part 3.36

Executive, Deputy Chief Executive, Corporate Director or Head of Service, unless otherwise indicated, may be exercised by an Officer authorised by the Deputy Chief Executive, Corporate Director or Head of Service in writing for that purpose. The Monitoring Officer will maintain a record of such authorisations which shall be available for inspection.

6. The Deputy Chief Executive and the Corporate Directors are Designated Officers for the purposes of legislation within their respective service areas as set out in Article 12 of the Constitution and have the power to designate Officers of the authority as an authorised person for purposes relating to legislation falling within their areas of responsibility as set out in Article 12.
7. Any authority which can statutorily only be discharged by Officers with a specific level of qualification must only be conferred to and discharged by such Officers. Furthermore, where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council, only that Officer may discharge the function.
8. The Chief Executive has authority to exercise any executive function delegated to Officers, except where an Officer with appropriate qualifications must only discharge such a delegation or where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council as referred to in paragraph 6.
9. The delegations to Officers include the normally accepted powers and duties of Officers to deal with matters of routine occurrence falling within the scope of their departmental and service responsibilities. This includes all present and future legislation relating to the functions of the service and nothing in this schedule shall derogate from any statutory power or duties conferred or imposed directly on an Officer of the Council.
10. In accordance with the legislative requirements, any Officer making a decision in connection with the discharge of an executive function under their delegated powers shall be responsible for maintaining a record of such decisions and arranging for this to be published on the Council's website.

(Green)

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11. Where functions, which are the responsibility of the Cabinet, are delegated to Officers, the Cabinet remain accountable to the Council, through overview and scrutiny committees for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out. Officers may be requested to attend an Overview and Scrutiny Committee, if an Officer's decision is called in.
12. The Monitoring Officer shall determine in any case of uncertainty whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council. Such a determination will be having taken account of relevant legislation.

4.4.1 General Responsibilities delegated to Officers:

1. The Deputy Chief Executive and all Corporate Directors have the authority to incur expenditure (with the exception of external legal resources) in accordance with the Budget and Policy Framework, Financial Procedure Rules and Procurement Procedure Rules. Instructing external legal resources remains the responsibility of the Head of Governance and Legal Services.
2. The Deputy Chief Executive and all Corporate Directors are authorised to apply for planning permission in respect of land and/or buildings owned by or within the control of the Council and held in respect of the functions of a Portfolio Holder. In such instances, consultation with the relevant Portfolio Holder is mandatory.
3. In consultation with the Deputy Chief Executive all Corporate Directors are authorised to deal with the assignment of leases and granting, variation and renewal of licences up to a maximum duration of 12 months including annual rights of way within their respective service areas of responsibility.
4. The management and maintenance of all the land holdings occupied or within the control of the service area remit, including health and safety inspections.
5. The Deputy Chief Executive and all Corporate Directors are authorised to issue and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of functions under the control of a Portfolio Holder.
6. All Corporate Directors are authorised in consultation with the Deputy Chief Executive to take all steps in connection with any legal proceedings, in respect of any function under the jurisdiction of a Portfolio Holder including the commencement or defence of, withdrawal, settlement or compromise of any such proceedings.
7. The Deputy Chief Executive and all Corporate Directors are authorised in consultation with the Head of Governance and Legal Services to appear on the Council's behalf in any legal proceedings, under the jurisdiction of a Portfolio Holder, before all courts, tribunals and inquiries.

(Green)

Part 3.38

A3 APPENDIX I

Committee	Functions and Terms of Reference	Delegated Functions
Planning Committee	<p><i>The discharge of the Town and Country Planning and Conservation functions as specific in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Additional roles and functions of the Committee are as set out below:</p> <ol style="list-style-type: none"> 1. Any formal comment or view on applications or proposals to be determined by Essex County Council, any Statutory Body and government departments relating to matters within the remit of the Committee. 	<p>All planning and conservation matters delegated to the Head of Planning except in relation to the determination of certain planning applications as detailed below for determination by the Committee:</p> <ol style="list-style-type: none"> (i) Officer recommendations for approval materially contrary to national or local policy. (ii) Officer recommendation of approval contrary to a previous refusal by the Planning Committee, where the policies remain substantially unchanged. (iii) Office recommendation of approval and the application should be
		<p>referred to the Secretary of State under a Direction(s) or "call in".</p> <ol style="list-style-type: none"> (iv) The applicant is the Council or someone acting as applicant on the Council's behalf or in respect of Council owned land. (v) The applicant is a Member of the Council, Planning Officer or a Senior Officer and there is an Officer recommendation for approval. (vi) Within 28 days of the commencement of

		<p>formal consultation, a written request is received from a District Councillor in accordance with the Member Referral Scheme (*) requesting that the application should be brought before the Planning Committee for determination giving material planning reasons for that request.</p> <p>(*) Scheme to be agreed by the chairman of the Planning committee in consultation with the Portfolio Holder for Planning, Head of Planning and Monitoring Officer.</p> <p>(vii) Any application which the Head of Planning in their professional opinion, taking into account the written representations received, plans and policies and other material considerations to be referred to the Planning Committee because it raises more than significant local issues.</p>
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Committee	Functions and Terms of Reference	Delegated Functions
Human Resources Sub-Committee	<ol style="list-style-type: none"> 1. Forms part of the recruitment, dismissal and disciplinary process for the appointment of Senior Officers, which includes the following posts: <ul style="list-style-type: none"> • Chief Executive; • Section 151 Officer; • Monitoring Officer; • Chief Officers (Deputy Chief Executive/ Corporate Directors); and • All Deputy Chief Officers (Heads of Service) 2. Form a panel to undertake interview of applicants for Senior Officer posts who have successfully been shortlisted and undertaken necessary technical interviews and assessments. 3. The Panel will be comprised of 3 members consisting of: <ul style="list-style-type: none"> • a member of Cabinet being the relevant Portfolio Holder for the service concerned (unless that Portfolio Holder requires the Leader to appoint a substitute for them because they will be unable to attend); • Chairman or Vice-Chairman of the Human Resources Committee; and • a named committee member from an opposition group. 4. The Panel must take into account the views and professional advice given by the relevant officers before an offer of appointment can be made. 	

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BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Policy Framework

The process by which the Policy Framework shall be developed is:

- (a) The Cabinet will publicise in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the Policy Framework, and the Cabinet's arrangements for consultation after publication of those initial proposals. The Chairman of each Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 3 weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If an Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

Proposals from the Cabinet shall include recommendations regarding any aspects of the proposed plan or strategy that they consider full Council should delegate to the Cabinet the ability to vary.

- (c) Once the Cabinet has approved firm proposals, the appropriate Corporate Director will report them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, substitute its own proposals in their place or, with the exception of proposals in relation to the Corporate Plan, refer them back to the Cabinet for further consideration.
 - (i) If the Council decides not to adopt the Cabinet's proposals, the Council must inform the Leader of the objections which it has to the draft plan or strategy and instruct the Leader to require the Cabinet to reconsider the draft plan or strategy in the light of those objections.
 - (ii) Where the Council gives instructions in accordance with Rule 2(d)(i), it must specify a period of at least five working days beginning on the day after the

date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (1) Submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Committee Services Manager for consideration; or
 - (2) Inform the Committee Services Manager of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective on the expiry of the period specified in Rule 2(d)(ii) unless the Leader has submitted in writing to the Committee Services Manager a revision of the plan or strategy or informed them in writing of any disagreement that the Cabinet has with the Council in accordance with Rule 2(d)(ii).
- (h) In that case, the Chairman of the Council will call a Council meeting to be held on a date within 10 working days of receipt of the Leader’s written submission. The Council will be required to re-consider its decision taking into account the written submission provided by the Leader (which may either include a revised draft plan or strategy with reasons or the reasons for the Cabinet disagreeing with the Council’s objections to the draft plan or strategy). The Council may:-
 - (i) approve the Cabinet’s recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision that does not accord with the recommendation of the Cabinet by a simple majority; or
 - (iii) approve the Cabinet’s proposed plan or strategy (whether in the form of a draft of revised draft) by a simple majority of votes cast at the meeting; or
 - (iv) approve a different decision that does not accord with the proposed draft or revised draft plan or strategy of the Cabinet by a simple majority.

(Cream)

- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- (j) In approving the Policy Framework, the Council will also specify the degree of in-year changes to the Policy Framework that may be undertaken by the Cabinet, in accordance with paragraph 7 of these Rules. Any other changes to the Policy Framework are reserved to the Council.

3. Process for Developing the Budget

Subject to Rule 4 of these Procedure Rules, the process by which the Budget shall be developed is:

- (a) The Cabinet will publicise in the Forward Plan a timetable for making proposals to the Council for the adoption of the budget and the Cabinet's arrangements for consultation after publication of those proposals. The Chairman of each Overview and Scrutiny Committee will also be notified.
- (b) Prior to making any budget proposals in paragraph 3(a) above, the Cabinet will draw up a draft Financial Strategy/Forecast setting out the basis on which the budget proposals are intended to be formulated. The Cabinet shall consult the relevant Overview and Scrutiny Committee on the draft Financial Strategy/Forecast. The consultation period in this instance shall be not less than 3 weeks. At the end of that period the Cabinet shall agree the Financial Strategy/Forecast having regard to the response from that Overview and Scrutiny Committee.
- (c) The Cabinet shall draw up and consult on proposals for the budget having regard to the draft or agreed Financial Strategy/Forecast. If the relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The consultation period shall be not less than 2 weeks.
- (d) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses for that consultation. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (e) Once the Cabinet has approved the firm proposals, the Deputy Chief Executive will report them at the earliest opportunity to the Council for decision.
- (f) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, or substitute its own proposals in their place.

- (g) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision, **unless the Leader of the Council having consulted the Chief Financial Officer indicates at the meeting Cabinet's acceptance of the amended budget. The Chairman of the Council will adjourn the meeting to allow the relevant consultation to take place.** In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (h) Where the Council makes an in-principle decision, the **Committee Services Manager** ~~Deputy Chief Executive~~ shall immediately inform the Leader of any objections which it has to the Cabinet's proposals and shall give him instructions requiring the Cabinet, within 5 working days beginning on the day after the date on which the Leader receives those instructions, to reconsider in the light of those objections, the proposals submitted to it.
- (i) An in-principle decision will automatically become effective at the end of 5 working days beginning on the day after the date on which the Leader receives those instructions referred to in sub-paragraph (h) above, unless within that time the Leader:
 - (a) submits to the Committee Services Manager in writing a revision of the proposals as amended by the Cabinet ("the revised proposals") together with the Cabinet's reasons for any amendments made to the proposals; or
 - (b) informs the Committee Services Manager in writing of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (j) In that case, the Chairman of the Council will call a Council meeting to be held on a date within 6 working days of receipt of the revised proposals or the Cabinet's disagreement. The Council will be required to re-consider its decision and to take into account the revised proposals, the Cabinet's reasons for any amendments made to the proposals, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

The Council may by a simple majority of votes cast at the meeting:-

- (i) confirm its original decision; or
- (ii) adopt (with or without modification) the original proposal or, if there is one, the revised proposal; or
- (iii) amend the original proposal or, if there is one, the revised proposal; or
- (iv) substitute its own proposals.

-
- (k) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
 - (l) In approving the budget, the Council will also specify the extent of virement within the budget that may be undertaken by the Cabinet. Any other changes to the budget are reserved to the Council.

4. Submission of Budget Proposals before 8th February

In the event of the Cabinet submitting their firm proposals for the budget to Council before 8 February in any financial year and the Council has any objections to those proposals, the actions set out in Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 shall be followed.

5. Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of Rule 3(l) the Cabinet, individual members of the Cabinet and any officers discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to Rule 6.
- (b) If the Cabinet, individual members of the Cabinet and any officers discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 6 shall apply.

6. Urgent Decisions outside the Budget or Policy Framework

- (a) The Cabinet, an individual member of the Cabinet or Officers discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) If it is not practical to convene a quorate meeting of the full Council; and
 - (ii) If the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the

absence of the Chairman of that Overview and Scrutiny Committee, the consent of the Vice-Chairman of that Overview and Scrutiny Committee will suffice. In their absence the Chairman of the Council's consent will suffice, and in their absence the consent of the Vice-Chairman of the Council.

- (b) Following the decision, the Leader will provide a full report to the next practicable ordinary meeting of the Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7. Virement

The Council's budget can only be varied by the Council except as provided for in the Financial Procedure Rules. These rules make provision for:

- (a) Virements – the transfer of sums between budgetary heads
- (b) Supplementary Estimates – the provision from reserves or from a specific provision of sums to increase the overall budget or the approval of negative Supplementary Estimates for the specific purpose of reducing the Council's net expenditure.

These rules specify the limits and procedures governing approval of these budget variations and may be varied from time to time by the Council to meet changing service and portfolio operational needs.

8. In-Year Changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or Officers discharging Cabinet functions must be in line with it. No changes to any plan or strategy that make up the Policy Framework may be made by those bodies or individuals except those:

- (a) which will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint; or
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance; or
- (c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration; or
- (d) relating to aspects of any plan or strategy where full Council has delegated to the Cabinet the ability to vary.

9. Call-in of Decisions outside the Budget or Policy Framework

- (a) Where an Overview and Scrutiny Committee is of the opinion that either a proposed decision or a decision which has been called-in under the Overview and Scrutiny Procedure Rules is or would be, contrary to the Council's Budget and Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) The call-in procedures set out in Rules 13 and 17 of the Overview and Scrutiny Procedure Rules must be adhered to.
- (c) If, having had regard to the advice of the Monitoring Officer and/or Chief Financial Officer, which will be summarised within the Report, the Overview and Scrutiny Committee considers the decision is contrary to the Budget or Policy Framework; the Committee may refer the matter to the next practicable meeting of the Council, subject to the provisions of the Council Procedure Rules.
- (d) Council will receive a written report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
 - (i) endorse a decision or proposal of the decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Financial Officer.

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FINANCIAL PROCEDURE RULES**1. INTRODUCTION**

- 1.1** Subject to meeting any requirements contained in the Key Decision Rules and the Decision Making Rules, the Council will conduct its financial affairs based upon its Budget and Policy Framework Procedure Rules, together with these Financial Procedure Rules and the Procurement Procedure Rules. These Financial Procedure Rules set out the responsibilities and management arrangements that will be followed to ensure that the Council, Members and its Officers exercise due probity and accountability for the public monies for which they have responsibility. These rules and the Procurement Procedure Rules apply to all financial transactions of the Council either for itself or where it is acting as the Accountable Body or Agent.
- 1.2** The Chief Financial Officer shall keep under review these Financial Procedure Rules and the Procurement Procedure Rules and ensure that they are appropriate to the running of the Council. Any proposed changes must be recommended to the Cabinet and subsequently agreed by the Council.

The Financial Procedure Rules are set out as follows:

SECTION	TOPIC COVERED
2.	Definitions
3.	Responsibilities
4.	Financial Planning and Budget approval
5.	Authority to Incur Expenditure
6.	Changes to budgets after approval by Council
7.	Financial management of budgets during the year
8.	Final accounts, out-turn and Statement of Accounts
9.	Financial administration
10.	Write-Offs of Sums due to the Council
11.	Insurances
12.	Inventories stocks and stores
13.	Banking Arrangements
14.	Investments, Loans and Borrowing
15.	Land and Property transactions
16.	External Funding
17.	Proceeds of Crime Act 2002 (anti-money laundering)
18.	State Aid

2. DEFINITIONS

For the purpose of these regulations the following definitions will apply:

TERM	DEFINITION
Head of Department	The term of Head of Department refers to the officer to whom responsibility for a department, function or action has been delegated in accordance with the Council's Scheme of Delegation.
Service	Service shall be those services as set out in the Council's published budget book or where subsequent amendments have been approved.
Estimate	Each line of budget included within each service, or each project line included in the Capital Programme, in the Council's published budget book or where subsequent approval has been given.
Forecast	An estimate of the likely budget for the years following the financial year for which an estimate has been approved.
Expenditure	All direct expenditure as detailed in the Council's published budget book or where subsequent approval has been given.
Income	All direct income as detailed in the Council's published budget book or where subsequent approval has been given.
Virement	A virement is the transfer of a sum from one estimate to another and may include an increase in expenditure provided it is financed by additional income not already provided in the approved budgets.
Supplementary Estimate	This is an increase in the budget approved by Council and can be in respect of either capital or revenue. A transfer from reserves would finance the additional expenditure.
Negative Supplementary Estimate	A negative Supplementary Estimate is the reverse of a Supplementary Estimate and has the effect of reducing an otherwise available budget with the specific purpose of reducing the Council's net expenditure. A transfer to reserves would arise as a result of reducing expenditure.
Section 106 Agreement	Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

3. RESPONSIBILITIES

- 3.1** The Leader, each Portfolio Holder and Head of Department shall consult with the Chief Financial Officer, in advance, in respect of any report/proposal which seeks provisional or final approval to any proposed revenue or capital expenditure or service investment or income which is not included in the Council's approved budgets (without

reservation). The Chief Financial Officer will bring all such matters to the immediate attention of Management Team.

- 3.2** The Chief Financial Officer shall be responsible, under the general direction of the Cabinet and Management Team for the financial administration of the Council's activities.
- 3.3** The Chief Financial Officer is responsible for ensuring that the Finance and Corporate Resources Portfolio Holder is informed of and consulted on all significant financial issues.
- 3.4** The Chief Financial Officer shall inform and advise Management Team about the Council's finances and financial performance of its activities, who will in conjunction with the Finance and Corporate Resources Portfolio Holder ensure that the Leader, each Portfolio Holder, Committees and Council are advised appropriately.
- 3.5** The Chief Financial Officer shall ensure that adequate and prudent financial planning, including annual budgets and longer-term forecasting, is undertaken by the Council to protect its finances.
- 3.6** Any requirement in these Financial Procedure Rules and the Council's other procedures to obtain approval for or to report to the Council, Committee, Cabinet or Portfolio Holder, on any action shall include the requirement to consult with the Chief Financial Officer where Council finances are concerned.
- 3.7** The Chief Financial Officer has a duty to ensure that the financial implications of decisions made by Heads of Department in respect of services are not to the detriment of the Council as a whole.
- 3.8** The Chief Financial Officer, their Deputy or the Chief Executive is authorised to deal with any General Fund Revenue or HRA virement on exceptional grounds of urgency, such as civil emergencies. If this exemption is relied upon, the relevant Officer must provide a report to the responsible decision maker as soon as practicably possible.

4. FINANCIAL PLANNING AND BUDGET APPROVAL

- 4.1** In accordance with the timetable and format determined by the Chief Financial Officer, Heads of Department will prepare:
 - 4.1.1** Detailed revised estimates of income and expenditure of revenue accounts for the current financial year
 - 4.1.2** Detailed revised estimates of expenditure on capital projects for the current financial year

- 4.1.3** Detailed forecasts of expenditure on capital projects for the forthcoming financial years, the number of which is to be determined by Cabinet.
 - 4.1.4** Detailed forecasts of income and expenditure of revenue budgets for the forthcoming financial years, the number of which to be determined by Cabinet.
 - 4.2** The information prepared by the Heads of Department will be collated and checked by the Chief Financial Officer.
 - 4.3** Each financial year, and in accordance with the agreed Financial Strategy/Forecast determined in accordance with the Budget and Policy Framework Procedure Rule 3, the Chief Financial Officer will submit to Management Team for their consideration:
 - 4.3.1** A forecast of net revenue expenditure for the forthcoming year(s);
 - 4.3.2** A forecast of capital expenditure for the forthcoming year(s) together with known and anticipated funding streams. All such schemes must be in accordance with the Council's approved Capital Strategy and will have been subjected to an investment appraisal in accordance with the Prudential Code and will only be included if it can be demonstrated that the investment is prudent and within affordable and sustainable levels;
 - 4.3.3** The forecast position of the Council's Reserves over the period of the forecast;
 - 4.3.4** The Council Tax rate for the forthcoming financial year(s) resulting from the proposals;
 - 4.3.5** Initial draft revised prudential indicators for the current year and the following 3 years based on the draft capital programme.
 - 4.3.6** Any other information required in accordance with the Financial Strategy/Forecast agreed for the year in question.
 - 4.4** Management Team will then, in the light of the Chief Financial Officer submission in 4.3 above, and in accordance with the Budget and Policy Framework Procedure Rule 3, make recommendations to the Cabinet setting out proposed draft budgets.
 - 4.5** The Cabinet will, in accordance with the Budget and Policy Framework Procedure Rule 3, draw up firm proposals for consideration by the Council.
 - 4.6** In submitting the budget to the Council the Cabinet may attach a reservation to any item and, subject to the approval of the Council, no avoidable expenditure shall be incurred in respect of any such item until the Council has withdrawn the reservation.

5. AUTHORITY TO INCUR EXPENDITURE

In relation to all expenditure both revenue and capital, however funded, and in accordance with delegated powers an approved scheme is one where there is:-

- (a) Provision of a service consistent with an historic nature and level that is, and has in prior years, been specifically allocated and defined within the ongoing base Budget;
- (b) Any change to a service set out in (a) above where the appropriate authority to the change has been obtained in accordance with delegated powers;
- (c) Otherwise, a scheme that has the necessary approval from Council, Cabinet, Portfolio Holder or Officer in accordance with delegated powers.

For any expenditure to be incurred the necessary budget must also be in place. Where the necessary budget is not in place then amendments to the budget agreed by Council can only be made in accordance with section 6 below.

6. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL

6.1 Supplementary Estimates

- 6.1.1** A supplementary estimate will increase the Council's net expenditure and will, if it relates to revenue expenditure, result in a reduction in the Council's reserves. If it relates to capital expenditure it will either increase the Council's use of capital receipts, increase the amount needed to be borrowed or, as in the case of revenue expenditure, reduce the Council's reserves. Therefore a supplementary estimate is needed in all cases of increased overall net expenditure, whether capital or revenue.
- 6.1.2** A supplementary estimate should not normally be considered unless the matter is essential and unavoidable and all other options for applying a virement have been considered.
- 6.1.3** Once the Council Tax for any financial year is set any subsequent increase in items (a) to (d) below for that same year will require a supplementary estimate. This does not have to be approved before a commitment is made, if in the opinion of the Chief Financial Officer, the matter is urgent. The Chief Financial Officer shall report any increase in the Council's overall net expenditure to the Cabinet at the earliest opportunity and recommend to Cabinet whether the increased expenditure should be financed by virement or supplementary estimate. If the supplementary estimate is outside the scope of the Cabinet's authority appropriate recommendations will be made to Council.

- (a) Salaries, wages and pensions increases arising from nationally negotiated decisions, and variations in contributions under the National Insurance and Superannuation Acts;
- (b) Price increases in connection with continuing contracts for revenue services where, in the opinion of the Chief Financial Officer, such increases are reasonable;
- (c) Reductions in the amount of income from government, local or public authority sources;
- (d) Interest rates or other similar financing factors.

6.1.4 No specific supplementary estimate approval is required at any time for the following:

- (a) Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 receipts in advance holding account where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (b) Debt written off for which specific provision was made in the Council's bad debt provision at the end of the previous financial year.
- (c) Expenditure on a specific activity that has previously been approved in accordance with the Council's constitution and for which the funding of that expenditure in future years has been placed in a dedicated earmarked reserve, and the expenditure is to be financed by the use of that reserve. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (d) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years.

6.1.5 A supplementary estimate can be approved as follows:

- (a) **Finance and Corporate Resources Portfolio Holder** may approve a supplementary estimate of any single item (revenue or capital) up to £50,000 subject to a maximum aggregate value of £150,000 for such single items in any one financial year and providing any single supplementary estimate does not cause the total of supplementary

estimates approved by the Finance and Corporate Resources Portfolio Holder and Cabinet to exceed £1,000,000 for General Fund Services (capital or revenue) or £1,000,000 in respect of the Housing Revenue Account (capital or revenue) for the financial year concerned.

- (b) **Cabinet** may approve a supplementary estimate of any single item (revenue or capital) up to £500,000 subject to that supplementary estimate not causing the total of supplementary estimates approved by the Cabinet and the Finance and Corporate Resources Portfolio Holder to exceed £1,000,000 for General Fund Services (capital or revenue) or £1,000,000 in respect of Housing Revenue Account (capital or revenue) for the financial year concerned.
- (c) **Council** may approve a supplementary estimate up to any amount for General Fund or Housing Revenue Account. However Council must be advised if any decision is likely to result in the Council's agreed minimum working balance not being maintained for the current financial year and the length of the Council's approved financial strategy. In the case of the Housing Revenue Account, Council must be advised if any decision is likely to result in the Revenue Account balance being in deficit over the same period.

6.1.6 Where a Head of Department wishes to apply for a supplementary estimate a report shall be made, following consultation with the Chief Financial Officer, to Management Team. Management Team will then make a recommendation where appropriate to the Finance and Corporate Resources Portfolio Holder or Cabinet. Cabinet must recommend to Council any request for supplementary estimates that requires the approval of Council.

6.2 Negative Supplementary Estimates

A negative supplementary estimate (having the effect of reducing an otherwise available budget) with the specific purpose of reducing the Council's net expenditure may be approved based on the same limits set out in 6.1.5 above.

6.3 Virements

6.3.1 A virement, unlike a supplementary estimate, will not increase the Council's overall net expenditure. However to ensure that the budget, functions and service levels approved by Council are not compromised virements can only be undertaken under the following conditions.

6.3.2 Virement rules do not need to be followed in the following circumstances but a scheme will still need to be approved including agreement of what is to be delivered:-

- (a) Where expenditure is being funded entirely by income received under section 106 agreements and that income has been received and accounted for in the current financial year and where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (b) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years. In these circumstances the Chief Financial Officer must agree the expenditure and the financing.

If there are additional costs to the Council then that expenditure must be financed in accordance with these Financial Procedure Rules.

- (c) Subject to agreement of the Chief Financial Officer:
 - (i) Where a decision requires an amendment to the budgetary analysis within the Council's financial information system in order that the Council's accounts can properly reflect the financial transactions of that decision.
 - (ii) Where the budgetary analysis within the Council's financial information system need to be amended in order to comply with required accounting standards or to properly reflect the costs of an activity or function.

6.3.3 Virement rules are required to be followed in the following circumstances:

- (a) The transfer of a sum from one estimate to another, which can be within or between services.
- (b) Where an expenditure estimate is to be increased and offset by a known increase in an income estimate including fees and charges.

- (c) Where reduced income is to be offset by a sustainable reduction in expenditure.

6.3.4 The conditions for a virement are:

All virements must be made within the terms and limits prescribed in these Financial Procedure Rules (see 6.3.5):

- (a) Subject to (b) to (h) below a Head of Department can apply a virement provided that the Department is able to ensure that:
 - (i) Overall, the minimum agreed level of service would still be provided
 - (ii) The net service cost will be contained within the overall approved budget and the Council's overall costs will not be increased
 - (iii) There are no additional budgetary implications in future years
 - (iv) The service being provided is within the Council's approved policy
- (b) All virements between **revenue and capital budgets** must be as set out below.
- (c) A virement cannot be made where the proposed expenditure or reduction in income relates to an item which has **previously been considered** and been rejected by the Council, the Cabinet or responsible Portfolio Holder.
- (d) Where a virement is proposed and the expenditure is in respect of an item not provided for within an approved budgeted service level, but can be met by fortuitous savings (such as from a tendering process or against growth items identified in the Financial Strategy/Forecast), such expenditure if in excess of £15,000 shall be referred to Cabinet for approval. This excludes savings from minor restructuring. In respect of savings against Financial Strategy/Forecast Growth Items, the limit will apply to the aggregated value of all requested virements from such budgets.
- (e) Cabinet must approve all virements, which are likely to result in a further and/or additional burden on future years' Council Tax and revenues.

- (f) Where significant virements are necessary, it is NOT acceptable to disaggregate the total sum into a number of smaller virements so that these smaller sums fall within the rules/limits of these Financial Procedure Rules. The limits will apply to the aggregated value of the transfer to or from any one estimate.

6.3.5 Virement Limits and Approvals

- (a) ~~From employee costs to temporary agency staff estimates~~

Virement Value	Approval Required
Not more than £15,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	Chief Financial Officer
Over £15,000 but not more than £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post	The Chief Financial Officer with the approval of the Management Team and Finance and Corporate Resources Portfolio Holder.
Over £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team have approved the filling of that post	The Chief Financial Officer with the approval of the Management Team, Finance and Corporate Resources Portfolio Holder and Cabinet.

- (b) (a) Transfers within an approved estimate

Virement Value	Approval Required
No limit	The Head of Department providing the expenditure does not impose an ongoing commitment on the Council, which has not already been approved and budgeted for.

(e)(b) General Fund Revenue and HRA

Virement Value	Approval Required
Not more than £15,000.	The Head of Department
Over £15,000 but not more than £30,000	The Head of Department, together with the approval of the Management Team together with the Portfolio Holder(s) and/or Committee(s)
Over £30,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Corporate Resources Portfolio Holder
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet

(e)(c) General Fund Capital Schemes

Virement Value	Approval Required
Not more than £15,000.	The Head of Department
Over £15,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Corporate Resources Portfolio Holder
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet

(e)(d) Housing Revenue Account Capital Schemes

Virement Value	Approval Required
Not more than £100,000	Corporate Director (Operational Services), provided that the total Capital Scheme allocation as approved is not exceeded and provided the Chief Financial Officer advises that no increase to Housing Revenue Account costs results.

(Cream)

Over £100,000	Housing Portfolio Holder provided the total HIP allocation as approved is not exceeded and provided the Head of Finance, Revenues and Benefits Services advises that no increase to Housing Revenue Account and General Fund revenue costs results.
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(f) **Between Capital and Revenue**

Virement Value	Approval Required
(i) Increase in an approved Capital budget.	<p>a) When the increase in the cost of the project is a supplementary estimate and must be agreed in accordance with these Financial Procedure Rules.</p> <p>b) When the financing from an existing revenue budget is a virement between the revenue financing of capital expenditure budget and the revenue budget which is being reduced and normal virement rules as set out in these Financial Procedure Rules are to apply. In these circumstances the Head of Finance, Revenues and Benefits Services must agree the expenditure and the financing.</p>
(ii) Increase in an approved capital budget which is to be financed by an increase in borrowing or use of capital receipts	This is a supplementary estimate, which must be agreed in accordance with these Financial Procedure Rules.
(iii) Increase in an approved revenue budget, which is to be financed by a reduction in an approved capital budget which results in a reduction in the revenue financing of capital expenditure sufficient to meet the entire increase in the revenue budget	This is a virement between the revenue financing of capital expenditure budget and the revenue budget, which is being increased, and normal virement rules as set out in these Financial Procedure Rules are to apply. In these circumstances the Head of Finance, Revenues and Benefits Services must agree the expenditure and the financing.

(Cream)

If none of the above circumstances set out in (i), (ii) and (iii) above apply.	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.
Irrespective of the above in all cases where there is an increase to the General Fund revenue costs	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.

- 6.4** The Chief Financial Officer shall ensure that all virements comply with these Financial Procedure Rules and will amend the Council's financial information systems as appropriate.
- 6.5** The Chief Financial Officer will maintain an up-to-date record of all virements and supplementary estimates that have been actioned to date and make this available to the Finance and Corporate Resources Portfolio Holder on request.

7. FINANCIAL MANAGEMENT OF BUDGETS DURING THE YEAR

- 7.1** Once the Council has approved the budget, officers to whom authority has been delegated, may incur expenditure within the amount provided under each head of estimate as varied by any supplementary estimate or virement approved under these Financial Procedure Rules provided that:
- (a) The matter is not one to which the Cabinet has attached a reservation
 - (b) Where appropriate any necessary external consent has been obtained
 - (c) Procurement Procedure Rules have been complied with
- 7.2** Responsibility for the control of capital and revenue expenditure (including the award of grants) and income for a service or function shall rest with the appropriate Head of Department. Each Head of Department shall notify the Chief Financial Officer of any actual or prospective overspending of expenditure or shortfall in income in excess of the budget which cannot be met by virement as set out in these Financial Procedure Rules.
- 7.3** The Chief Financial Officer has a duty under Section 28 of the Local Government Act 2003 to monitor budgets and the underlying assumptions formulating the budget throughout the year. Where an approved expenditure budget is likely to be overspent or there is likely to be a shortfall in an income budget the Chief Financial Officer shall ensure that corrective action is taken. In exercising this duty the Chief Financial Officer may, irrespective of section 6.2 above, examine all budgets and seek explanations

from Heads of Department as necessary. The Head of Department shall provide the Chief Financial Officer with any information and explanation requested.

- 7.4** The Chief Financial Officer shall provide Heads of Department with adequate and timely accounting information and reports, in appropriate detail, to enable those Heads of Department to carry out budgetary control of their budgets.
- 7.5** The Chief Financial Officer shall determine the level and detail at which budgets and financial management reports are maintained for use by officers and for reporting to Members.
- 7.6** The Chief Financial Officer shall in conjunction with the Management Team ensure that Portfolio Holders, Cabinet and the Council are fully informed of the Council's financial position.

8. FINAL ACCOUNTS, OUT-TURN REPORT AND STATEMENT OF ACCOUNTS

- 8.1** An Outturn Report for the previous financial year will be prepared by the Chief Financial Officer, in respect of revenue and capital items (including Housing), in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline. The outturn report will seek the approval of the Finance and Corporate Resources Portfolio Holder for:
 - 8.1.1** Any transfers to and from reserves
 - 8.1.2** The funding treatment of capital expenditure and the treatment of capital receipts.
 - 8.1.3** The carrying forward of capital slippage and revenue commitment sums in respect of any unspent monies in one year to a later year or to reserves
 - 8.1.4** The carrying forward of overspent sums in respect of Capital projects and revenue budgets that will be financed by a reduction in the following years budget in respect of any overspent monies in one year to a later year or to be financed from reserves.
- 8.2** The Chief Financial Officer will prepare the Council's Statement of Accounts in accordance with statutory requirements and will incorporate all decisions approved by the Finance and Corporate Resources Portfolio Holder in 8.1 above. Any further decisions that may be required following the outturn process, such as allocating money brought forward from the prior year will be made by Cabinet at a subsequent meeting.
- 8.3** All Heads of Department shall supply the Chief Financial Officer with accurate and timely information as may be required for the compilation of the final and other accounts and matters incidental thereto to enable the above requirements to be

achieved. That information shall be supplied in a format specified by the Chief Financial Officer.

9. FINANCIAL ADMINISTRATION

9.1 Internal Audit

9.1.1 The designated Head of Internal Audit is the Council's officer for the purposes of compliance with statutory Section 151 responsibilities in respect of Internal Audit along with any other relevant regulations or standards.

9.1.2 The designated Head of Internal Audit shall ensure that independent internal audit staff examine and audit the expenditure, income and property and other assets of the Council and its officers. To enable the designated Head of Internal Audit to achieve this, Internal Audit shall have the right of entry to all establishments and the right to examine all records, cash, stores and other properties belonging to or appertaining to the finances of the Council and to carry out such checks and require and receive such explanations as considered necessary.

9.1.3 Following completion of each audit a written report shall be submitted to the Head of Department, who must determine and notify the designated Head of Internal Audit of the action they propose to take.

9.1.4 In planning the conduct of these audits, the designated Head of Internal Audit shall arrange, as far as possible, for the views of the Head of Department to be taken into account.

9.1.5 Heads of Department **must** report **any financial irregularity or suspected irregularity**, including those affecting cash, stores or property to the designated Head of Internal Audit **immediately the irregularity or suspected irregularity becomes known**.

9.2 Accounting Arrangements

9.2.1 The Chief Financial Officer shall determine, provide, and manage the Council's Financial Information System.

9.2.2 All financial returns to Government, the Council's Statement of Accounts and all budget monitoring reports will be prepared from the information in the Council's Financial Information System or such other system that the Chief Financial Officer has agreed can be used to provide the information.

- 9.2.3** Each Head of Department is required to obtain the approval of the Chief Financial Officer for all accounting procedures and records that are proposed. This shall include any computer-based systems that store, utilise or process **any** financial information and must be capable of interfacing and/or integrating with the Council's Financial Information System.
- 9.2.4** All Heads of Department shall ensure that their approved accounting procedures and records are reconciled to the Council's Financial Information System and that adequate records are maintained to demonstrate this.
- 9.2.5** In this respect each Head of Department shall provide the Chief Financial Officer with details of all authorised officers within their department, setting out matters that those officers are authorised to deal with and, where appropriate, the financial limits and shall notify the Chief Financial Officer of those officers' appointment or departure.
- 9.2.6** Any officer having in their charge money, equipment, stores or other property for which they are accountable to the Council shall take all reasonable precautions for its safe custody and proper use.

9.3 Responsibilities for Computer System Legislation

- 9.3.1** All Heads of Department who services utilise computer installations and software shall be responsible for the security and privacy of all data held in those installations, and for ensuring compliance with all relevant legislation in respect of the licensing and use of that software. This includes taking all necessary action to safeguard against computer viruses or other form of data corruption.
- 9.3.2** Heads of Department shall also ensure that all necessary registrations are made under the Data Protection Act and that those registrations are regularly monitored and updated where necessary. Staff shall also be reminded of their individual responsibilities under this Act and the Freedom of Information Act.
- 9.3.3** Similarly, each Head of Department shall ensure that all other relevant computer system legislation is complied with, in particular copyright and patents acts concerning the use of software, scanners and other electronic storage means, for which the appropriate licence fee has not been paid, and the Computer Misuse Act.

9.4 Orders for Works, Goods and Services

- 9.4.1** All official orders and associated documents shall bear the name and logo of Tendring District Council and shall be in an agreed standard format and

produced by the approved ordering system. They shall be issued only by Heads of Department and their authorised staff and be in accordance with these Financial Procedure Rules and the Procurement Procedure Rules.

9.5 Certificate and Payment of Invoices

9.5.1 Invoices for payment by the Council shall not be made out by any officer of the Council, other than in circumstances agreed in advance with the Chief Financial Officer, nor shall an Officer add any item to an invoice rendered by a supplier.

9.5.2 The reasons for any amendment to an invoice shall be recorded and retained in a safe and secure manner in accordance with the directions issued by the Chief Financial Officer.

9.5.3 Any Head of Department who issues an order shall be responsible for ensuring the examination, verification and certification of the relevant invoice(s), except in circumstances as determined by the Chief Financial Officer, and for correctly and promptly recording on the Council's approved ordering system the receipt of goods, works or services.

9.5.4 Before certifying an invoice the certifying officer must be satisfied, within the tolerances specified by the Chief Financial Officer, that:

- (a) The invoice confirms with the official order
- (b) That the goods have been received, examined and approved for quality and quantity and that any services have been rendered or any work done satisfactorily and receipted on the approved ordering system
- (c) That the prices charged are correct
- (d) That the expenditure is, to the best of the certifying officer's belief, lawful and has been duly authorised.
- (e) That no invoice for the same goods, service or work has previously been passed for payment
- (f) The invoice is arithmetically correct
- (g) That the expenditure has been properly analysed to the appropriate accounting code(s)
- (h) That the allocation of VAT has been correctly made

- (i) That the expenditure can be financed from within the appropriate approved estimate.

Where a grant has been approved, the above should be followed by the certifying officer where appropriate.

9.5.5 It is the responsibility of a Head of Department receiving goods or materials to ensure that appropriate entries are made in inventories, stores or other records.

9.5.6 Wherever practicable the respective duties of ordering, receiving and certifying the relevant invoices for payment of goods, services or work shall not be performed by one and the same officer, and in no case shall an invoice be finally certified for payment by an officer assuming personal control over the goods, works or services to which the invoice relates.

9.5.7 The Chief Financial Officer shall examine, so far as he/she considers necessary, invoices passed for payment and shall make all such enquiries and receive all such enquiries and receive all such information and explanations, as shall be required.

9.5.8 All Heads of Department shall ensure that the Council's prompt payment of invoices are met.

9.6 Income

9.6.1 All arrangements for the collection of monies due to the Council and the issuing of debtor invoices shall be as directed by the Chief Financial Officer.

9.6.2 All monies received shall, without delay, either be paid in as instructed by the Chief Financial Officer or be banked in the Council's name to the bank accounts designated by the Chief Financial Officer.

9.6.3 Heads of Department must ensure that where an invoice is to be issued for sums due to the Council, that the invoice is issued immediately the sum due is known. Where a large sum is likely to be due, interim invoices are to be issued.

9.6.4 Where an invoice is to be issued the Head of Department issuing the invoice must ensure that the invoice is correct and the sum demanded is properly due to the Council and meets all the legal obligations especially those required to enforce non-payment if such circumstances arise.

9.6.5 Each officer who banks money to the credit of the Council's bank account shall enter on the paying-in slip, and on the duplicate thereof, particulars of the payment. In the case of each cheque paid in he/she shall record:-

(Cream)

- (a) The amount of the cheque
- (b) A reference which shall connect the cheque with the debt or debts in respect of which it was received.

- 9.6.6** Where monies are due to the Council under contracts, leases, tenancy agreements, agreement for the sale of property and any other agreements entered into which involve the receipt of money by the Council, the Head of Department shall provide the Chief Financial Officer with all relevant particulars, as soon as possible.
- 9.6.7** Each Head of Department who, under arrangements approved by the Chief Financial Officer, is responsible for the collection or recovery of sums due to the Council shall take prompt action to expedite collection. This action shall comply with the Council's debt recovery procedures as determined and directed by the Chief Financial Officer.
- 9.6.8** Official receipt forms, receipt books, tickets and other documents of a similar nature used to collect revenue due to the Council shall be in a format approved by the Chief Financial Officer.
- 9.6.9** Heads of Department stocking such stationery shall ensure that appropriate security is maintained at all times.
- 9.6.10** Each officer authorised to receive monies on behalf of the Council shall do so only on official receipt forms, tickets or other documents of a similar nature as approved by the Chief Financial Officer, except in respect of payments by cheque or drafts where no receipt is requested, or for payments received by the Head of Governance and Legal Services for which he/she is satisfied it is appropriate to give a receipt otherwise than in the official form.
- 9.6.11** Money received shall not be used to cash personal or any other cheques whatsoever except where, due to exceptional circumstances, the Chief Financial Officer has given prior approval.
- 9.6.12** Where payment is made to the Council by debit or credit card the Head of Department accepting payment must ensure that all sums due to the Council by the Credit Card or Debit Card Company is received in full by the Council and reconciled.

9.7 Remuneration, Gratuities and Allowances

9.7.1 Heads of Department shall provide the Chief Financial Officer with all appropriate details to enable the payment of all salaries, wages, compensation, gratuities and other emoluments in respect of employees or former employees.

- (a) The Head of People, Performance & Projects must notify the Chief Financial Officer immediately of all appointments, dismissals, resignations, suspensions, transfers and changes in the rate of remuneration of employees (other than normal increments).
- (b) Heads of Department shall notify the Chief Financial Officer of all overtime or additional hours worked for which payment is to be made and all absences through sickness or other absences affecting the payment due to employees.
- (c) Claims for travelling and subsistence allowances shall be assessed monthly by Heads of Department who, within four working days of the end of each month shall notify the Chief Financial Officer of amounts due to be paid.
- (d) Each Head of Department shall notify the Chief Financial Officer of the names and specimen signatures of those officers who are authorised to certify salaries, wages and allowances documents.

9.7.2 The Chief Financial Officer shall examine, so far as he/she considers necessary all claims for payment of salaries, wages or allowances and subject to that examination, shall make all such payments which are certified by the appropriate Head of Department or other officer authorised by them in writing or in an electronic format approved by the Chief Financial Officer.

9.8 Petty Cash and Other Imprest Accounts

9.8.1 The Chief Financial Officer shall make imprest advances to Heads of Department, where appropriate, for the purpose of defraying petty expenses. The use of any alternative means of meeting expenses shall be agreed, in advance, with the Chief Financial Officer.

9.8.2 The amount of each advance and the system of operation shall be determined in consultation between the Head of Department and the Chief Financial Officer.

9.8.3 Whenever an Officer leaves the employment of the Council or ceases to be entitled to hold an imprest advance he/she shall account to the Chief Financial Officer for the unexpended balance of their advance.

9.8.4 All procurements made using a petty cash imprest shall be in accordance with the Procurement Procedure Rules. All procurements must be evidenced by the production, and retention with the petty cash imprest records, of a valid receipt. Where VAT is to be accounted for a valid VAT receipt shall be obtained.

10. WRITE-OFFS OF SUMS DUE TO THE COUNCIL

- 10.1** The Council has a duty to collect all sums due to it. However there are occasions when it is not possible or cost effective to proceed with the recovery of the debt. In these cases the debt needs to be written off and the following conditions, delegations, and limits apply. The Head of Department must be reasonably satisfied that recovery action/options have been “exhausted” before proceeding to seek a write off of any debt.
- 10.2** Where a debt has been raised in error or is incorrectly calculated then the debt should either be reduced or cancelled by the issue of a credit note or similar reversal of the original charge. Such reversal must be authorised by a responsible officer other than the one who raised the original debt.
- 10.3** All write-offs of debt must be set against the budget to which the original income was credited or an appropriate provision if one has been made.
- 10.4** If the write-off will result in that income budget not being achieved the Head of Department must advise the Chief Financial Officer immediately.
- 10.5** That part of any debt written off, for which provision has been made in the Council’s bad debt provision at the end of the previous financial year can be written off without further action as set out in 5.4.4(b) of these Financial Procedure Rules.
- 10.6** If the Chief Financial Officer advises that the whole or part of the debt was not included in the Council’s bad debt provision at the end of the previous financial year then the Head of Department must apply a virement or seek a supplementary estimate in accordance with section 5 of these Financial Procedure Rules to finance that part of the debt not provided for within that provision.
- 10.7** The authority to write-off debts is delegated by the Council as follows:

Item for Potential Write-off	Authority to Write-off Delegated To
Debt due to the Council where the amount owing is a Council Tax, NNDR or Housing Benefit and Rents debt which is either:- 1. A ceased account and the debt is equal to the amount charged as summons costs making the debt uneconomical to collect, or	

(Cream)

<p>2. Not a ceased amount but the amount owed is less than the cost of second class postage</p> <p>3. The debt due to the Council is less than £10</p> <p><i>In respect of 1. and 3. above, there should be no other "live" Council Tax or NNDR account in the name of the specific debtor.</i></p>	The relevant Corporate Director
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Item for Potential Write-off	Authority to Write-off Delegated To
<p>Specific debtors where:-</p> <p>(a) There is a personal bankruptcy, company insolvency, Individual/Company Voluntary Arrangement or a Debt Relief Order.</p> <p>(b) The Recovery Enforcement Agents has been unable to obtain payment and has returned the debt as "nulla bona" and insufficient assets to satisfy the debt.</p> <p>(c) The company has been struck off by Companies House.</p> <p>(d) The death of a debtor who dies insolvent and the claim against the estate has been made.</p> <p>(e) Death of a debtor who has died with no executor with whom to register a claim.</p> <p>(f) Council Tax Debts – Removal outside the jurisdiction of the Magistrates Courts of the debtor.</p> <p>(g) All other debts – Removal outside the UK of the debtor.</p> <p>(h) The remission of debts by the Magistrates or other court.</p>	<p>The Chief Financial Officer on receipt of a written report from the appropriate Head(s) of Department.</p> <p>Where joint/several liability applies to any of the criteria listed, the criteria applied must be applicable to all parties.</p>

(i) The committal to prison of the debtor in respect of the non-payment of the debt or associated debt.	
(j) The abscondment of a debtor where a tracing or other appropriate agency has failed to make a trace.	

ANY OTHER DEBTS	
Individual debts not exceeding £5,000	The Chief Financial Officer on receipt of a written report from the appropriate Head(s) of Department which should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.
Individual debts exceeding £5,000 but below £25,000	The Finance and Corporate Resources Portfolio Holder on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Head of Governance and Legal Services which should include a recommendation as to how the write-off will be financed and where reasonably practicable identify if the specific debtor is still receiving goods or services from the Council.
Individual debts of £25,000 and above	The Cabinet on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Head of Governance and Legal Services should also include a recommendation as to how the write-off will be financed and should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.

11. INSURANCE

- 11.1 The Chief Financial Officer shall be responsible for the provision of the Council's insurances. This shall include authority to accept annual renewal terms from the

(Cream)

appointed insurer subject to such terms being within the terms of the original contract and the approved budget available. Heads of Department shall be responsible for providing the Chief Financial Officer with all necessary information to do this in the most effective manner.

- 11.2 Each Head of Department shall give prompt notification to the Chief Financial Officer of all new risks, properties or vehicles which require to be insured, and of any alterations affecting existing insurances, indicating the amount or variation in cover required.
- 11.3 Each Head of Department shall also notify the Chief Financial Officer of any other risk which in their opinion should be included within the Council's insurance cover arrangements.
- 11.4 Heads of Department shall, as soon as they become aware of such circumstances, notify the Chief Financial Officer in writing of any claim or likely claim. Heads of Department shall **not** admit any liability or take any action that may commit the Council or its insurers in respect of any potential or actual claim.
- 11.5 Each Head of Department shall consult the Head of Governance and Legal Services regarding the terms of any indemnity which the Council has been requested to give before authority is sought for the giving of the indemnity.
- 11.6 Each Head of Department shall consult the Chief Financial Officer on any case where, in their opinion, the nature or situation of any equipment, stores or other property for which they are accountable to the Council requires the provision of special security arrangements.
- 11.7 The Chief Financial Officer shall, periodically, provide Heads of Department with full details of the risks insured by the Council so that they may check and review the items for which they are responsible.

12. INVENTORIES STOCKS AND STORES

- 12.1 Inventories shall be properly maintained by Heads of Department to record appropriate items in the possession of the Council regardless of whether an item has been leased, rented, borrowed or purchased.
 - 12.1.1 All assets of the Council shall be recorded in inventories or registers maintained by Heads of Department in a form approved by the Chief Financial Officer and in accordance with procedures agreed with him/her.
 - 12.1.2 Separate registers will be maintained by the Deputy Chief Executive for:
 - (a) Land and Buildings

(b) IT equipment

- 12.1.3** The level or value of items to be listed shall be determined by each Head of Department in consultation with the Chief Financial Officer.
- 12.1.4** Heads of Department are responsible for checking and certifying of inventories within their control at least once a year to ensure the security of all property under the Council's control.
- 12.1.5** The Council's property, equipment and other facilities shall not be removed other than in the ordinary course of the Council's business nor shall they be used for any other purpose. Heads of Department should ensure that where equipment is removed from Council premises to be used for work purposes elsewhere, including officers' homes, that an appropriate record is maintained of such movements and that adequate insurance cover exists (including whilst in transit).
- 12.1.6** Heads of Department shall ensure that a record is maintained, in a format approved by the Chief Financial Officer, of all items written off. This record shall detail date, description, reason and include appropriate authorisation.
- 12.2** Where appropriate a Head of Department shall notify the Chief Financial Officer of any acquisition, disposal or change of an item, which is included in the Authority's balance sheet or where changes in the Council's insurance cover may be necessary.
- 12.3 Stocks and Stores**
- 12.3.1** All records of stocks and stores shall be in a form approved by the Chief Financial Officer.
- 12.3.2** Procedures for the receipt and issue of stocks and stores shall be approved by the Chief Financial Officer.
- 12.3.3** Each Head of Department shall be responsible for the custody and physical control of all stocks and stores under their control.
- 12.3.4** Each Head of Department shall arrange for continuous stock checking of stocks in hand and shall ensure that all items of stock are checked at least once in every financial year.
- 12.3.5** Each Head of Department shall furnish the Chief Financial Officer with a certificate showing the value of stocks and stores in hand under their control as at 31 March in each year in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline.

12.3.6 The Deputy Chief Executive or Corporate Directors (where relevant) are authorised to approve the write-off of an inventory item and adjusting stocks and stores accounts up to £250 in respect of any one item or £1,250 per annum in consultation with the Chief Financial Officer.

12.4 Disposal of Stocks and Stores and items owned or managed by the Council

12.4.1 Where a Head of Department identifies items of equipment on an inventory or stocks or stores no longer required and they are satisfied that the items/stores are of no use to other Heads of Department then they shall arrange for disposal which can include being offered for sale to staff/Council Members where the sale is based on the highest price offered.

Only then:

If the total estimated value of the items is in excess of £1,000 then disposal shall be by means of a public auction or open tender

12.4.2 Whatever method of disposal is applied, where the value of the items to be disposed of needs to be written from the accounts, the cost shall be allocated to a separately identifiable write-off code provided by the Chief Financial Officer.

12.4.3 Income from any disposal shall similarly be identifiable using a code provided by the Chief Financial Officer

12.5 Where there is a net cost of disposal the Head of Department must finance the cost by virement or supplementary estimate in accordance with these Financial Procedure Rules.

13. BANKING ARRANGEMENTS

13.1 Only the Chief Financial Officer shall be authorised to open bank accounts for monies under the control of the Council and these shall be in the name of the Council. Day to day operation of bank accounts shall be determined by the Chief Financial Officer.

13.2 The conduct of the Council's business with their bankers shall be made by, or under arrangements approved by the Chief Financial Officer.

13.2.1 A bank account or accounts shall be maintained by the Council into which all monies received by the Council shall be paid. Withdrawals from these accounts and transfers from one account to another shall be made only on the authority of the Chief Financial Officer or other officer authorised by him/her in writing.

13.2.2 Payments made on the Council's behalf shall be made using BACS transfers wherever possible or otherwise by crossed cheques. The Chief Financial Officer, or other officer authorised by him/her in writing, may make alternative arrangements where they consider it necessary or appropriate, in the interest of the Council.

13.2.3 Manual signatures of the Chief Financial Officer, or other officers authorised by him/her in writing, shall be required in accordance with arrangements determined by the Chief Financial Officer.

14. INVESTMENTS, LOANS AND BORROWING

14.1 The Council has adopted the CIPFA Treasury Management in Public Services Code of Practice (The Code) 2009.

14.1.1 All securities in the name of the Council and the title deeds of all property in the ownership of the Council shall be held in the custody of the Property Service.

14.1.2 This Council will create and maintain, as the cornerstones for effective treasury management:-

- (a) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities, **including also non-treasury investments.**
- (b) Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

14.1.3 The contents of the policy statement and TMPs will follow the recommendations contained in the Code **and Guidance from central Government**, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

14.2 The Council will receive reports on its treasury management policies, practices and activities as follows:-

14.2.1 Each year in accordance with statutory requirements and before the start of the forthcoming year Full Council will, following a recommendation by Cabinet and consideration by the Resources and Services Overview and Scrutiny Committee, approve an Annual Treasury Strategy for the forthcoming year. The Annual Treasury Strategy will include an investment strategy, **a capital strategy** and a borrowing strategy. The investment strategy will include a schedule of those instruments the Council will consider using for investments in

FINANCIAL PROCEDURE RULES

the forthcoming financial year. The borrowing strategy will include a statement of the anticipated borrowing requirement for the following financial year. The Annual Treasury Strategy will also include the prudential and treasury indicators for the forthcoming year and at least the subsequent 2 years. **The Capital Strategy will include a projection of external debt and use of internal borrowing to support capital expenditure, provision for the repayment of debt over the life of the debt, the authorised limit and operational boundary for the following year and the approach to treasury management, including due processes, due diligence and defining the Council's risk appetite.**

14.2.2 The Annual Treasury Strategy will be reviewed as necessary throughout the year. As a minimum the Chief Financial Officer will review the strategy as at the end of September and report the findings of that review to Cabinet, which may at its discretion, forward the report to Council.

14.2.3 The Chief Financial Officer will report to Cabinet at the earliest opportunity after 31 March in any year on the Council's Treasury Management performance and activities in the preceding financial year.

14.2.4 The Chief Financial Officer will report during the course of the financial year on the Council's Treasury Management performance and activities. Such reports to be considered by Cabinet and the Resources and Services Overview and Scrutiny Committee.

14.3 The Council's Chief Financial Officer shall, in accordance with the Council's TMPs and the Council's approved Annual Treasury Strategy, be authorised to:

- (a) Borrow sums of money
- (b) Reschedule or restructure the existing debt portfolio
- (c) Invest surplus funds
- (d) Determine those counterparties and countries that meet the Council's credit rating criteria
- (e) Determine the money brokers the Council will use for temporary borrowing and investment and long term borrowing
- (f) Amend as necessary and in accordance with the Council's Treasury Management practices those schedules set out therein
- (g) Take urgent action to safeguard the Council's investments, including where necessary temporarily breaching the conditions set out in the TMPs. The Finance and Corporate Resources Portfolio Holder is to be advised of the action taken as soon as practicable.

14.4 The execution and administration of treasury management decisions is the responsibility of the Chief Financial Officer, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

15. LAND AND PROPERTY TRANSACTIONS

15.1 All land and property transactions must be undertaken in accordance with the Council's **Property Dealing Procedure**.

15.2 Any amendments to the **Property Dealing Procedure** will be made by Full Council as constitutional amendments.

16. EXTERNAL FUNDING

16.1 External funding refers to applications to external organisations, including Government departments and agencies for the funding of expenditure. The expenditure may be for the Council's own services or for those services provided in partnership with other public bodies, voluntary sector bodies or private sector organisations.

16.2 In any partnership arrangement the Chief Financial Officer must ensure that there are adequate controls in place in respect of the Council's own financial liabilities to the partnership and that there are adequate controls in place for the partnership itself.

16.3 Any application for external funding to finance or contribute to the financing of a function, investment or activity for which the Council is either the sole provider or is the accountable body must be approved by Management Team following consultation with the Chief Financial Officer to ensure the external funding being sought is in accordance with the Council's priorities and not an additional impact on resources. Such approval will be recorded with an Officer Decision.

16.4 When making application for payment of funds from the body awarding the grant it is a statutory obligation that all figures in the claim be supported by adequate, and comprehensive working papers. All such working papers will be in a format and detail as determined by the Chief Financial Officer.

17. PROCEEDS OF CRIME ACT 2002 (ANTI-MONEY LAUNDERING)

17.1 The Proceeds of Crime Act 2002 sets out some of the obligations placed on individuals and organisations to report known or suspected money-laundering activities. This means that both the Council itself and individual officers within the Council are bound by this Act. All employees of the Council must report any suspicions. Failure to do so is a criminal offence.

17.2 It is the Council's policy to do all it can to prevent, wherever possible, the Council and its staff being exposed to money laundering, to identify the potential areas where it may occur and to comply with all legal and regulatory requirements especially with regard to reporting of actual or suspected cases.

17.3 All Heads of Department will ensure that all staff for whom they are responsible and who are involved in financial transactions are aware of the Council's and their own obligations in respect of money laundering.

17.4 The Chief Financial Officer, or officer(s) nominated by him/her will be responsible for anti-money laundering measures within the Council to ensure compliance with the

Proceeds of Crime Act 2002 and fulfil the Council's policy in respect of money laundering.

- 17.5** The following instances could be an attempt at money laundering and should raise suspicions and must be reported to the Chief Financial Officer or nominated officer(s).

The Chief Financial Officer will determine the limits and procedures to be followed in the event of these activities arising.

17.5.1 Payment in cash of an unusually large sum of money.

17.5.2 Payment in cash of a sum in excess of the amount owing; particularly if a double payment is made, followed by a request for a non-cash refund.

17.5.3 The use of Trusts or offshore funds for handling proceeds or settlement of a transaction should be questioned.

17.5.4 Care should be exercised and further enquiries may be needed in the following instances:

- (a) A third party intermediary becomes involved in a transaction
- (b) The identify of a third party is hard to establish or is undisclosed
- (c) A party is evasive as to the source or destiny of funds
- (d) A third party uses a vehicle company and the ultimate ownership is concealed or difficult to establish.

18. STATE AID

18.1 State aid rules are in place to protect the European Community free market by ensuring state resources are not used to distort competition or give an unfair advantage. State aid rules can apply to voluntary and non-profit making organisations. State aid has four characteristics:

- (a) It is granted by the State or through state resources (this includes local authorities);
- (b) It favours certain undertakings, or the production of certain goods (this can include voluntary and non-profit making organisations if they are engaged in economic activity);
- (c) It distorts or threatens to distort competition;
- (d) It affects trade between member states.

If all four characteristics are present the state aid is prohibited, subject to certain exemptions. State aid takes many forms, it relates to a financial advantage of any kind.

- 18.2** Any support given to organisations must not breach state aid rules.
- 18.3** Issues regarding state aid must be checked prior to the award of support and advice sought as appropriate (guidance is available from the Department for Business Innovation and Skills).
- 18.4** Where state aid rules are considered to apply, appropriate approvals must be obtained from the European Commission prior to the award of the support unless specific regulations do not require advance approval, for example they are covered by a block exemption (limits apply) or the de minimis regulations.
- 18.5** If state aid is being given under a block exemption the aid must comply with every condition stated in the block exemption regulation and appropriate procedures for notifying the Commission of the award must be followed.
- 18.6** If state aid is being given under the de minimis regulations all relevant procedures must be followed, in particular:
- (a) the recipient must be informed of the de minimis nature of the grant
 - (b) full information must be obtained from the recipient about other de minimis aid received during the previous three years
 - (c) new de minimis aid must only be granted if it will not raise the total aid received in the relevant period of three years over the de minimis limit applicable at the time
 - (d) all records of de minimis aid paid must be kept in accordance with the regulations and for the relevant minimum time period.
- 18.7** All aid given must be notified to the Chief Financial Officer and financial records must separately identify any aid given.

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PROPERTY DEALING PROCEDURE [PART 5.62]

1. NEGOTIATION OF PROPERTY DEALS

- 1.1** Property Deal means the acquisition or disposal by the Council of any interest in land, including freehold, leasehold, by way of tenancy, any rent review, lease variation, lease renewal or any other dealing or proposed dealing with an interest in land or licence to use land.
- 1.2** Members must not engage in negotiations of any kind relating to any Property Deal or proposed Property Deal.
- 1.3** Every request to the Council from any party for a deal within this procedure shall be referred to the Head of Property Services, or, by the Chief Executive, to the Deputy Chief Executive or a Corporate Director.
- 1.4** Every Property Deal shall be conducted in accordance with the Property Dealing Procedure, excluding the sale of dwellings under right-to-buy legislation, ~~and the sale and purchase of Shared Equity and DIYSO properties,~~ **and arrangements for utilities to be provided on Council owned land.**
- 1.5** Any Property Deal will be dealt with by appropriate officers in accordance with the Property Office Procedures to be agreed from time to time by the Head of Property Services with the Council's Section 151 and Monitoring Officers. The Property Office Procedures set out the practice to be followed by any Officer acting under delegated powers.

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A.3 APPENDIX M

PROCUREMENT PROCEDURE RULES

SECTION 4 – QUOTATIONS AND TENDERS

4.1 General Requirements

- (a) Disaggregation of any procurement, in order to apply a lower level to each of the parts is not permitted.
- (b) Where any procurement spans a number of periods, or years, the total estimated cost will be the cumulative total of all periods, or years covered.
- (c) The use of electronic “portals” or other electronic means must be used to widely advertise goods, works or services required by the Council where appropriate, to ensure equal opportunity between local and non local suppliers.
- (d) Procurement **up to £50,000** (excluding VAT) – **Quotation Rules Apply (Section 4.2).**
- (e) Procurement **over £50,000** (excluding VAT) – **Tender Rules Apply (Section 4.3).**

4.2 QUOTATIONS (Procurement up to £50,000 excluding VAT) *After the appropriate procurement route has been identified by following the framework set out in 3.1 above and if appropriate:*

4.2.1 Procurement up to £10,000 (excluding VAT)

Where procurement is less than £2,500 then value for money should be demonstrated by obtaining two prices where possible.

Where procurement is in excess of £2,500, the seeking of two prices would be expected, with evidence retained by the department.

4.2.2 Procurement over £10,000, but not expected to exceed £50,000 (excluding VAT)

A minimum of three quotations should be sought by the department in addition to the production of a documented specification to include:

- (i) Identification of the procurement of goods, works or services required.

-
- (ii) Identification of any periods over which the goods, works or services are to be provided. In appropriate cases, provide for the payment of liquidated damages by a contractor where there is a failure to complete the contract within the period(s) specified.
 - (iii) Provision for the retention of stated sums/percentages and the retention period to be applied where appropriate.
 - (iv) Provision for the contractor to provide a performance bond, or parent company guarantee where appropriate.
 - (v) Unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council Standard Contract for Services must be used when seeking quotations **for £25,000 and above**. When seeking an exemption, the relevant department will identify why any additional or replacement terms and conditions are necessary for the service being sought.
 - (vi) All contractors or suppliers asked to provide a quotation must be advised that the quotation must be sent to a specified e-mail address, and that quotations e-mailed to any other Council e-mail address will be disqualified.

4.2.3 All quotations shall be sought electronically:

The responsible Deputy Chief Executive/Corporate Director/Head of Department shall arrange for a secure e-mail address to be set up on the Council's e-mail system. Access to this e-mail address must not be available until the time of quotation opening. Access to the secure e-mail address shall be controlled by an independent senior member of staff not involved with the project or tender process or a member of the Procurement Service.

Where the lowest quotation received exceeds £50,000 (excluding VAT), Tender Rules shall be followed from that stage as if tenders had been sought.

If the value of the lowest quotation received exceeds the limit of the quotation category applied, then the Deputy Chief Executive/Corporate Director/Head of

Department must seek sufficient further quotations applicable to the level of the value of that lowest quotation.

- #### **4.2.4**
- The Deputy Chief Executive/Corporate Director/Head of Department is under no obligation to accept any of the quotations. However where they are prepared to accept a quotation, the most financially advantageous quotation should be accepted unless other factors such as quality, local supply, performance and deliverability are also considered as part of the selection process. Evidence is expected to be retained to support such decisions where procurement exceeds £10,000.

(Cream)

Schedule 4 - Schedule of Proper Officers and Related Provisions

Part 3.43

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and final determination of 'Need to Know'			
Regulations 2, 7, 10, 12, 13, 14, 15, 16 & 20 and Common Law position	Access to Information Procedure and Recording of Decisions	Monitoring Officer	Deputy Monitoring Officer

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Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

9 NOVEMBER 2018

REPORT OF THE FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER

A.4 CORPORATE PEER CHALLENGE – ACTION PLAN UPDATE (Report prepared by Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To provide an update on the actions identified within the Peer Review Action Plan.

EXECUTIVE SUMMARY
<ul style="list-style-type: none"> • The Local Government Association (LGA) Corporate Peer Challenge of Tendring District Council took place from 6th to 9th March 2018. • The purpose of the review was to look at how the Council works in terms of its internal processes and how it interacts with partners, businesses and residents to shape Tendring as a district. • The Feedback Report highlighted a number of actions which were formulated into a Peer Review Action Plan which was presented to Cabinet on 18th May 2018. • The Action Plan has now been reviewed and an update provided on progress towards each of the action identified and is attached at Appendix A. Where necessary revised target dates have been included. • A further update will be provided in May 2019.
RECOMMENDATION
It is recommended that Cabinet notes the progress towards the actions and targets in the Peer Review Action Plan as attached at Appendix A.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
The actions set out in the Action Plan will significantly improve the Council's capacity to deliver its Corporate Priorities and its long term financial strategy. They will enhance the reputation of the Council and strengthen governance arrangements.
RESOURCES AND RISK
Finance and other resources

The actions proposed can be delivered within existing budget provision.

Risk

There is a risk that the actions will not be implemented, this will be mitigated by close monitoring of key actions and progress reports on all actions to Cabinet.

LEGAL

The Action Plan contains a wide range of actions of varying types, all of which are within the Council's legal powers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities /Area or Ward affected / Consultation/Public Engagement.

The implications of individual projects will need to fully and properly assessed and approved prior to commencing. As with resources and risk, assessment of other implications will need be included as part of the enhanced project delivery arrangements.

APPENDICES

Appendix A – Peer Review Action Plan

BACKGROUND PAPERS

None

TENDRING DISTRICT COUNCIL PEER REVIEW

A.4 Appendix A

ACTION PLAN

K = Key Recommendation

M = Misc other recommendations

Ref	Recommendation	Action	By whom	By when	Update – November 2018
K1	Improve how you tell the story of your ambition, plans, successes and positive impact across the whole District. <ul style="list-style-type: none"> Improve public awareness of impacts across the District. 	<p>Establish TDC Corporate Facebook page.</p> <p>Westminster promotion event – hosted by MPS to showcase Tendring4growth</p> <p>Develop proactive Communications Plans in relation to agreed priorities (and as part of new project approvals).</p> <p>Develop an Annual Communications Plan to draw in all aspects of council activities</p>	<p>ID lead WL</p> <p>EG</p> <p>WL</p> <p>WL</p>	<p>October 18</p> <p>Sept 2018</p> <p>Ongoing</p> <p>January 2019</p>	<p>Completed – live since August 2018</p> <p>Event to be held in October Preparations on schedule</p> <p>Completed</p> <p>New Action</p>
K2	Devise a TDC approach to Project Management, project delivery and performance reporting – strengthen governance. <ul style="list-style-type: none"> Be clear from outset of projects re desired outputs / outcomes. Establish a clear decision making process re priorities / projects and ensure it is understood by members, staff, partners. 	TDC Project Management approach <p>Proposed “fit for purpose” approach to be worked up and presented to MT by end July 2018. (To include formation of a Project Board).</p> <p>Formal decision by Cabinet in September 18</p>	<p>MBK lead</p>	<p>Cabinet Sept 18</p>	<p>It is now anticipated that a report will come forward to Cabinet in January 2019</p>

	<ul style="list-style-type: none"> Develop a TDC approach to Project Governance – eg business cases, PID, risk, dependencies, budget, tolerances, milestones, performance management. Set out clear “golden thread” to members / staff / partners linking Corporate Plan, annual priorities, budgets, performance monitoring. Quarterly Performance report should cover all Cabinet priorities and projects. Strengthen role of Members on Performance Management - ensure new O+S arrangements add value and align strongly with key priorities and projects. Review corporate risk register annually in light of the new annual priorities and identify actions to mitigate risks. 	<p>Performance Reporting Cabinet priorities / projects to be formally reported to Cabinet.</p> <p>All Cabinet priorities to be incorporated into the Performance Monitoring report</p> <p>Member role in Performance Management Performance reporting split so each new Committee reviews performance relevant to its terms of reference to enable focus.</p> <p>Quarterly performance report to each O+S will cover Cabinet priorities and allow scrutiny of them.</p> <p>Briefing to be provided to each of the new Committees re their Performance Management role. (MBK)</p> <p>Corporate Risk Register review</p> <ul style="list-style-type: none"> Re-assess and re-confirm TDC appetite for risk and review Corporate Risks accordingly. Revise risk approach to clearly differentiate between Corporate risks, Risks to delivery of individual projects / priorities and Financial 		Completed	<p>Reports are presented on a quarterly basis to each of the two Overview and Scrutiny Committees</p> <p>Completed</p> <p>The risk framework currently in place needs reviewing. A revised developing strategy is underway with discussions programmed with Management Team in November. Regular risks</p>
				Completed	
				Completed	
				Quarterly	
				May/June 18	
				May / June 18	

		<p>Risks.</p> <ul style="list-style-type: none"> Agree the most appropriate reporting mechanism for each of the differentiated risks identified from the above exercise. 			updates are provided to the Audit Committee
K3	<p>Bring the 4 elements of Transformation work together into a single Programme.</p> <ul style="list-style-type: none"> Single Board for overall programme. Deliver swiftly Ensure good staff communication Clear monitoring and reporting to Members. Equality impact assessments to be completed for all of the Transformation plans. Likely need for additional resources to deliver the programme. 	<p>Transformation Board Establish single Transformation Board. All four workstreams</p> <ul style="list-style-type: none"> Office accommodation Digitisation Customer Service / channel Shift People <p>Include Portfolio Holder. Chaired by MBK.</p> <p>Additional Resources Full time fixed term agency Building Surveyor engaged. Additional capacity for Operational Services to give in house capacity to deliver – to be identified and resourced.</p> <p>Speed of project delivery / Programme Programme to be finalised and communicated to staff and members.</p> <p>Monitoring and reporting to Members Via Transformation Board meetings to Portfolio Holder Quarterly to Cabinet and O+S</p> <p>Equality Impact assessments Methodology to be developed. Included as</p>	MBK lead	<p>Began April 18 and to meet monthly.</p> <p>May 18</p> <p>May 18</p> <p>From May 18</p> <p>October 18</p>	<p>Completed – regular meetings are now established</p> <p>2 additional staff dedicated to project management work have now been appointed</p> <p>Completed – briefings to all staff held and regular newsletters sent</p> <p>Ongoing – Exception reporting to Cabinet and Committees</p> <p>The project team aim to complete this action by</p>

		an action in the Performance Monitoring report.			January 2019
K4	<p>Review how you deal with underspends, savings, risk and phasing of the Capital Programme.</p> <ul style="list-style-type: none"> Review the balance between holding reserves and managing risks Review current and past underspends and build more into base budgets Incorporate risk assessed assumptions re increased income in future years in 	<ul style="list-style-type: none"> The 2019/20 Forecast (and beyond) to be revised and include an assessment of: <ul style="list-style-type: none"> i) Risk assessment of potential favourable items such as planning income and other potential savings to identify amounts to be built into the budget. This is especially important to offset potential reductions in services that may be required to meet the long term savings target or alternatively be used for invest to save activities. ii) Historic underspends to be reviewed to identify budgets that can be removed – initial target of £100k suggested. iii) Each line of the long term forecast to be risk scored to focus management action 	MBK / RB lead	<p>By July 2018</p> <p>By June 2018</p> <p>By Aug 2018</p>	<p>An updated forecast will be presented to Cabinet in November 2018</p> <p>A review of underspends carried forward from last year is included in the financial year update report to Cabinet in November with a wider review to be included in report on the estimates for 2019/20 to considered by Cabinet in December 2018.</p> <p>Completed</p>

	<p>the forecast.</p> <ul style="list-style-type: none"> • Strengthen approach to financial risk management. • Develop more detail re how savings / new income will be achieved projected into the forecast. • Profile Capital budgeting projected into the forecast. 	<p>on key deliverables and be included in a more detailed financial performance report to MT and Members alongside the current Budget Monitoring Report.</p> <p>iv) Financial Risks to be included in future Spending / Investment Project Appraisal Template</p> <p>v) Services to be requested to review all Capital Projects and identify likely spending profile to be included in the first quarter's CBM for 2018/19</p> <ul style="list-style-type: none"> • Consideration to be given to identifying / maintaining an on-going Capital Projects Plan to be populated with projects that have been through a corporate project appraisal approach which will also have the secondary benefit of supporting the implementation of the Community Infrastructure Levy. • Capital Investment plans for major projects (eg Jaywick Sands, Garden Communities) to be developed. 		<p>By Aug 2018</p> <p>October 2018</p> <p>October 2018</p>	<p>Completed - project investment appraisals developed</p> <p>Completed</p> <p>This project is aimed to be completed for the end of the Financial Year 2018-19</p> <p>Ongoing – plans will be formulated as projects develop.</p>
K5	Add Housing to the existing key strands of joined up working / Community Leadership.	Housing Strategy / Community leadership	PP lead		An Officer in post since August is now able to focus on delivery of both Housing

	<p>Housing Strategy to reflect work with partners and private sector and contribution to growth and regeneration.</p> <ul style="list-style-type: none"> • Speed up development of Housing Strategy which should include: • District development programme and timetable – for own stock and enabling private sector building • Plan for engagement with private landlords • Enforcement of housing regulations against rogue landlords • Extending the scope of mandatory licensing of HMOs. • Then develop a partnership to deliver the strategy to include registered providers, private sector landlords and developers. 	<p>Recruit an additional post to focus on Strategic Housing across Housing and Planning Services. To</p> <ul style="list-style-type: none"> • Develop / align housing and planning policy for public and private housing • Establish links with PRP's • Develop community leadership dimension of housing 		June 18	<p>strategy and running in parallel, a Homelessness strategy, There is a new requirement by law to have in place a homeless strategy. A housing strategy exists but needs reviewing and updating.</p> <p>There is a strong link between both strategies and therefore the best approach is to develop both simultaneously. Drafts are expected by late November with submission Cabinet in January 2019</p>
K6	<p>Be confident in your plans for Jaywick Sands. Build a shared commitment with community and other partners – prepare a strategic development plan.</p> <ul style="list-style-type: none"> • More formal approach 	<p>Jaywick Sands stakeholder event to develop next steps for development process (already programmed for CCT to lead on this). Identify a programme plan for decisions.</p> <p>Develop formal supplementary planning</p>	PP lead	<p>June 18</p> <p>October 18</p>	<p>Completed – however until Spatial Plans are developed (see below), stakeholders will need to be re-engaged on proposed plans.</p> <p>Housing Action Trust</p>

	<p>needed – write the plan down.</p> <ul style="list-style-type: none"> Develop a strategic development plan with partners and the community to set out ambitious outcomes. 	<p>guidance (Place Plan or SPD) to cover Jaywick Sands development.</p> <p>Join the Community Interest Company (CIC) to demonstrate commitment to community led initiatives</p> <p>Consider transport and connectivity challenges in the wider west Clacton context.</p>		June 18	<p>commissioned to produce Spatial Plans and consultation commenced in May 2019</p> <p>CIC delayed in its registration with Companies House. TDC will join following the inaugural meeting sat, anticipated to be November 2018</p> <p>There has been a set back with Hedingham Buses withdrawing from the plan. TDC is now in consultation with Aviva and others to develop options.</p>
M7	<p>Training for Members to clarify roles of Councillors and Officers – especially re Planning.</p> <ul style="list-style-type: none"> Include awareness training re Planning for non-planning members. 	<p>Training for Planning Committee members</p> <p>All Member Briefing</p>	EG lead (CB)	<p>June / July 18</p> <p>July 18</p>	<p>A programme of training is provided to councillors each year. Dates for these sessions are included in the Council's formally agreed schedule of meetings. The role of officers and members in planning are explored in 'Determining Planning Applications'. This particular topic was last run on 8th February 2018 and will be updated and re-run following the local elections next year. All Member Briefings also provide members with a</p>

					level of awareness of key planning issues.
M8	<p>Internal Communications opportunities to improve:</p> <ul style="list-style-type: none"> • More corporate information to staff • Tell story re outcomes / delivery • Staff keen to learn more about other parts of the Council / interact more across departments. • Improvements to PING! (intranet) 	<p>The Memo (staff bulletin) to be produced more frequently – every 2 months. To include each issue</p> <ul style="list-style-type: none"> - Focus on a specific service (to inform/engage staff) - Progress on delivery of one of the Corporate priority outcomes <p>Operation and effectiveness of PING to be reviewed and proposals to increase use by / value to staff to be submitted to Management Team.</p> <p>Responsibility for Internal Comms and relevant staff resources to be brought together under a single Head of Service.</p>	MBK / WL lead	<p>From April 2018</p> <p>By Sept 18</p> <p>June 18</p>	<p>Completed</p> <p>Will look to review this by November 18</p> <p>Completed - staff have moved to centralise under a single Head of Service.</p>
M9	<p>Capacity issues identified</p> <ul style="list-style-type: none"> • Strategic housing • Planning – day job vs strategic • Delivery of major projects 	<p>Reshape Planning and Regeneration to ensure capacity is in place to deliver services and strategic projects.</p> <p>Additional post of Executive Projects Officer to be established to support delivery of projects.</p> <p>See above re Strategic Housing / Planning post.</p>		Completed	Reshaping the planning and regeneration team has been commenced and, subject to the usual decisions and processes, should be fully implemented by March 2019.
M10	Review the SME Growth Fund and its links to delivery of the	Report to Cabinet on delivery performance to date and to propose re-focus and	EG lead	Completed	There will be a Cabinet Paper seeking more cash

	Economic Strategy.	streamlining of the scheme.			for the Fund. Funding awarded in April (£250K) has mostly been allocated against new applications.
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Key Decision Required:	No	In the Forward Plan:	No
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CABINET

9 NOVEMBER 2018

REPORT OF FINANCE & CORPORATE RESOURCES PORTFOLIO HOLDER

A.5 PERFORMANCE REPORT JULY – SEPTEMBER 2018 (Q2)

(Report prepared by Anastasia Simpson & Katie Wilkins)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To present the Performance Reports (2018/19) for the period July – September 2018 (Q2).
EXECUTIVE SUMMARY
<p>The Performance Reports (<i>Resources & Services & Community Leadership</i>) set out the detailed actions and targets for the delivery of the Council's priorities throughout the year.</p> <p>Current Performance</p> <p>The Performance Reports include both the Corporate Plan and Priorities and Projects 2018/19.</p> <p>Of the 18 indicators and projects where performance is measured, the second quarter's position demonstrates that 15 (84%) are on, or above, their expected target and 3 (16%) are not currently in line with the expected performance. The indicators and projects highlighted in the Community Leadership report are deemed 'non measurable' as Tending's role is that of influence only.</p> <p>The respective reports will be/were presented to the Community Leadership Committee: 3rd December 2018 and Resources and Services Committee: 5th November 2018.</p>
TRANSFORMING TENDRING
<p>Physical work on the first main phase of construction at the Pier Avenue Offices nears completion. The offices elements of the ground floor works are now on course to be occupied beginning on 8th October 2018 which is around a week behind schedule. Work on public areas adjoining will be completed in October in order to be ready for occupation when reception functions are moved back to the building. It is anticipated that re-profiling work on the upper floor could result to overall completion on time.</p> <p>Temporary RBS reception facilities at the Town Hall are working well and the project team has decided to continue with them until the first floor accommodation at Pier Avenue is ready for occupation and the Housing and RBS reception functions can collocate simultaneously to operate jointly as planned. Revised temporary arrangements may be required in pantomime season in order to avoid conflict with higher theatre usage.</p> <p>Tenders for the extension and link elements are due back on 12th October 2018. The team will review the programme to optimise the continuous engagement of the Engineering Services team and optimise the decanting schedule.</p> <p>Good progress on scanning and archiving old paperwork is being achieved. Capacity issues within the IDOX system have been resolved. Additional guidance on retention policies has been issued. Additional software to optimise efficiency in the issue of outgoing post is being investigated.</p>

Redesigning of the IT Network is under way. Training on the new Firmsteps Interface is progressing well.
Training and assessment packages for modern working methods are being developed and will be rolled out to service units during the course of the project.

RECOMMENDATION

That Cabinet notes the contents of the Performance Reports for the period July – September 2018 (Q2).

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The reports show the high-level projects that are being undertaken to deliver key objectives for the Council. Each project shows details of the objective, how it is being delivered and an update on progress. Furthermore, milestones detail the timeframe that is being worked to, along with the added benefit of any slippage being highlighted.

The performance indicators show key areas of performance in detail, how each is progressing, along with charts and tables to present the ongoing position.

FINANCE, OTHER RESOURCES AND RISK

Resources

The priorities highlighted within the Performance Reports for the period July – September 2018 (Q2) can be delivered within the Council's existing budgets.

Risk

These priorities are all within the current TDC risk framework.

LEGAL

The actions proposed in this report are within the Council's legal powers.

OTHER IMPLICATIONS

None.

APPENDICES

Appendix A: Performance Report (Resources and Services) July – September 2018 (Q2).
Appendix B: Performance Report (Community Leadership) July – September 2018 (Q2).

PERFORMANCE REPORT

(RESOURCES AND SERVICES)

Q2 SEPTEMBER 2018

APPENDIX A











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Introduction

The following pages include the Council's Corporate Plan 2016 - 2020 and Tendring District Council's Priorities and Projects 2018/19. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Furthermore, this performance report details our performance against these key projects and targets, as well as headline performance in dealing with complaints and our staff's absence rate. Projects and Performance Indicator targets sit under the following headings:-

PROJECTS




	Council and Community		Health and Housing		Employment and Enjoyment
	<u>Transforming the way we work</u> Page 4, 5, 6, & 7		<u>Holland Haven and Seafront Opportunities</u> Page 9		<u>Local Plan</u> Page 14
	<u>Property Management</u> Page 8		<u>Jaywick Regeneration and Renaissance</u> Page 10		<u>Harwich and Dovercourt Public Realm</u> Page 15
Page 200			<u>Cliff Stabilisation (Protecting our Coastline)</u> Page 11 & 12		<u>Economic Development Delivery</u> Page 16
			<u>Venetian Bridge</u> Page 13		<u>Maximising Tourism and Leisure Opportunities</u> Page 17 & 18
					<u>Garden Community</u> Page 19
					<u>Waste Recycling and Street Cleaning Contract Renewal</u> Page 20

TARGETS

	<u>Fly Tipping</u> Page 21		Miscellaneous Indicators
	<u>Missed Bins</u> Page 22	-	<u>Sickness and Authorised Covert Surveillance</u> (Influencing) Page 24
	<u>Recycling Rate</u> Page 22		<u>Complaints</u> Page 25 & 26
	<u>Handling of Planning Applications</u> Page 23		
	<u>5 Year Housing Land Supply Approvals</u> Page 23		

Current Position

On each project and target, a colour icon is placed as a quick visual identifier regarding the current position.

Above target	
On target	
Below target	

Corporate Plan 2016-2020

Our Council Our Community

What we will achieve:

- Deliver high quality affordable services
- Balance our budget
- Good governance
- Transform the way we work
- Make the most of our assets
- Engagement with the community
- Support the vulnerable
- Support rural communities
- Effective partnership working

Health and Housing

What we will achieve:

- Promote healthier lifestyles and wellbeing
- Support improved community health
- Deliver a quality living environment
- Local regeneration
- Council house building

Community Leadership

Employment and Enjoyment

What we will achieve:

- Support business growth
- Enable better job prospects
- Facilitate improved qualification and skills attainment
- First rate leisure facilities
- Attractive events programme

Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

Our Values

- Councillors and staff uphold **personal integrity**, **honesty** and **respect** for others
- **Innovative**, **flexible**, **professional** staff **committed** to delivering excellence
- Recognising the **diversity** and **equality** of individuals
- Working **collaboratively**

Our Challenges

- Poor health
- Pockets of high unemployment
- Low economic activity
- Reducing budgets while delivering key services
- Poor infrastructure

Our Opportunities

- Clear vision for economic growth and prosperity
- Our coast
- Tourism, culture and sport
- Sea, road and rail connectivity

Our Priorities & Projects 2018/19

Chief Executive

- Strategic lead and corporate interface
- External and partnership engagement
- Essex wide board leadership
- Strategic finance
- Community Safety Hub

Deputy Chief Executive (Corporate Services)

- Transforming the way we work
- Digital
- Customer experience
- Office Accommodation
- People
- Finance
- Deliver 10 year Financial Strategy
- Capital Strategy / profiling
- Management of financial risks
- Governance
- Effective financial management
- Development of programme and project management
- Information security

Corporate Director (Operational Services)

- Jaywick Sands regeneration and renaissance
- Revised and updated Housing Strategy
- Waste, recycling and street sweeping contract renewal
- Cliff stabilisation
- Complete repairs to the Venetian Bridge
- Produce a long term sustainable scheme around Sport England grant funding
- Contribute to Mayflower 400 commemorations

Corporate Director (Planning and Regeneration)

- North Essex Garden Communities
- Local Plan
- Ensure delivery of improved Broadband coverage
- Effective outcomes from the Corporate Enforcement Group
- Lobby for road and rail crossing improvements at Manningtree
- Strategy and plan for Harwich and Dovercourt public realm
- Holland Haven and seafront opportunities
- Economic Growth

Community Leadership

- Delivery of high quality, affordable services
- Working positively with others - including partnership working on education, health, community safety and housing

Transforming the way we work (Council and Community)

“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”

Martyn Knappett – **Deputy Chief Executive**

Finance and Corporate Resources Portfolio Holder

On
Target

Office Accommodation

Milestones	Current Position	To be Completed
Westleigh House site in use as car park.	Tenders for demolition work and proposals and a planning application for car park enhancements and demolition of adjoining redundant public convenience are being prepared. Tracing of services is completed. Determination of planning permission, tender process and service disconnections are likely to result in a revised target date of Dec 18.	Nov 18 *Revised Dec 18
Pier Avenue refurbishment complete.	Work on office areas of the Ground Floor will be completed on 8 Oct 18. Work on the ground floor reception and ancillary accommodation will be completed in Oct 18. First and second floor work will be progressed from 10 Oct onwards.	Dec 18
Barnes House extension complete.	Planning permission has been obtained and building regulation application has been made. Tenders are due to be returned on 12 Oct 18.	Apr 19

Customer Experience

Milestones	Current Position	To be Completed
Access to the Print and Post Hub as a default print facility to enable a complete support service for all print and post requirements.	All bulk users now have capability to print directly to the Print Hub. Officers will be sending out a short 'How To' and monitoring usage.	Complete May 18
Close Pier Avenue reception and relocate to the Town Hall.	Running smoothly.	Complete May 18
Review service needs and create a roadmap for the digitisation of processes with consultants.	Roadmap agreed.	Complete Jul 18
Self serve portal online and first services available to Customers.	Process mapping to begin week commencing 1 Oct 18.	Oct 18
Amalgamation of the contact centre/switchboard, building repairs/housing reception and the admin function within Environmental to create a Customer Service Team.	Potential cost pressures identified. Now looking likely that teams can not go into Pier Avenue office until Jan 19.	Dec 18 *Revised Jan 19
Back scanning and secure disposal of existing documentation.	Careline, Licensing, Revenues and Council Tax completed. Housing & Planning underway. Housing is a substantial task. Allocations to start shortly.	Jul 19

Transforming the way we work (Council and Community)

[Back to Top](#)

“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”

On
Target

Martyn Knappett – **Deputy Chief Executive**

Finance and Corporate Resources Portfolio Holder

People

Milestones	Current Position	To be Completed
'Transformation' training programme to be drafted and agreed by Project Board. This will be based on training priorities identified by Managers and Officers.	Associated policy review nearing completion, training materials for roll out completed and printed, training of facilitators will take place for commencement of roll out in Nov/Dec 18.	Autumn 18
Manager training programme to be delivered across the organisation.	As above.	Dec 18
Staff training programme to be delivered across organisation.	As above.	Mar 19
'Transformation' Communications Plan to be agreed by Project Board to ensure effective communication with Public/Officers and Councillors.	Communication plan was presented to the Transformation Board on 21 May 18. Staff updates provided every 4-6 weeks, via a Transformation Bulletin. Next Bulletin expected end of Oct 18.	Complete Jul 18
IIP Gold Accreditation Re-assessment.	Scoping of the re-assessment process completed this includes a whole staff survey, Management Team context meeting and staff interviews. The re-assessment process takes place from Oct to Dec 18, commencing with the whole staff survey. Target remains on course.	Dec 18
Equality Impact Assessments (EQIA) prepared across services.	Review of current practices is ongoing. Feedback from National Inclusion Standards will be provided to the organisation in Oct 18.	Sept 18 *Revised Oct 18
- Revised policy agreed.	Action plan feedback will be developed following this review.	
- Training delivered.	Meeting with Management Team to be arranged to discuss initial ideas for policy updates.	Oct 18
- Equality Impact Assessments prepared and kept under regular review across services.		Dec 18

Transforming the way we work (Council and Community)

“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”

Martyn Knappett – Deputy Chief Executive

Finance and Corporate Resources Portfolio Holder

On
Target

Digital

Milestones	Current Position	To be Completed
General Data Protection Regulation (GDPR) compliance achieved against Information Commissioner's Office (ICO) action plan.	Tendring District Council achieved GDPR/ UK Data Protection Regulation 2018 compliance on 25 May 18 as required by legislation. There is work on-going to maintain/ monitor compliance standards through our Information Governance regime.	Complete 25 May 18
Self-service portal procured and technical implementation complete.	Firmstep product recommended and purchased w/e 19 Jul 18. Product demonstrated to Senior Managers' Forum 26 Jul 18. The installation works are now ongoing and a staff training programme has commenced.	Completed 19 Jul 18
Events App developed (if agreed). Smartphone App further feasibility work complete and “decision to proceed”.	Follow-up sessions with Management Team and key Heads of Service have taken place on 12 Jun 18 and 11 Sept 18 . Following consideration of the consultant's revised proposal and in accordance with Cabinet delegated powers (Digital Transformation report 16 Feb 18) and Officer Decision has been made 28 Sept 18 to commission the Leisure and Tourism Smartphone App through Amido Ltd as a key strand of the Council's adopted Digital Transformation programme at a cost of £89,560 with £6,000 per annum support costs. Officer decision 28 Sept 18 development projected by 7 Dec 18.	Jul 18 *Revised Dec 18
Town Hall & Pier/ Barnes network low level design (cabled & Wi-Fi) completed and implementation commenced.	High Level Design complete. Re-cabling costs received and in budget. Re-cabling works completed for the ground floor of Pier Avenue and awaiting imminent commencement of 1st floor works. The corporate Low Level Design is well advanced in accordance with timescales for Pier Avenue works and will be finalised subject to the purchase of new Cisco Meraki WiFi hardware.	Complete Aug 18

Exception: Target - Key Digital Transformation activities = Ahead, Network re-cabling and re-design work and Annual Public Services network cyber security audit and re-certification = On and Leisure and Tourism Smartphone App = Behind

Transforming the way we work (Council and Community)

“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”

Martyn Knappett – Deputy Chief Executive

Finance and Corporate Resources Portfolio Holder

On
Target

Digital

Milestones	Current Position	To be Completed
Compliance achieved against Public Services Network (PSN) (audit renewal).	The Council has passed its annual National Cyber Security Centre (NCSC) Public Services Network (PSN) cyber security audit and been re-certified for 18/19. Some work remains on-going to complete our submitted remediation action plan by due dates. During the annual independent IT Health Check process cyber security risks identified are rated - critical, high, medium, low/ information. For the first time ever, the Council received no 'high risk' ratings from an external attack perspective. This is a testament to the hard work and security improvements undertaken by the Council's IT Team and was achieved despite NCSC increasingly 'raising the bar'.	Completed 24 Jul 18
Website integration with new customer portal completion.	Being programmed currently. Awaiting a detailed programme of works from consultants Amido Ltd.	Aug 18 *Revised Nov18
Customer Portal integration with IDOX, Northgate and E Payment systems.	Not yet scheduled. Awaiting consultants' programme of activity.	Dec 18
Cyber awareness training and security initiatives.	Members and officers have received cyber awareness training. Video training available. Work on-going with regular 'all staff/ member' education emails highlighting risks. Additional phishing tests will be undertaken during 18/19. The Metasploit software to undertake Phishing tests has been negotiated/ purchased Essex-wide through our membership of the Essex Online Partnership (EOLP).	On-going
Cloud migration programme planning complete & 40% of services migrated.	Migration programme DRAFT approved, awaiting adopted programme details. Migration and testing of first applications has commenced.	Apr 19

Exception: Target - Key Digital Transformation activities = Ahead, Network re-cabling and re-design work and Annual Public Services network cyber security audit and re-certification = On and Leisure and Tourism Smartphone App = Behind

Property Management (Council and Community)

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“Strategic management of the Council’s land assets.”

Martyn Knappett – **Deputy Chief Executive**

Finance and Corporate Resources Portfolio

Delivery Mechanism: The team will be seeking to take forward the management acquisition of property with a more strategic commercial focus in order to address community needs and the Council wide financial position.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Secure the construction and use of the new sports facilities at Eastcliff, Holland on Sea.	Completed. Building handed over to tenant on 18 May 18. Some external work remains to be completed as the pitch establishes during the growing season. Formal opening was held by the Club in Jul 18.	Complete 18 May 18
Disposal initiative to identify £1m of further asset disposals.	Planning permission in respect of first site has been granted. The Property will be marketed from Oct 18 onwards. A Long list of potential further properties completed. Reports in respect of initial tranche of 10 further sites to be subject of formal decisions in stages in order to balance forward workloads.	Jun 18 *Revised Dec 18
<p><i>Review stock take in the light of the Property Strategy:</i></p> <ul style="list-style-type: none"> Issue updated list of properties to service units. Provide “Asset Challenge” call for identification of properties no longer required by service units. 	<p>Completed. The latest version was made public on the TDC Website in Aug 18.</p> <p>Draft accompanying notes for service unit guidance has been circulated for internal consultation.</p> <p>Request and guidance to be issued together with the notes above when agreed.</p>	<p>Complete</p> <p>Jun 18 *Revised Nov 18</p> <p>Sept 18 *Revised Nov 18</p>
Complete action plans for the disposal of poor quality sites at Main Road, Dovercourt and Station Yard, Walton.	Main Road site is currently being considered by two public sector partners and potentially a further bidder. Partners are currently investigating feasibility in preparation for offers. A limited bidding process ending in Dec 18 is proposed. The Portfolio Holder has agreed to discontinue consideration of the freehold disposal Station Yard, Walton in the light of difficulties and increasing car park demand.	<p>Nov 18 *Revised Jan 19</p> <p>Discontinued</p>

Exception: Elements of these actions are behind initial schedule, although early work on one disposal is ahead of schedule. Revised target dates will allow decisions and resulting workloads to be spread over time. Detailed internal consultation on procedures is proposed as an additional step in order to maximise

Holland Haven and Seafront Opportunities

(Health and Housing)



“Explore potential Holland Haven and Seafront Opportunities”.

Ewan Green – **Corporate Director** Investment and Growth Portfolio Holder

Delivery Mechanism: Commission study and present options for Members to consider.

Update: Draft Management Team Report Prepared.

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Milestones	Current Position	To be Completed
Initial project scope (PID) developed and project team in place.	Preliminary investigative work underway, constraints map completed, draft Management Team Briefing prepared.	Jun 18 *Revised Oct 18
Identify a longlist of potential projects and opportunities.	Draft project proposals in development drawing on recommendations of 2015 report, prepared by Planning Solutions, and new ideas to facilitate development.	Jun 18 *Revised Oct 18
Projects developed to outline stage.		Oct 18 *Revised Jan 19
Place Plan completed for Cabinet consideration.		Dec 18 *Revised Jan 19

Exception: In consultation with the Corporate Director, Planning and Regeneration, it was determined that Urban Initiatives Studio (UIS) should undertake some additional and previously unspecified work, to better inform the Dovercourt Study. This has by necessity pushed back the target date for completion.

Jaywick Sands Regeneration and Renaissance

(Health and Housing)



“To increase the stock of new affordable/Council homes.”

Paul Price – **Corporate Director**

Housing Portfolio Holder

Delivery Mechanism: Bring forward at least one development at Jaywick. Work with Essex County Council (ECC) and other potential partners to develop options for residential and other development. Develop options for consideration to establish a housing company to facilitate development. Work with Planning to develop urban design layout.

Update: This month's progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Commence development of one of the three identified preferred development sites and construct 10 houses.	Tenders being sought for piling for new houses. Contractor being appointed for sub station - hope to be on site Oct 18.	Aug 18 *Revised Oct 18
Development vehicle/mechanism agreed.	Work continues to develop vehicle/mechanism. Work is now underway on developing an Investor/Developer Prospectus whilst parallel discussions take place with a Development Manager and other potential development partners on smaller scale developments. Housing and Finance Institute (HFI) have been commissioned to draw together current delivery plans and options. HFI - have commenced work.	May 18 *Revised Sep 18
Identify funding mechanisms.	As above.	On-going
Work with Jaywick Sands Renewal Advisory Panel (JSRAP) and Coastal Community Team (CCT) to develop project plan.	On-going. This is on hold pending the development of the prospectus - being produced in collaboration with a legal company national housing consultancy and HFI.	Jul 18 Currently on hold
Develop local lettings and sales plans for first 10 units.	On-going. New Policy/Strategy manager now in post.	Jul 18 *Revised Oct 18
Place Plan and Infrastructure Assessment completed.	HAT Projects commissioned to undertake spatial plan and are currently in discovery phase - meeting with all stakeholders.	Oct 18

Cliff Stabilisation (Protecting our Coastline)

(Health and Housing)

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On
Target

“To protect 5km of coastline and 3,019 properties and businesses from coastal erosion for the next 100 years.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

Delivery Mechanism: Appoint consultant, via Environment Agency’s Government led framework, to undertake ground stabilisation works to a section of coastal fringe along Holland on Sea (stabilise ground re-profiling and installing drainage), also protecting coast road and residential properties.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Tender period.	Updated tenders were received by 11 May 18.	Deadline 9 Apr 18 Complete *Revised 11 May 18
Tender evaluation.	Tenders Evaluation has been carried out by the panel. The evaluation model is the ratio of price (60%) and quality (40%) and Jackson Hyder was identified as the preferred supplier.	Complete May 18
Appointment of contractor.	Letter of intent sent to contractor on 4 Jun 18. Contractor was appointed 4 Jun 18.	Complete Jun 18
Planning permission approval.	Natural England requested an extension of time to respond to the Planning Application, as they are a statutory consultee the extension of time was given. Planning Permission was granted 28 Jun 18.	Complete Jun 18
Start of contract.	Contract started on 4 Jun 18.	Complete Jun 18
Translocation of reptiles.	Translocation completed, now in the monitoring stage.	Complete Jun 18
Start of construction on site.	Construction work started on the 28 Aug 18, this allowed beach huts to be accessed and promenade to be open for the air show. The first site surveys have been completed including ground penetrating radar to check for voids, levels and a condition survey. All but four of the beach hut owners who are being effected by the scheme have booked an inspection of their beach hut before they are moved. Where the owners have not booked an appointment for inspection, TDC's internal workforce will remove their locks and inspect the beach hut under the supervision of a member of TDC's beach hut team.	Complete Aug 18
Site set and relocation of beach huts	All the meetings with the beach hut owners have taken place and we ensured that the huts are empty and agreed the condition with the owners, the site fencing is currently being installed in stages to minimises the effect of the scheme on the Clacton Triathlon.	Complete Sep 18

Exception: The Contractor who won the tender has programmed to carry out phase 1 and 2 simultaneously instead of consecutively, although this increases the completion date of phase 1 there is a reduction in the overall programme.

Cliff Stabilisation (Protecting our Coastline)

Continued...

(Health and Housing)

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On
Target

“To protect 5km of coastline and 3,019 properties and businesses from coastal erosion for the next 100 years.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

Delivery Mechanism: Appoint consultant, via Environment Agency’s Government led framework, to undertake ground stabilisation works to a section of coastal fringe along Holland on Sea (stabilise ground re-profiling and installing drainage), also protecting coast road and residential properties.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Completion of priority area 1.	The Contractor has programmed to construct phase 1 and 2 together and they are both due for completion Jun 19.	Nov 18 *Revised Jun 19
1a King post wall and filter drains.	Vegetation is currently being cleared for King post works to be started mid October with filter drains being installed at the same time. Expected timescale for work is 29 weeks.	Apr 19
2 slope regrade and drainage.	Vegetation is currently being cleared ready for the old Queensway steps to be removed and the new slope and drainage to be installed. Expected timescale for works is 30 weeks.	May 19
1b Sheet piled wall and filter drains.	Vegetation is currently being cleared for King post works to be started mid October with filter drains being installed at the same time. Expected timescale for work is 29 weeks.	Jun 19

Exception: The Contractor who won the tender has programmed to carry out phase 1 and 2 simultaneously instead of consecutively, although this increases the completion date of phase 1 there is a reduction in the overall programme.

Venetian Bridge (Health and Housing)

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“Complete repairs to Venetian Bridge.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

On
Target

Delivery Mechanism: Working with contractors to deliver the necessary repairs and improvements.

Update: This month's progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Undertake concrete and reinforcement stabilisation works to the bridge to prevent concrete spall and make bridge structurally safe.	All works including previously reported snagging works are now complete.	Complete 31 May 18

Local Plan (Employment and Enjoyment)



Behind
Target

“Ensure a robust Local Plan is adopted within the timeframe stipulated.”

Ewan Green – **Corporate Director**

Corporate Enforcement Portfolio Holder

Delivery Mechanism: The timetable will coincide with that of Colchester Borough Council and Braintree District Council, as far as possible, to support the Council's duty to co-operate.

Update: Examination in Public (EIP) of Section 1 of the Local Plan has been completed. A letter was sent to the North Essex Authorities (NEA's) by the Inspector on 8 Jun 18. It set out the further steps that he considers necessary in order for the Section 1 Plan to be made sound and legally compliant. He also sets out 3 options for progressing this work which the NEA's are currently considering. On 27 Jun 18 the EIP Inspector sent a letter to the NEA's dealing with Chapter 4 of the Plan, meeting the need for new homes. Having considered recently published 2016-based sub-national population projections, as well as evidence discussed during the EIP, he has concluded that the housing requirement figures for each of the NEA's set out in the submitted policy SP3 (meeting housing needs) represent objectively assessed housing needed. This figure for Tendring is 550 dwellings per annum.

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Milestones	Current Position	To be Completed
Section 1 Examination Public Outcome (Joint plan with Braintree and Colchester).	Inspector's report received Jun 18	Complete Jun 18
Section 2 Examination in Public (Tendring sites specific).	Behind.	Oct 18
Local Plan adopted.	Behind.	Mar 19

Exception: Colchester Borough Council Local Plan Committee has recently agreed an Alternative Option from which to progress the Local Plan. This, on the face of it, is in line with the Option 2 approach which our Council continues to support. A letter to the Inspector setting out the Councils' proposed timetable for submission of further evidence is being drafted by the NEA's.

Harwich and Dovercourt Public Realm

(Employment and Enjoyment)

“Strategy and plan for Harwich and Dovercourt public realm.”

On
Target

Ewan Green – **Corporate Director**

Investment and Growth Portfolio Holder

Delivery Mechanism: Project options to be developed via appointed ‘Design’ team.

Update: Urban Initiatives Studio (UIS) have been appointed to refresh the Council's Dovercourt Masterplan (Dovercourt Rediscovered) and to bring forward development scenarios for the Starlings site and Milton Road Carpark. Consultants have completed their baseline analysis and have prepared four costed design solutions for the two sites identified, this concludes Modules One and Two of the Four Module commission. UIS and the Client Team has identified some additional and previously unspecified work, which needs to be undertaken to further inform this work. Proposals to be presented to Management Team and ICAB. The next phase of work will include the preparation of detailed and costed proposals in line with Stage 2 (Concept Design) of the RIBA Plan of Work.

Milestones	Current Position	To be Completed
Detailed project proposals completed.	Consultants appointed. Development scenarios prepared and costed. Additional work commissioned to identify and cost a range of shorter term interventions as part of a wider programme of activity. A consultation event will take place on 15 Oct 18. This will inform the next phase of work.	Jun 18 *Revised Nov 18
Delivery plan agreed by Cabinet.	To be determined. This will be informed by the work of the Council's external professional team (Urban Initiatives Studio), and presented to Management Team and Cabinet for their consideration.	Jul 18 *Revised Nov 18
Project site start.	Dependant on Above.	Jan 19
Project completion.	Dependant on Above.	Mar 20

Exception: The work is behind the original programme, but this can be attributed to the additional and previously unspecified work UIS were requested to undertake.

Economic Development Delivery

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(Employment and Enjoyment)

“To deliver against the objectives of the Council’s Economic Development Strategy. The Council’s approach focuses on the development and delivery of projects already in the pipeline and on those linked to the opportunities afforded by: Offshore Renewables in Harwich; the A120 Growth Corridor; and links with the University of Essex and it’s Knowledge Gateway.”

Ewan Green – **Corporate Director**

Investment and Growth Portfolio Holder

On
Target

Delivery Mechanism: Projects and other interventions will be developed and delivered in-house and in partnership with the Council’s key public and private sector partners.

Update: Consultants (Black Radley Limited) have been appointed to prepare a Creative and Cultural Strategy for Tendring, focussed on business growth and job creation. Consultants have prepared a baseline assessment and have staged a range of consultation events to inform their work. Consultants have submitted their 2nd draft strategy for the Client Team's comments. This has also been shared with Arts Council England for its observations and comments.

Milestones	Current Position	To be Completed
Complete and launch Creative Cultural Strategy.	Third draft of Strategy and Implementation Plan has been submitted by Black Radley Limited. A Client Workshop will take place on 16 Oct 18 to review the documentation.	Oct 18
Support 10 businesses through the Small Medium Enterprise Growth Fund programme.	Programme extended by Cabinet in Apr 18. Work to update the scheme's marketing collateral is now complete. Expressions of interest received from new applicants. If all of these applications are successful, all but £25K of the £250K budget will be committed.	Mar 19

Maximising Tourism and Leisure Opportunities

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(Employment and Enjoyment)

“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”



Delivery Mechanism: The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
<p>Mayflower 400: Series of events and projects to build up to the celebrations in 2020, including:-</p> <ul style="list-style-type: none"> - Agree projects and events for Mayflower 400. - Develop, with the Harwich Society, an interactive exhibition venue. - Finalise proposals and present Mayflower 400 report for consideration by Cabinet by May 18. - Deliver Illuminate Festival by Nov18. - Work with partners to finalise the Harwich Mayflower Trail and a high quality physical tourism product by Mar 19. 	<p>The report and accompanying action plan are complete and ready to present for consideration imminently. As some of the projects are still commercially sensitive, the submission date for Cabinet is now anticipated for Nov 18, which is later than anticipated. This is due to negotiations on specific projects which were not progressed enough to allow a report to be brought forward.</p> <p>There are now a number of Mayflower tours on sale in the US, with Harwich in the itinerary and contacts are being made from the US on an almost weekly basis. There has been a total of £500k awarded to the national group from Central Government, which has been allocated to spend on promoting the trail in the US and for digital resources for visitors. The next national compact meeting takes place in London in Oct 18, where further funding bids will be discussed .</p>	<p>May 18 *Revised Oct 18 Nov 18 Mar 19</p>
Tour de Tendring.	The Tour de Tendring (TDT) took place on 13 May 18 and the event ran smoothly. The peripheral entertainment was scaled back for this year, as it has not been a feature for participants in recent years. Approximately 780 cyclists took part in this year’s TDT, which is down on the previous year’s total of around 900. Historically, weather plays a key role in numbers and inclement weather in the early part of the day, was considered to have been a key factor in this.	Complete May 18
Beside the Seaside.	The Harwich Festival Team have once again led on the Beside the Seaside Events. The Clacton event was held on 22 Jul 18, with large crowds present, perfect weather and excellent feedback. This year there was a greater focus on trade stands to add value to the event. The live music programme, which is a key feature was exceptionally well received. The event at Dovercourt Bay took place in Aug 18 and was very well received. Although the weather was overcast, good numbers attended. Following on from feedback, additional porta-loos were provided and additional food stands. The Council worked with the Frinton Beach Hut Association and other community groups for a further event which took place in Frinton on 26 Jul 18, under the Beside the Seaside banner. This was attended by approximately 2,000 people and was deemed very successful.	<p>Complete Jul 18 & Aug 18</p> <p>Debrief to follow in coming months</p>

Maximising Tourism and Leisure Opportunities

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Continued...

(Employment and Enjoyment)

“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

Delivery Mechanism: The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Update: This month’s progress comments are noted next to each individual milestone in the table below.



Milestones	Current Position	To be Completed
Clacton Airshow, with a theme relating to the 100 th anniversary of the end of WW1.	The 2018 Clacton Airshow was a huge success, with an estimated 250,000 visitors attending over the two days. The evening flying programme on the first day was twice the duration of previous years and tens of thousands of people stayed behind to watch. In the 100th anniversary of the end of the First World War, the Great War Display Team were a welcome addition and added an element of poignancy which was very well received. The multi-agency partnerships worked very efficiently and communications were considered a real positive outcome. The official debrief takes place in Oct 18, which allows partners to scrutinise organisations and look for learning points for future years. A presentation on the event will be made at an All Member Briefing later in the year.	Complete Aug 18 Debrief Oct 18
District Wide Tourism Strategy.	The Tourism Strategy is largely complete in draft form and will be presented to the Resources and Services Committee in Nov 18, prior to a consultation exercise being undertaken. It is anticipated that the final strategy will be adopted by Cabinet in Feb 19.	Sep/Oct 18 *Revised Nov 18
Princes Theatre - Delivery of Annual Pantomime. - Deliver two events/exhibitions. - Work towards continual service improvements of the Theatre under a regime of self sufficiency and impact on the local tourism offer. - Replacement of the main Princes Theatre PA system.	In September 18 the theatre has hosted: 4 large hires, 5 professional touring shows, 1 small wedding in the Essex Hall and the Annual North Essex Theatre Guild Awards (NETGA). Last year’s Princes Actor Centre performance of ‘Girls Like That’ won the adjudicators award at the NETGA. The Princes Acting Centre Performed ‘The Fall’ and received fantastic reviews. New PA System installed in the Essex Hall. New PA System installed in the main theatre.	PA work complete Panto Dec 18

Garden Community (Employment and Enjoyment)

“Innovative joint work with Colchester Borough Council (CBC), Braintree District Council (BDC) and Essex County Council (ECC) to develop a number of communities in North Essex based on Garden City principles.”

Ewan Green – **Corporate Director**

Leader

**Behind
Target**

Delivery Mechanism: Selection of locations to be part of the Local Plan process. The Leader (supported by the Chief Executive) sits on North Essex Garden Communities Ltd board (NEGC). The Corporate Director and Head of Planning Services sit on senior officer Steering Group and Legal, Finance and Planning Officers participating in topic work streams. Close collaboration on Local Plan process re Garden Communities approach. A shared Chapter 1 of the Plan and specific requirements of any proposed Garden Community proposals across North Essex agreed by each Council. NEGC Ltd has formed Local Delivery Vehicles to progress each Garden Community Area allocated in the Local Plan (although potential Development Corporation could change the role of the LDVs).

Update: This month's progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be Completed
Council approval of North Essex Garden Communities Ltd Business Plan.	NEGC Ltd has developed a draft Business Plan and this will be the subject of a report to Cabinet in Nov 18. The delay is a result of the ongoing consideration of Options from which to progress the Local Plan.	Jun 18 *Cab Report Nov 18
Work with partners to develop a detailed proposal for A120 / A133 Link Road for submission to Government.	Initial application for Housing Infrastructure Fund (HIF) support has been approved and TDC now working with ECC (project lead) on the preparation of detailed proposals and costings.	Nov 18
Work with partners to develop a proposition and mandate for a North Essex Garden Communities Development Corporation.	Dialogue and engagement between LA partners, NEGC Ltd and Government is ongoing. LA partners are working through a range of related issues in order to inform a draft proposition for future consideration of Members.	Dec 18
Land Negotiations.	On-going.	On-going
Continue to engage with communities as part of the on-going process for the preparation of Development Plans.	Work on development plan documents for the garden communities will be programmed to follow gathering further evidence about the garden communities proposals in Section 1 of the Local Plan that has been requested by the Examination in Public Inspector.	On-going

Waste, Recycling and Street Sweeping Contract Renewal (Employment and Enjoyment)

“Extend and vary existing contract to commence variation of contract service from Summer 2019.”

Paul Price – **Corporate Director**

Portfolio Holder for Environment

Ahead
of
Target

Delivery Mechanism: Work with contractor to deliver contract variation and service improvements.

Update: This month's progress comments are noted next to each individual milestone in the table below.

P a r t 2 1 9	Milestones	Current Position	To be Completed
	Extension and variation documents to be confirmed by TDC and agreed by Veolia.	Face to face meeting arranged for mid October between TDC, Veolia legal teams and White Young Green Consultants to discuss details associated with current contracts and extension and variations documentations.	Oct 18
	Completed negotiations and contract signed.	Head of Governance and Legal Services, is finalising existing contracts for sign off by Veolia following which will complete variation and extension documents. On target for Dec 18.	Dec 18
	Procurement of wheeled bins for roll out (dependent upon agreement of extension of contract).	MGB Plastics awarded contract. Face to Face meeting arranged for 9 Oct 18.	Jul 19

TARGETS

REFUSE & RECYCLING SUMMARY

Key:

Above target	●
On target	●
Below target	●

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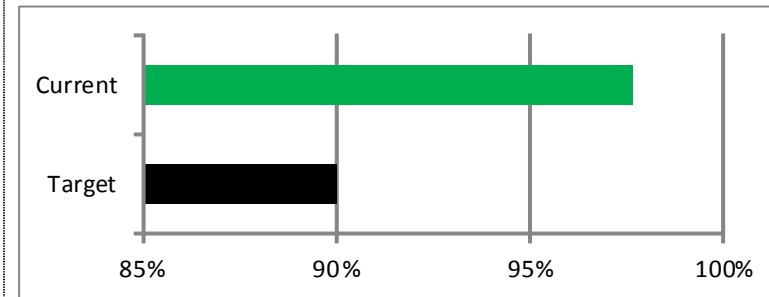
	18/19 Q1	18/19 Q2
Recycling Rate (Target 29%)	30.4%	*No Data
Flytipping (Target 90%)	95.2%	97.7%
Missed Bins (Target 95%)	96%	96%

*As previously reported Essex County Council are migrating all recycling data from one system to another. Due to inputting backlog only data up to June 18 is currently available.

Fly Tipping (Health and Housing)

To ensure that 90% of all reported incidents of fly tipping are removed within 72 hours of notification.

Monthly Performance Data



Ahead of Target

Data does not include asbestos fly tipping which is outsourced to a specialist contractor (PHS) and is not subject to 72 hours clearance. Fly tipping data excludes vehicles, caravans or asbestos; all of which have to be removed by specialist contractors.

ECC have agreed to cover the additional costs incurred by WCAs in clearing fly-tips, which can be directly attributed to the recent operational changes at the sites'. In providing this support there is an expectation that if increases are noted the WCA will work with ECC to make the necessary investigations and take action against the perpetrators.

Month	A	M	J	J	A	S	O	N	D	J	F	M
No. of incidents	125	117	106	101	103	89						
No. r'mvd <72hrs	116	111	101	99	101	87						
Performance (%)	92.8%	94.8%	95.2%	98.0%	98.0%	97.7%						

Missed Bin Collection

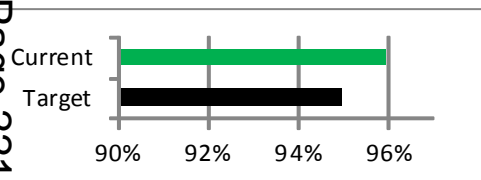
(Health and Housing)

To ensure that 95% of missed bins are collected within 24 hours of being

With approximately 65,000 homes in Tendring, and each property having two bins collected per week, there is over half a million bins collected per month in Tendring.

Monthly Performance Data

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Ahead
of
Target

Month	A	M	J	J	A	S	O	N	D	J	F	M
Target	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Performance	97%	98%	96%	96%	97%	96%						

Details for missed collections:

Refuse 96.3%, Food 94% Green box 94% Red box 100%

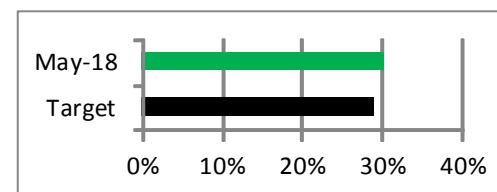
Recycling Rate

(Health and Housing)

Ensure that waste and recycling is disposed of in the most environmental and economically advantageous manner with 29% of household waste sent for reuse, recycling or composting.

Subject to 1 month delay.

Monthly Performance Data



Q1 -
Ahead of
Target

Mon	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Target (%)	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%
Performance	25.6% 5%	23.3% 6%	29.6% %	30.5% %	30.4% %	No Data	No Data	No Data						

Recycling data now being entered on to new ECC data system, due to data backlog only data up to June currently available.

Handling of Planning Applications

(Health and Housing)



Handling of Planning Applications : Speed			
To ensure that the following types of planning application are processed during the assessment period as follows:			
2019 Assessment Period (01.10.16 - 30.09.18)			
Major 50% within 13 weeks		Non-Major 65% within 8 weeks	
Major	74.25%	Non-Major	90.94%
2020 Assessment Period (01.10.17 - 30.09.19)			
Major 60% within 13 weeks		Non-Major 70% within 8 weeks	
Major	83.33%	Non-Major	91.38%
Handling of Planning Applications : Quality			
Decisions Overturned On Appeal.			
2020 Assessment Period (01.04.17 - 31.03.19)			
Major <10%		Non-Major <10%	
Major	3.33%	Non-Major	1.56%

5 YEAR HOUSING SUPPLY

The Council can demonstrate a 5.45 year supply of deliverable housing land based on an Objectively Assessed Need (OAN) of 550 dwellings per annum.

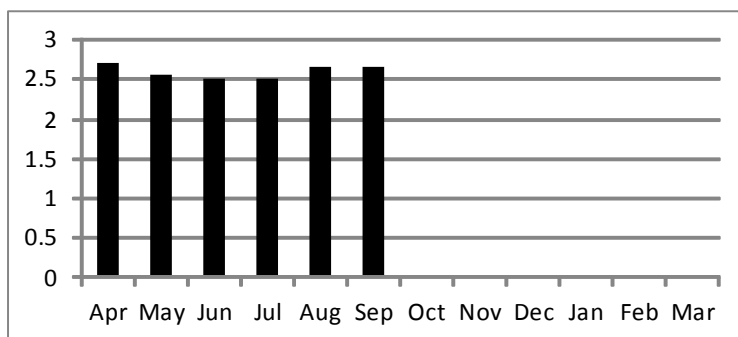
Note : This figure is updated monthly but some information that contributes to the calculation is only available periodically and so the figure may not be wholly accurate.

Sickness (Council and Community)

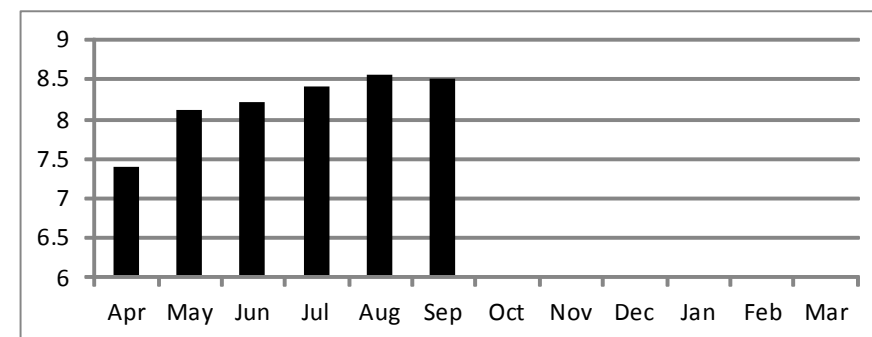
To measure the sickness absence rate of the Council. **Objective:** To measure the rate of sickness absence at TDC.

Mth	S/T	L/T
Apr	2.69	7.39
May	2.56	8.11
Jun	2.51	8.20
Jul	2.49	8.39
Aug	2.64	8.55
Sep	2.64	8.51
Oct		
Nov		
Dec		
Jan		
Feb		
Mar		

Short-term Sickness Absence Days Per Employee



Long-term Sickness Absence Days Per Employee



Notes: Data displayed as both Short-Term (under 28 days) & Long Term (28 days & over).

Notes: - Staff sickness absence is monitored by the HR Committee, who undertake a detailed analysis of all reported figures.

The 2016 CIPD (Chartered Institute of Personnel and Development) absence management publication reports national absence levels in Local Government at 10.5 days per employee.

Authorised Covert Surveillance (Council and Community)

Record of number of approved surveillances under the Regulation of Investigatory Powers Act 2000 (RIPA). **It is important to note that this does NOT apply to all enforcement activity and therefore, it is likely that nil or low returns will be recorded.** Council officers are in the course of investigating frauds and certain regulatory criminal offences within the district may be required to undertake covert monitoring operations to gather evidence to present to a court. In doing so, those officers must comply with the relevant legislation i.e., the Regulation of Investigatory Powers Act 2000 (RIPA) and the associated regulations and codes of practice. RIPA provides a strict authorisation mechanism for public authorities to undertake covert surveillance in compliance with the Human Rights Act 1998. Lawful interference with Article 8 (right to respect for private and family life) rights is only permissible, if it is necessary and proportionate to do so, therefore can only be undertaken in accordance with the Council's Policy and Procedures, approved by an Authorising Officer and the Magistrates' Court. The Council is required to report the number of authorisations granted on an annually basis to the Office of Surveillance Commissioners.

Type of Surveillance	Number of Approved Authorisations											
	Monthly											
	A	M	J	J	A	S	O	N	D	J	F	M
Directed Surveillance	0	0	0	0	0	0						
Covert Human Intelligence Source	0	0	0	0	0	0						

Complaints (Council and Community)

To measure the number of complaints received and handling of them within the prescribed time limits.

On
Target

Objective: To measure the standard of performance in responding to complaints against the TDC standards.

Target: 100% within the specified timeframes for each stage of complaint.

Stage 1
Complaints
Performance
Page 224

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	8	2	6	11	7	11						
% Time	100%	100%	100%	100%	100%	100%						

Stage 2
Complaints
Performance

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	0	0	0	0	0	1						
% Time	100%	100%	100%	100%	100%	100%						

Notes: For September 18, it has been reported that there was one Stage 2 complaint and one ombudsman complaint which spans Planning and Licensing.

Complaints (Council and Community)

To measure the number of complaints received and handling of them within the prescribed time limits.

Objective: To measure the standard of performance in responding to complaints against the TDC standards.

Target: 100% within the specified timeframes for each stage of complaint.

Complaints Summary July 18 to September 18.

Q2 July 18-September 18	Stage 1	Stage 2	Ombudsman
Governance & Legal			
Finance, Revenues & Benefits			1
Property			
People, Performance & Projects			
IT and Corporate Resilience			
Public Realm	2		
Customer and Commercial			
Sport & Leisure	2		
Housing & Environmental	11		1
Building and Engineering	3		
Planning & Regeneration	11	1	3
Leadership Support & Community			
Total	29	1	5



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PERFORMANCE REPORT

(COMMUNITY LEADERSHIP)

Q2 SEPTEMBER 2018

APPENDIX A

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Introduction

The following pages include the Council's Corporate Plan 2016 - 2020 and Tendring District Council's Priorities and Projects 2018/19 where the Council have an influencing role. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Projects sit under the following headings:-

	Council and Community		Health and Housing		Employment and Enjoyment
	<u>Education</u> Page 4 & 5		<u>Housing Strategy</u> Page 10		<u>Improved Broadband</u> Page 12
	<u>Community Safety</u> Page 6, 7, & 8		<u>Health and Wellbeing</u> Page 11		
Page 228	<u>Manningtree Infrastructure</u> Page 9				

Corporate Plan 2016-2020

Our Council Our Community

What we will achieve:

- Deliver high quality affordable services
- Balance our budget
- Good governance
- Transform the way we work
- Make the most of our assets
- Engagement with the community
- Support the vulnerable
- Support rural communities
- Effective partnership working

Health and Housing

What we will achieve:

- Promote healthier lifestyles and wellbeing
- Support improved community health
- Deliver a quality living environment
- Local regeneration
- Council house building

Community Leadership

Employment and Enjoyment

What we will achieve:

- Support business growth
- Enable better job prospects
- Facilitate improved qualification and skills attainment
- First rate leisure facilities
- Attractive events programme

Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

Our Values

- Councillors and staff uphold **personal integrity**, **honesty** and **respect** for others
- **Innovative**, **flexible**, **professional** staff **committed** to delivering excellence
- Recognising the **diversity** and **equality** of individuals
- Working **collaboratively**

Our Challenges

- Poor health
- Pockets of high unemployment
- Low economic activity
- Reducing budgets while delivering key services
- Poor infrastructure

Our Opportunities

- Clear vision for economic growth and prosperity
- Our coast
- Tourism, culture and sport
- Sea, road and rail connectivity

Our Priorities & Projects 2018/19

Chief Executive

- Strategic lead and corporate interface
- External and partnership engagement
- Essex wide board leadership
- Strategic finance
- Community Safety Hub

Deputy Chief Executive (Corporate Services)

- Transforming the way we work
- Digital
- Customer experience
- Office Accommodation
- People
- Finance
- Deliver 10 year Financial Strategy
- Capital Strategy / profiling
- Management of financial risks
- Governance
- Effective financial management
- Development of programme and project management
- Information security

Corporate Director (Operational Services)

- Jaywick Sands regeneration and renaissance
- Revised and updated Housing Strategy
- Waste, recycling and street sweeping contract renewal
- Cliff stabilisation
- Complete repairs to the Venetian Bridge
- Produce a long term sustainable scheme around Sport England grant funding
- Contribute to Mayflower 400 commemorations

Corporate Director (Planning and Regeneration)

- North Essex Garden Communities
- Local Plan
- Ensure delivery of improved Broadband coverage
- Effective outcomes from the Corporate Enforcement Group
- Lobby for road and rail crossing improvements at Manningtree
- Strategy and plan for Harwich and Dovercourt public realm
- Holland Haven and seafront opportunities
- Economic Growth

Community Leadership

- Delivery of high quality, affordable services
- Working positively with others - including partnership working on education, health, community safety and housing

Education

(Council and Community)

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“Deliver the agreed plan to improve educational attainment and aspiration in Tendring.”

Martyn Knappett – Deputy Chief Executive

Health and Education Portfolio Holder

Delivery Mechanism: As a community leader, there are a number of education work streams that underpin this which are to be delivered in 2018/19 via the Tendring Education Improvement Group.

Update: This section relates to ongoing activity where the Council’s role is that of influence.

Activity	Current Position	To be Completed
Start Well - to continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential.	School Readiness project ongoing. Interviews with a sample group of parents in participating schools commenced with Whitehall Primary, Clacton on 26 Sept 18. This is part of the work of the North East Essex (NEE) Children's Partnership Board. Children's Partnership Board to agree/set project deadlines.	On-going
Stay Safe – children and young people feeling safe in their community.	See Community Safety update, detailed below.	On-going
Mental Health & Emotional Wellbeing – enjoying good mental health and wellbeing - Wellbeing Hub – Gt Bentley School, consider funding opportunities for roll out.	<p>Mental Health & Emotional Wellbeing - STP setting up Task and Finish Group to consider the option of a Wellbeing Hub model for schools. Awaiting update/further Information following initial discussions, partners including TDC to be involved at a future date.</p> <p>Executive Projects Officer (EPO) met with Football Development Officer & Technical Lead Equality & Inclusion, from Football Association (FA). Early discussions underway involving EPO/FA/Sports Facilities Business Manager for the possibility of "Grow the Game" grant funded scheme at Clacton Leisure Centre for adults and young people experiencing mental health issues.</p>	Sustainability and Transformation Partnership Board (STP) currently reviewing Gt Bentley School model via Task and Finish Group. Awaiting Task and Finish timescales from the STP. Teen Talk booklet to be produced and distributed to schools by end of March 2019.

Education

(Council and Community)

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“Deliver the agreed plan to improve educational attainment and aspiration in Tendring.”

Martyn Knappett – **Deputy Chief Executive**

Health and Education Portfolio Holder

Delivery Mechanism: As a community leader, there are a number of education work streams that underpin this which are to be delivered in 2018/19 via the Tendring Education Improvement Group.

Update: This section relates to ongoing activity where the Council’s role is that of influence.

Activity	Current Position	To be Completed
Positive Futures - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.	Working with ECC, including the Post 16 Engagement Manager, Tendring are to be part of a pilot for the Essex Inspires project with schools and other key stakeholders. The project would develop a ‘pilot’ detailed partnership task and finish group with the support of Tendring District Council, to review the consistency of careers advice across schools, to map the plethora of agencies working in this arena and post 16 retention rates. Engage with key stakeholders inclusive of businesses to understand their vision for the next 5-10 years and drive a systems change approach, ensuring resources are utilised to support young people to gain appropriate information and skills equipping them for future career opportunities.	Proposed inaugural meeting Nov 18.
School Places.	On going work with ECC to support school places for local children.	On-going , via regular updates with ECC
Supporting IntoUniversity and Teach First - Positive Futures.	Teach First - EPO held meeting with the Schools partnership Lead, the government targets linked to "opportunity areas" remain in place for TeachFirst until 2020. As a result the number of placements are lower this year than last. TeachFirst have placed 3 teachers in Tendring in 2018, - 1 in secondary, 2 in primary (11 teachers placed in 2017). Pilot recruitment initiatives currently underway in other parts of the UK, should (all being well) be "rolled out" to East of England in 2019. IntoUniversity end of year report due Dec 18.	Dec 18
Strengthen links with Universities.	On-going, in discussion with TDC Officers to establish current position.	MOU with Essex University - Feb 19
Memorandum of Understanding (MOU) Colchester Institute.	Discussions to take place to determine whether both organisations wish to enter into an MOU.	Mar 19

Community Safety

(Council and Community)

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“Remain a low crime area and reduce the fear of crime. Address hidden harms.”

Chief Executive

Health and Education Portfolio Holder

Delivery Mechanism: The Community Safety work plan 2018/19 as defined by the Responsible Authorities Group (RAG) (Community Safety Partnership (CSP)) through the Annual Strategic Assessment process (Strategic Assessment and Delivery Plan agreed at RAG meeting on 5 Feb 18).

Update: This section relates to ongoing activity where the Council's role is that of influence.

Activity	Current Position	To be Completed
Tackling Anti-Social Behaviour and Acquisitive Crime Identifying and supporting repeat and vulnerable victims. Identify hotspot locations and/or increases in crime trends. Anti-Social Behaviour (ASB) affects families and communities and by addressing these activities we can help improve the quality of life in the community, improve perceptions and facilitate local problem solving to address issues.	1. S.A.D: Street Action Day identified through Anti-Social Behaviour complaints, the Problem Solving Group, data from Essex Police and numerous TDC depts. Many partners were in attendance and referrals were made to relevant agencies including Environmental Services. 2. Supported the Illegal Money Lending Team in a week of action, in Harwich. 3. Collating responses from Tendring primary schools about the offer of advisory 20mph road signs to be erected outside their school, this would also have the winning design from the poster competition on the bottom of the sign. 4. Delivered Older Persons Crucial Crew for over 120 older people in Tendring District, the event was well attended and older people received information about staying safe in the community. 5. Attended Fortnightly Force Tasking as representative from Tendring Council; cascaded the information to the relevant departments within the Council. 6. Website kept up to date with latest news and projects etc. www.safercommunitiestendring.co.uk . 7. Attended Harwich Crime prevention panel as TDC rep advised on local issues and problems. 8. Visited Nurture Farms to discuss using animal therapy to work with people showing signs of ASB. 9. Chaired Community Safety Networking quarterly meeting. Various partner updates and some new projects launching in the district i.e: Nurture Dogs, Wicketz, Noo yu Boxing and Unity Enterprises, mostly working with young people. All new to the area. 10. Attended High Sheriff garden party to represent TDC and CSP - liaising with other community safety partners. 11. Integrated Offender Management (IOM) Steering Group, new group set up to discuss IOM in Essex. Safer Communities Manager at TDC is representing all CSP's in North Essex. Feedback to County Community Safety Managers meeting. 12. Attended TDC Corporate Enforcement Team meeting to feedback on Anti-social behaviour cross cutting issues. 13. Met with Essex Youth Service regarding ASB in Clacton Town Centre. Essex Youth Service are doing out reach work engaging with the young people causing trouble.	1 day a month Complete Complete Complete Fortnightly On-going Bimonthly Complete Quarterly One off Quarterly Quarterly Will complete in Feb 19

Community Safety

(Council and Community)

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“Remain a low crime area and reduce the fear of crime. Address hidden harms.”

Chief Executive

Health and Education Portfolio Holder

Delivery Mechanism: The Community Safety work plan 2018/19 as defined by the Responsible Authorities Group (RAG) (Community Safety Partnership (CSP) through the Annual Strategic Assessment process (Strategic Assessment and Delivery Plan agreed at RAG meeting on 5 February 18).

Update: This section relates to ongoing activity where the Council's role is that of influence.

Activity	Current Position	To be Completed
Protecting Vulnerable People from Hidden Harms Identifying and supporting repeat and vulnerable victims, educating both young and older people and encouraging proactive reporting of Hate Crime and Domestic Abuse. Implement/facilitate steps to protect identified victims. There will also be a clear emphasis on gangs and youth violence, drug dealing and drug trafficking, Child Sexual Exploitation, Preventing Violent Extremism, Modern Slavery, Human Trafficking and substance misuse (these are often termed 'Hidden Harms'). The CSP will aim to increase the understanding and awareness of the hidden harms our communities face, and encourage those who are suffering to come forward and seek help from the Partnership. Current risks within Tendring do not come from the more traditional crimes, but from Hidden Harms as described above.	1. Signposting vulnerable people to the correct support services. 2. Met various members of the public presenting at the Town Hall with a range of complex needs, initial support given and signposting to the most appropriate agency. 3. Meeting with Businesses in Clacton Town Centre with a view to seek representatives from the Business Community in attending a mediation session with street drinkers. 4. Loan Shark Week in Harwich, visiting schools to promote awareness of Loan Sharks, working with local businesses to raise the profile of Loan Shark Team, training TDC Staff and Police in relation to Loan Shark awareness and how to tackle the situation if reported. Collating intelligence for the Loan Shark Team. 5. Continue planning for the Town Hall to become a Hate Crime Reporting Centre, where people will be able to report Hate Crime without going to the Police, we currently have 5 Hate Crime Ambassadors who will be able to take those reports if required. 6. Other collaborative activity includes submitting Police Intelligence Report's (PIR's). 7. Meeting with Colchester United to discuss future projects working together with the CSP. 8. Attended MACE - Missing and Child Exploitation meeting on behalf of the Council, delivered a report on CSE - Child Sexual Exploitation and Hotspots for exploitation in Tendring District. 9. Attended Safer Essex Gangs and Violence Framework - discussion about how the framework is going to be implemented across Essex. 10. Represented the Council at a Crimestoppers Regional Conference - gave a presentation about Gangs and County Lines that are affecting the Tendring District. 11. Meeting with Essex Police and TDC with a view to a small project group revisiting and reviewing the CS Hub procedures and practices in relation to potentially moving hub from the Police Station and changing the hub structure as Policing is returning to geographical policing areas (Ward based - a few wards in a cluster with a dedicated Police Community Support Officer and Police Constable for each area).	Mar 19 Mar 19 Complete Complete Nov 19 On-going Complete Bi monthly Mar 20 Complete Jan 19

Community Safety

(Council and Community)

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“Remain a low crime area and reduce the fear of crime. Address hidden harms.”

Chief Executive

Health and Education Portfolio Holder

Delivery Mechanism: The Community Safety work plan 2018/19 as defined by the Responsible Authorities Group (RAG) (Community Safety Partnership (CSP) through the Annual Strategic Assessment process (Strategic Assessment and Delivery Plan agreed at RAG meeting on 5 February 18).

Update: This section relates to ongoing activity where the Council's role is that of influence.

Activity	Current Position	To be Completed
Reducing Violence and Knife Crime Identifying hotspot locations, and/ or increases in crime trends. Work with partner agencies to raise awareness of Knife Crime across the District. The fear of crime, whether real or perceived, can also have a very serious impact upon people and communities, Violence with Injury and Possession of Weapons were the top two crime types that scored the highest in terms of risk for the District.	1. Ongoing talks with various agencies regarding knife crime awareness projects - more to detail over the coming months.	Mar 19

Manningtree Infrastructure (Council and Community)

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“Lobby for road and rail crossing improvements at Manningtree”.

Ewan Green – **Corporate Director**

Portfolio Holder

Delivery Mechanism: To lobby the Highway Authority and rail companies to agree a package of parking and highway improvements to alleviate congestion in the area of Manningtree Railway Station.

Update: A partnership group has been formed including local MP's, ECC, Suffolk CC, Babergh & Mid Suffolk Council, TDC, Haven Gateway Partnership, Essex Rail Users.

Page 2 of 2

Milestones	Current Position	To be Completed
Work with partners to develop an outline proposal for improvements (to include; the economic, social and environmental needs and benefits) and lobby for Government support.	An initial proposal will be developed, led by ECC, in order to detail the economic, social and environmental needs and benefits which future investment will address. Options for short term improvements are currently being developed by ECC.	TBC

Housing Strategy

(Health and Housing)

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“Revised and updated Housing Strategy.”

Paul Price – **Corporate Director**

Housing Portfolio Holder

Delivery Mechanism: Consultation with relevant officers and other key stakeholders to produce Housing Strategy to be agreed by Full Council.

Update: Research has been undertaken and other Council’s housing strategies have been reviewed. The Government published its Housing Green paper in August 18 which provides some indication on the Governments future policy direction. The Executive Projects Manager is now in post and working on a project plan to include the key milestones in the development of the strategy.

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Milestones	Current Position	To be Completed
Develop draft Housing Strategy. *Housing Green Paper, will inform strategy.	The Executive Projects Manager is in the process of drafting headings and consulting officers on the detail of the strategy.	May 18 *Revised Dec 18
Seek Cabinet approval.		Jul 18 *Revised Dec 18

Exception: The uncertainty from government around their housing strategy has made it difficult to draft a document that could require major revisions should the policy direction alter significantly. The recently published Green Paper and announcement on the proposed lifting of the Housing Revenue Account borrowing cap has helped to address some of this uncertainty.

Health & Wellbeing

(Health and Housing)

“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area. Produce a long term sustainable scheme around Sport England grant funding”

Paul Price – **Corporate Director**

Health and Education Portfolio Holder

Delivery Mechanism: Working with partners to identify shared opportunities to help drive improvements.

Update: This month's progress comments are noted next to each individual milestone in the table below.

Milestones	Current Position	To be completed
Sport England Local Delivery Pilot. Page 238	Initial draft reports from Collborate, Essex University and Intelligent Health received and being considered around evaluation of the system, action research projects and data and to be used to develop the investment plan. Physical Activity Co-ordinator now in post and meeting projects and partners. Visit by Chair of the Board of Sport England and senior representatives to Essex on 21 Sept 18 starting in Jaywick and visiting the Leisure Centre followed by a Senior Sponsors Meeting at County Hall. Very positive feedback received from the Chair in relation to this visit.	On-going
Review agenda of Health & Well-being Board and develop future work programme.	An update of the Board Terms of Reference is to be presented to the next Board meeting in Nov 18.	Nov 18
Health and Wellbeing Strategy (dependent on above).	The draft strategy is aligned with the emerging Essex Joint Health and Wellbeing Strategy.	Nov 18
My Weight Matters Programme	Training provided to key staff and My Weight Matters programme now operating in Council Offices to assist staff but also accessible to the public.	Sessions started on 13 Aug 18
Attended Staff benefits and Tendring Show to promote Livewell.	Good public engagement at Tendring Show to highlight awareness of Livewell with information and water bottles with the logo have been provided to promote and advertise Livewell.	Complete

Improved Broadband (Employment and Enjoyment)

“To work with all parties to boost superfast broadband coverage in the Tendring district. This work is part of a new multi million pound contract with BT Group as part of the Superfast Essex programme.”

Ewan Green – **Corporate Director**

Finance and Corporate Resources Portfolio Holder

Delivery Mechanism: The £9million contract signed by Essex County Council and BT Group will ensure superfast speeds of 30Mbps and above are made available to an extra 5,400 homes and businesses in the District by March 2020. TDC have contributed £250K towards the cost of the contract vis-à-vis BT’s operational work in the District.

Update: Work will start in late 2018 and will not be concluded until 2020. The work will take place in parallel to existing fibre broadband rollout plans by Superfast Essex. The additional coverage will lift superfast broadband availability in Tendring District to more than 98% by early 2020, making the area one of the best-served areas in Essex. TDC will monitor delivery through 6 monthly progress reports from Superfast Essex. The Council entered into a contract with ECC (Superfast Essex) some months ago that in the fullness of time will require BT Open Reach to provide additional fibre to new cabinets in Tendring. This work is part of a much bigger Open Reach contract covering other parts of Essex.

Milestones	Current Position	To be completed
Funding secured (£9m) and programme of work established to deliver Superfast Broadband to 5,400 homes and businesses by Mar 2020. This programme will ensure that over 98% of the district has access to a superfast broadband service.	Work advancing according to funding agreement/contract.	Mar 20

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Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

9 NOVEMBER 2018

REPORT OF FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER

A6. FINANCIAL PERFORMANCE REPORT – IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF SEPTEMBER 2018 AND LONG TERM FINANCIAL FORECAST UPDATE

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an overview of the Council's financial position against the budget as at the end of September 2018 and to present an updated forecast on an on-going basis as part of developing the budget for 2019/20 and beyond.

EXECUTIVE SUMMARY

- As highlighted in the corresponding report at the end of July 2018, in a significant change from previous years, these regular finance reports aim to present the overall financial position of the Council by bringing together information that was previously reported within corporate budget monitoring reports and performance monitoring reports along with timely updates on the development of the long term forecast and budget for 2019/20 and beyond.
- The above approach follows the commitment to provide regular updates on the long term financial forecast as agreed as part of the move to a long term financial sustainability plan last year and to bring the reporting of key financial performance together in one report.
- The report continues to be split over two distinct sections as follows:
 - 1) The Council's in-year financial position against the budget at the end of September 2018***
 - 2) An updated long term financial forecast and estimated position for 2019/20.***

In respect of the in-year financial position at the end of September 2018:

- The Council's financial position against the approved budget has been prepared for the period to the end of September 2018.
- In respect of the position at the end of September, it is acknowledged that expenditure or income trends may still be emerging. However any significant issues arising to date have been highlighted and comments provided as necessary.
- The position to the end of September 2018, as set out in more detail in the

Executive Summary attached, shows that overall the General Fund Revenue position is behind the profiled budget by **£3.468m**. As has been the case in previous quarters, the variance to date primarily reflects the timing of expenditure and income although as mentioned above, underlying trends may emerge or be confirmed over the remainder of the year.

- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no major issues that have been identified to date.
- Any emerging issues will be monitored and updates provided in future reports which will include their consideration as part of updating the long term financial forecast.
- As highlighted in the corresponding report at the end of July 2018, these regular finance reports will respond to in-year budget pressures and other changes as they emerge rather than wait until the detailed estimates are prepared in December / January of each year. **Appendix H** therefore sets out a number of changes to in-year budgets with an associated recommendation also included within this report. The net impact of all of the budget adjustments will be moved to or from the Forecast Risk Fund. The long term forecast relies upon **£0.500m** of in-year outturn savings being set aside over the course of the whole year within the Forecast Risk Fund to support the long term plan.
- A half year treasury management review has been carried out with a summary set out later on in this report along with an associated recommendation to temporarily increase the aggregate limit of funds that can be placed overnight with the Council's bankers for the period that the offices will be closed over the Christmas break

In respect of the updated long term financial forecast:

- The forecast has been reviewed as at the end of September 2018 and updated from 2019/20 onwards. The required changes do not expose the Council to any additional risk and although the annual deficit or surplus position for each year of the forecast has been amended, they can still be accommodated within the overall projected financial position supported by an increased Forecast Risk Fund.
- A review of risks associated with the long term approach to the forecast is also subject on-going review and are separately reported within **Appendix J**.
- As mentioned last year, it is important to continue to deliver against the new longer term approach to the budget as it continues to provide a credible alternative to the more traditional short term approach which would require significant savings to be identified over 2019/20 and 2020/21.
- Work remains on-going across the 5 key work strands of:
 - 1) Increases to underlying income
 - 2) Controlling expenditure / inflationary increases
 - 3) The identification of savings / efficiencies
 - 4) Delivering a positive outturn position each year
 - 5) The mitigation of cost pressures wherever possible.

RECOMMENDATION(S)

That in respect of the financial performance against the budget at the end of September 2018, it is recommended that:

- (a) The position be noted;
- (b) the proposed in-year adjustments to the budget as set out in Appendix H be agreed; and
- (c) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas break.

That in respect of the Updated Long Term Forecast revised at the end of September 2018, it is recommended that:

- (a) The updated forecast be agreed; and
- (b) the Resources and Service Overview and Scrutiny Committee are consulted on the updated position.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the long term approach being taken seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are considered in the body of the report.

Risk

In respect of the position at the end of September 2018, a number of variances will be subject to change as the year progresses although at this stage it is expected that any adverse position can be managed within the overall budgets. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements and Financial Strategy Processes.

In respect of the long term forecast, there are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. There are a number of areas that could lead to additional expenditure being incurred, such as: -

- Economic environment / instability;

- Emergence of cost pressures;
- Changes to the local authority funding mechanisms such as the Government's fairer funding review that is proposed;
- New legislation placing unfunded duties on the Council or reducing the level of the Council's core funding;
- Local or national emergency;
- Income is less than that budgeted for, including business rate income retained locally.

However the forecast is based on relatively conservative estimates with no optimistic bias included. **Appendix J** discusses the various risks to the forecast with a Red / Amber/ Green risk assessment approach taken.

As discussed last year, another potentially more important action to manage and mitigate risk is the Council's ability to financially underwrite the forecast. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, there are two important aspects to how this will be managed.

- 1) Along with additional contributions included within the outturn position for 2017/18, **£1.887m** has already been set aside within the Forecast Risk Fund to support the budget in future years. This is significantly more than the estimated position from last year and excludes the additional contribution of **£0.717m** to fund initiatives aimed at supporting the long term forecast, which is also being held in the reserve. This money is available to be drawn down if the timings within the forecast differ in reality and the net position is unfavourable compared to the forecast in any one year.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will be revised on an on-going basis. If unfavourable issues arise that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken. Actions to respond will, therefore, need to be considered but can be taken over a longer time period where possible. In such circumstance the Council may need to consider 'topping' up the funding mentioned in 1) above if required in the early years of the forecast. This may impact on the ability to invest money elsewhere but will need to demonstrate that its use is sustainable in the context of the ten year forecast and supports the thinking behind the new approach of protecting Council services wherever possible.

Set against the above foundations, the forecast includes the need to identify on-going savings of **£0.300m** each year. This figure will need to remain flexible and react as a counterbalance to other emerging issues as it is accepted that this figure may need to be revised up or down over the life of the forecast.

It will also be important to deliver against the forecast in the early years to continue to build confidence in the revised approach. This will, therefore, need robust input from members and officers where decisions may be required in the short term or on a cash flow basis.

Another aspect to this approach is the ability to 'flex' the delivery of services rather than cut services. As would be the case with our own personal finances, if we cannot afford something this year because of a change in our income, we can put it off until next year. There is a practical sense behind this approach as we could flex the delivery of a service one year but increase it again when the forecast allows.

In addition to the above it is important to note that the Council has already prudently set aside money for significant risks in the forecast such as **£1.608m** (NDR Resilience Reserve) and **£1.100m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves which supports its core financial position.

To support the forecast, sensitivity testing has been undertaken which is set out in more detail later in this report.

LEGAL

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. The new arrangements mean that there are now lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council as part of the budget process on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

There are no other implications that significantly impact on the financial forecast. However, the ability of the Council to appropriately address these issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver the necessary savings.

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF SEPTEMBER 2018

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2018.

This is the second such report on the Council's financial position against the budget for 2018/19, and so some expenditure or income trends may still be emerging. However comments are provided below where necessary against the following key areas:

- General Fund Revenue and Proposed Changes to the 2018/19 Budget
- HRA Revenue
- Capital Programme – General Fund
- Capital Programme - HRA
- Collection Performance
- Treasury Activity

GENERAL FUND REVENUE

The position to the end of September 2018, as set out in more detail in the Executive Summary attached, shows that overall the actual position is behind the profiled budget by **£3.468m**.

After excluding the variance for employee costs of **£0.311m**, the remaining net variance is **£3.157m**

As set out in the appendices, elements of this remaining variance are due to the timing of expenditure and income or where commitments / decisions have yet to be made.

Appendix B provides further narrative around variances with some highlights as follows:

- Employee Costs – as set out above, expenditure is behind profile by **£0.311m**. Following a detailed review, it is estimated that **£0.200m** of this amount relates to vacancies where there is no associated commitment and therefore is the accrued amount that can be 'banked' at the end of September 2018 as a saving. This is included within the proposed adjustments to the budget set out in **Appendix H** as part of the net contribution to the Forecast Risk Fund. The corresponding figure at the end of July 2018 was **£0.100m**.
- Income is running ahead of the profile in areas such as parking (**£0.133m**), cemeteries (**£0.013m**), the crematorium (**£0.028m**), street naming and numbering (**£0.056m**) and building control (**£0.024m**). Although these income trends will be monitored over the remainder of the year, initial assumptions have been made about their inclusion or otherwise within the long term forecast that contribute to the net savings amount set out within the second part of this report.
- In a continuing reversal of a trend from previous years, planning income remains behind the profile (**£0.065m**). This will be considered as the long term forecast develops as it was anticipated that income growth in this area could contribute to the long term net savings target which is now likely to have to be reconsidered based on the current position.

In addition to the above issue, a revised financial reporting requirement has been introduced which is basically a technical accounting adjustment relating to when income can be recognised within the accounts. It is currently expected that a significant level of planning income received towards the end of this financial year may have to be removed and accounted for in 2019/20 which could have a significant overall impact. This is currently being monitored and a further update will be provided later on in the year, which may require an adjustment to the planning income budget in 2018/19.

It is also worth mentioning that a number of budgets are being reviewed where they have remained uncommitted for more than one year as highlighted by Cabinet / Resources and Service Overview and Scrutiny Committee. This review is nearing completion and so will now be reported in a future report rather than this report as originally anticipated.

APPENDIX H sets out a number of proposed budget adjustments that respond to both favourable and adverse issues that have emerged over the first half of the year and include:

- Insurance Costs – during the renewal process this year, it was decided to move the renewal date in future years to avoid busier times of the year for the relevant officers. This has required an accounting change where the insurance costs are now accounted for on an accruals basis rather than on a cash basis. This results in a one-off saving in 2018/19 of an estimated **£0.100m**.
- Investment income – a continuing positive cash flow and interest rate position have resulted in additional income of **£0.080m** from treasury activities.
- Career Track Income – the service is currently experiencing a time ‘lag’ of building up a client base which was adversely impacted by the delay in the available of guidance etc. from the Government. Therefore it is expected that income will be lower than the budget over the course of the year, with an income budget adjustment of **£0.050m** proposed.
- Air Show 2018 – Following the finalisation of the airshow ‘account’ relating to the 2018 show, net costs exceeded the budget by **£0.043m**.

The net overall position set out in **Appendix H**, which includes the vacancy saving of **£0.200m** highlighted earlier, results in a net contribution to the Forecast Risk Fund of **£0.387m**, which brings the total transferred to this reserve in 2018/19 to **£0.484m**. Therefore the total target contribution of **£0.500m** has nearly been reached at the end of the first six months of the year.

Other net neutral budget adjustments have also been included within **Appendix H** and include **£0.791m**, funded from the 2018/19 New Homes Bonus, which relates to the purchase of wheeled bins and recruitment of additional temporary staff to support the implementation of the changes from the extension to the current waste, recycling and street cleansing contract as agreed by Cabinet at its 23 March 2018 meeting.

HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**.

At the end of September 2018, the HRA is **£0.073m** behind the net profiled budget. The

most significant issue contributing to this position is dwelling rental income which is **£0.049m** behind profile (**0.4%** of the total annual amount). Void loss has been higher over recent periods due to issues such as taking time to undertake major repairs etc. when properties become vacant but it is expected that this should stabilise in the long term. A further issue that will have an impact on rental income and the long term HRA business plan is the general increase in right to buy sales which will have a negative impact on income. These issues will therefore need to be considered within the 2019/20 HRA budget and beyond.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix D**.

As at the end of September 2018 the programme is behind profile by **£0.050m**. Detailed comments are provided within the appendix. Following the on-going review, a further scheme has been reprofiled into future years to reflect lead in times / development of the associated project, with the necessary adjustment set out in **Appendix H**.

Appendix H also includes the establishment of a budget in the Capital Programme relating to purchase of wheeled bins following the extension to the waste and recycling contract as discussed earlier in this report.

Apart from the matters highlighted above or within the appendix, there are no additional issues to highlight at present.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

As at the end of September 2018 the programme is behind profile by **£0.108m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. There are no specific issues to highlight at this stage and the expectation is that expenditure / commitments will be broadly in line with the budget over the course of the year as work is progressed and procurement processes completed.

Appendix H sets out the following two adjustments to the HRA Capital Programme:

- The inclusion of a new line to reflect the first phase of the construction of 10 new homes in Jaywick Sands as endorsed by Cabinet at its November 2017 meeting.
- The inclusion within the HRA Capital programme of additional funding due from ECC relating to the acquisition of a site within Jaywick Sands.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

The position for 2018/19 remains behind the position reported for the same period last year. At the end of July 2018, it was reported that there was a significant amount of money owed by one public sector organisation. This remains outstanding and following further review, replacement invoices have been sent to the relevant organisation for payment as soon as possible.

At the end of September 2018, **£0.034m** remains outstanding from Brightlingsea Town Council that primarily relates to their contribution to the running costs of Brightlingsea Pool in prior years.

Apart from the above, there are no significant issues to highlight at the present time. Income will continue to be collected over the remainder of the year with recovery arrangements and action taken as necessary.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

The Council agreed the Treasury Strategy for 2018/19 on 27 March 2018 and in accordance with Financial Procedure Rules this strategy and associated activity have been subject to a half yearly review with the outcomes set out below:

The Economy and the outlook for next 6 months

A more detailed analysis has been provided by the Council's treasury advisors with highlights set out as follows:

The first half of 2018/19 has seen UK economic growth post a modest performance, but sufficiently robust for the Monetary Policy Committee (MPC) to vote unanimously to increase the Bank Rate on 2 August from 0.5% to 0.75%. The MPC has indicated Bank Rate would need to be in the region of 1.5% by March 2021 for inflation to stay on track. Financial markets are currently pricing in the next increase in Bank Rate for the second half of 2019, and the Council's treasury advisors are predicting an increase in the bank rate to 1.00% in Sept 2019.

Investments

Investment returns are well ahead of the budget, mainly as a result of the increase in the bank base rate on 2 August 2018. The weighted average interest rate at the end of September stood at 0.60%, with the budget reflecting a target of 0.40%. As a result, the budget is proposed to be increased by £80,000 for 2018/19, and by £100,000 for 2019/20, with this additional income reflected in the updated financial forecast set out in the next section of the report.

The closure of Council Offices between Christmas and New Year 2018 means that daily treasury management actions will not be able to be undertaken for a short period. Despite planning to maintain adequate headroom across the Council's current accounts, significant council tax and non-domestic rates payments are expected during the Christmas closedown period and along with other income the current **£1.000m** limit that can be placed overnight with the Council's current account bankers is likely to be exceeded. A similar situation occurred last year which was brought to the attention of members. Although alternative approaches remain under review, at the present time it is requested that the limit be temporarily increased to **£1.500m** for this period. Officers will monitor the wider market conditions / intelligence and will only place money up to this revised limit if there are no adverse indicators around Lloyds bank that would increase risks. During the year Lloyds Bank have seen a strengthening position in terms of their overall ratings from the main rating agencies increasing confidence in them and therefore limiting the risks associated with the proposed approach set out above. A recommendation has been included earlier in this report reflecting this proposal.

Borrowing

The borrowing rates that the Council can access remain relatively low. Due to the low yield on investments, the Council has maintained the position of not replacing the **£1.000m** external loan which matured in March 2014 and no additional borrowing is currently planned in 2018/19.

Other

The Chartered Institute of Public Finance and Accountancy, (CIPFA), issued a revised Code of Practice on Treasury Management and Prudential Code in late 2017 and has recently issued guidance notes supporting both Codes. Statutory investment guidance has also been updated in 2018. These have raised several issues:

- A local authority should define its risk appetite and its governance processes for managing risk.
- A local authority should assess the risks and rewards of significant investments over the long term, as opposed to the usual three to five years that most local authority financial planning has been conducted over, in order to ensure the long term financial sustainability of the authority.
- The Prudential Code has also expressed concern that local authorities should ensure that an authority's approach to commercial activities should be proportional to its overall resources.
- A local authority should have access to the appropriate level of expertise to be able to operate safely in all areas of investment and capital expenditure, and to involve members adequately in making properly informed decisions on such investments.

As a result, the Prudential Code 2017 introduced a requirement to produce an annual capital strategy to deal with these issues.

Although these issues are broadly included within existing decision making processes where necessary, they will be reviewed as part of development of the annual Treasury Management Strategy report for 2019/20, which will be reported to Cabinet in early 2019 and to Council by 31 March 2019.

In respect the Council's commercial property portfolio, there have been no additions since the purchase of the property in Clacton last year. In respect of the property purchased last year, the lease with the existing tenant remains on-going, with nothing emerging to date that alters that position.

Notwithstanding the above, operationally there are no significant matters to highlight at the end of September with investment and borrowing activity on-going in line with the Treasury Strategy and associated practices / requirements.

SECTION 2 – UPDATED LONG TERM FORECAST

Following the establishment of a longer term approach to the budget setting process that was agreed last year, the forecast is updated on an on-going basis with the latest position set out in **Appendix I**.

The detailed context to the revised longer term approach was included in the report to Cabinet on the 5 September 2017. Key elements to the forecast and further developments are set out below against the following principles / work strands:

Increases to Underlying Income (Council Tax and Business Rates)

- ***Changes to the forecast for 2019/20***

Two lines of the forecast have been changed since the update in July 2018 as follows:

- 1) **Growth in Business rates / council tax – general property growth** – this has been reduced from **£0.171m** to **£0.130m** in 2019/20 to reflect the latest estimate

of property growth for council tax purposes. This excludes any change in the estimated property growth for business rates, which is still subject to an annual review, and any benefit from being a member of the Essex Business Rate Pool / Pilot.

- 2) **Collection Fund Surpluses b/fwd** - This has been increased from **£0.446m** to **£0.703m** in 2019/20 to reflect the latest position and performance to date. Similarly to the above, this excludes any change in business rates which will be finalised later in the budget setting process.

Taking the above into account, the total income for this element of the forecast has increased from **£0.942** to **£1.158m** in 2019/20 compared with the position reported at the end of July 2018.

- ***Underlying assumptions for 2020/21 and beyond***

There have been no changes to the forecast for 2020/21 and beyond apart from projecting the lower property base identified above into the later years of the forecast.

The forecast remains based on an increase of £5 in the level of Council Tax for Tendring District Council Services over the life of the forecast and property growth in 2020/21 and beyond remains broadly based on the local plan projections.

Controlling Net Expenditure / Inflationary Pressures

- ***Changes to the forecast for 2019/20***

There have been no changes since the update in July 2018.

- ***Underlying assumptions for 2020/21 and beyond***

There have been no changes since the update in July 2018.

Although the 2019/20 forecast reflects the significant and front loaded pay award, it remains the expectation that the longer term position will revert to more manageable increases such as the 1% commitment previously promoted by the Government, which is included from 2020/21 onwards within the forecast.

A number of activities remain on-going within the Council's overall financial framework such as reviewing the outturn position from prior years to identify possible budget reductions. The Council also continues to explore opportunities to bring services back in-house, which has the potential to reduce overall increases in costs.

As discussed earlier in the year, the proposed changes to the Waste, Recycling and Street Cleansing contract have reduced what would have seen a significant price increase down to a level that can be managed within the forecast.

Departments continue to take a proactive approach in delivering quality services against the context of the financial forecast in mind. Examples of actions taken include managing emerging issues within existing budgets wherever possible or reprioritising activities to reduce / limit pressures on the budget over the course of the year.

Savings and Efficiencies

Appendix K sets out the initial net savings identified for 2019/20. Although subject to final review / risk assessment where necessary, the figure identified to date totals **£0.279m**. Work remains on-going to increase this amount to **£0.300m** or above by the time the detailed estimates for 2019/20 are prepared for presenting to Cabinet in December 2018.

It is recognised that this line of the forecast provides the 'safety valve' to the overall long term approach and may have to be increased if significant / on-going adverse issues emerged over the life of the forecast.

Delivering a favourable Outturn Position

The Forecast Risk Fund continues to rely on in-year outturn contributions of **£0.500m** per annum to support the overall balance on the reserve which in turn underwrites the various risks to the forecast.

In respect of 2017/18, the requirement to contribute **£0.500m** to the Forecast Risk Fund was delivered.

In respect of 2018/19 to date, net contributions to the Forecast Risk Fund total **£0.484m**, made up of:

- **£0.081m** reported at end of July 2018
- **£0.387m** proposed at the end of September 2018 as included within **Appendix H**.
- **£0.016m** which relates to the carry forwards not approved under the delegation to the Finance and Corporate Resources Portfolio.

Cost Pressure Mitigation

Appendix L sets out the initial items identified by services for 2019/20.

These are currently subject to further review / challenge, which will include asking the following questions:

- 1) Can the expenditure be delayed until such time as there is a surplus in the forecast?
- 2) Can mitigating action be put in place or an alternative option implemented?
- 3) Can the cost pressure be supported by one-off money in the short term?
- 4) Can the cost pressure be mitigated via corresponding budget reductions within departmental budgets?
- 5) What Council priorities are being supported and what are the key benefits?

The cost pressures include one-off items in 2018/19, such as the Mental Health Hub Contribution, Airshow Night Flight, Sea and Beach Festival and the TV advert promoting the district, which will need to be considered for including on an on-going basis from 2019/20 in the context of the overall forecast and the other cost pressures identified.

It is unlikely to be possible to fund all of the items as they total **£0.886m** in 2019/20 (**£0.416m** on-going and **£0.470m** one-off).

Although discussed in more detail below, this line of the forecast presents one of the most significant risks, as in many instances it could be outside the control the Council, such as reduced income from external bodies / the Government.

Sensitivity Testing of the Forecast

There are numerous risks inherent in forecasting and **Appendix I** includes the potential impact if assumptions within the forecast change such as inflation, reduction in income, the level of cost pressures or underperformance in securing the required on-going savings.

Although there will always be a large number of permutations, all sensitivities tested are still expected to deliver an annual surplus within the life of the forecast.

The sensitivity test that would have one of the greatest impacts on the forecast is if council tax rises were 1% less than the base position. In aggregate, the annual deficits would be **£6.281m** compared with base position of **£3.227m**, but the budget would still deliver an annual surplus by the end of the forecast period.

If a number of issues came together at the same time then it is possible that the forecast becomes unsustainable in the longer term. This will be monitored as the forecast continues to be developed as it may be that the level of savings required needs to be increased to ensure the long term sustainability of the Council's financial position or the Council reverts back to the historic short term approach to setting the budget which would require significant savings early in the process.

Risk Assessment of Individual Lines of the Forecast

Given the inherent risks outlined, commentary on the various risks to the forecast is set out in **Appendix J**.

As discussed at the end of July 2018, attention is drawn to the following key areas of the forecast which have been given a higher risk rating compared with other lines of the forecast:

- **£5 increase in Council Tax** – the ability to increase Council Tax to a point that does not require holding a referendum is based on permission from the Government which is only confirmed on an annual basis. Although it is expected that above inflationary increases are likely to feature in future financial settlements, this risk will need to be carefully monitored and if there is any indication from the Government that it will not be allowable in later years of the forecast then the necessary adjustment to the estimated position will need to be made, which could include increasing the required savings allowance above **£0.300m** per annum.
- **Inflation** – Given the recent significant increases from the pay award negotiations, this pressure on the forecast may have subsided in the immediate term with only 1% increases included in future years of the forecast. However annual increases are currently outside the direct control the Council and will be reviewed on an annual basis with comments provided to the relevant national negotiating body as necessary. Inflation for items such as utilities and other similar items have historically been managed on a corporate basis with increases in some service areas being met from reductions in other areas. It is expected that this approach will continue in the immediate term. Inflation for major contracts is included within the forecast based on the Bank of England's long term CPI target of 2%.
- **Ongoing Net Savings** – a target of **£0.300m** remains within the forecast. For 2019/20 the activities underway to deliver this amount include a review of the historic outturn position, taking a confident but cautious approach to income streams which are currently or have historically outperformed the budget, along with securing on-going savings from re-organisational reviews. In terms of delivering against future year's targets, associated discussions will need to be

commenced over the rest of the current year to be able to secure the required savings from 2020/21 and beyond. This approach is backed by money set aside for activities that support the delivery of the long term forecast as discussed earlier in this report.

- **Unmitigated Cost Pressures** – as highlighted within the appendix, this line of the forecast presents one of the more significant risks going forward, especially in light of the total value of items identified for 2019/20.

Some items may be within the Council's control, such as repairs to assets etc., but some are not, such as reduced income from outside bodies.

To date the Council has also refrained from using one-off money such as the New Homes Bonus to support the on-going budget. The forecast is based on this prudent principle continuing.

Taking all of the above into account, the forecasted annual deficit or surplus as set out in **Appendix I** is summarised as follows compared with the forecast considered at the end of July 2018:

Year	Net Budget Position Reported at the end of July 2018 (including adjusting for prior use of reserves to balance the budget)	Net Budget Position as Set out in the Updated Forecast (including adjusting for prior use of reserves to balance the budget)
2019/20	£0.725m (Deficit)	£0.509m (Deficit)
2020/21	£1.083m (Deficit)	£1.167m (Deficit)
2021/22	£0.790m (Deficit)	£0.918m (Deficit)
2022/23	£0.491m (Deficit)	£0.664m (Deficit)
2023/24	£0.182m (Deficit)	£0.401m (Deficit)
2024/25	£0.134m (Surplus)	£0.133m (Deficit)
2025/26	£0.458m (Surplus)	£0.142m (Surplus)
2026/27	£0.790m (Surplus)	£0.424m (Surplus)

Although the deficits have increased in the short term, the forecast moves to an annual surplus position within broadly the same timescales, with surpluses still forecast towards the end of the forecast period.

Appendix I also sets out the annual change in the Forecast Risk Fund with positive balances on this reserve estimated over the life of the forecast.

As part of their value for money work, the Council's external auditors drew attention to the risks associated with use of reserves to balance the budget, namely that it is not sustainable. Although this is acknowledged, the use of the Forecast Risk Fund is on a controlled basis with underlying income expected to offset the net increases in expenditure in the long term, which provides for a more resilient approach to resisting potential reductions in the provision of services.

The approach to the forecast continues to be undertaken within a robust risk management framework which includes the regular reporting of a 'live' forecast as set out in this report which will enable timely actions to be taken in response to any adverse issues that may emerge. It is also important to highlight that delivery of the long term forecast in the early

years will provide confidence to the revised approach being taken.

Other Changes to the Forecast

As reported at the end of July 2018 and for completeness, there are a number of other budget changes that do not have an overall net impact on the budget. These include the removal of one-off capital items where they are funded from reserves, along with other one-off budgets where reserves have also been used such as the three year pension deficit contribution.

In the above cases the expenditure will be removed along with the associated call on reserves with no overall impact on the forecast. These will be set out in more detail later on in the year when the detailed budget for 2019/20 is presented.

Based on the latest position, the updated 2019/20 budget is forecast to be as follows:

Initial General Fund Budget 2019/20

	2018/19 Original Budget	2019/20 Forecast (at end of Jul 2018)	2019/20 Updated Forecast (at end of Sept 2018)
	£m	£m	£m
Net Cost of Services	17.403	17.686	17.686
Revenue support for capital investment	0.100	0.100	0.100
Financing items	(4.632)	(4.632)	(4.632)
Net Expenditure	12.871	13.154	13.154
Contribution to /(from) Reserves	1.031	0.390	0.606
Total Net Budget	13.902	13.544	13.760
Business Rates (<i>excl. S31 Govt. Grant</i>)	(4.578)	(4.680)	(4.680)
Revenue Support Grant	(1.070)	(0.422)	(0.422)
Collection Fund Surplus	(0.652)	(0.446)	(0.703)
Council Tax Requirement	7.602	7.996	7.955

Although this will be subject to revisions and updates as the year / forecast progresses, it does set out the estimated position for 2019/20 which includes a draw down from the Forecast Risk Fund of an estimated **£0.509m** to balance the budget in accordance with the long term forecast. (a reduction from the **£0.725m** forecast at the end of July 2018)

The council tax requirement figure of **£7.955m** is based on the forecast increase of £5 along with the property base assumptions as set out in the updated forecast. This represents an increase of **£0.353m** compared to 2018/19 and would result in an average Band D council tax of **£167.64** compared to **£162.64** in 2018/19.

To continue to deliver various elements of the forecast and to react to any changes as the forecast develops, it will require significant member and officer effort and focus. However the approach being taken continues to be a credible alternative to the more traditional approach of taking a shorter term view, which would require significant savings to be identified in both 2019/20 and 2020/21.

BACKGROUND PAPERS FOR THE DECISION
None

APPENDICES
RELATING TO SECTION 1 OF THE REPORT
Front Cover and Executive Summary
Appendix A – Summary by Portfolio / Committee
Appendix B – General Fund Budget Position by Department
Appendix C – Housing Revenue Account Budget Position
Appendix D – Capital Programme
Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts
Appendix F – Treasury Activity
Appendix G – Income from S106 Agreements
Appendix H – Proposed Adjustments to the 2018/19 Budget
RELATING TO SECTION 2 OF THE REPORT
Appendix I – Updated Long Term Financial Forecast
Appendix J – Risk Analysis of Each Line of the Forecast
Appendix K – Initial Net Savings Items 2019/20
Appendix L – Initial Cost Pressure Summary 2019/20

Tendring

District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance
Appendix F	Treasury activity.
Appendix G	Section 106 monies.
Appendix H	Proposed Adjustments to the 2018/19 Budget

Corporate Budget Monitoring

September 2018

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Corporate Budget Monitoring - Executive Summary as at the end of September 2018

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Debt and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	958,900	500,570	474,028	(26,542)
Corporate Services	(22,017,890)	(4,925,694)	(7,423,356)	(2,497,662)
Operational Services	14,610,700	3,470,055	3,265,052	(205,003)
Planning and Regeneration	6,448,290	1,363,565	625,269	(738,295)
Total General Fund	(0)	408,496	(3,059,007)	(3,467,503)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(4,625,741)	(4,698,390)	(72,649)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	13,127,960	1,325,878	1,276,353	(49,525)
Housing Revenue Account	7,409,290	1,883,445	1,775,834	(107,611)
Total Capital	20,537,250	3,209,324	3,052,187	(157,136)

Debt

	Collected to Date Against Collectable Amount
Council Tax	56.09%
Business Rates	56.40%
Housing Rents	98.10%
General Debt	84.58%

Treasury

	£'000
Total External Borrowing	42,955
Total Investments	69,197

Revenue Budget Position at the end of September 2018

General Fund Portfolio / Committee Summary

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £
Leader	1,750,000	0	0	0
Finance and Corporate Resources	3,053,940	2,001,122	988,350	(1,012,772)
Environment	5,758,120	1,195,100	1,041,744	(153,356)
Housing	2,943,740	2,343,004	884,012	(1,458,992)
Health and Education	507,390	175,325	175,130	(195)
Corporate Enforcement	3,000,730	847,157	14,882	(832,275)
Investment and Growth	3,020,640	104,914	84,697	(20,217)
Leisure and Tourism	6,392,990	620,600	824,402	203,802
Budgets Relating to Non Executive Functions	825,370	101,475	39,716	(61,759)
	27,252,920	7,388,697	4,052,932	(3,335,764)
Revenue Support for Capital Investment	3,766,570	0	0	0
Financing Items	(4,632,450)	(61,714)	(193,659)	(131,945)
Budget Before use of Reserves	26,387,040	7,326,983	3,859,273	(3,467,710)
Contribution to / (from) earmarked reserves	(12,484,560)	0	0	0
Total Net Budget	13,902,480	7,326,983	3,859,273	(3,467,710)
Funding:				
Revenue Support Grant	(1,070,100)	(471,006)	(470,844)	162
Business Rates Income	(4,578,370)	(2,320,476)	(2,320,438)	38
Collection Fund Surplus	(652,300)	(326,150)	(326,150)	0
Income from Council Tax Payers	(7,601,710)	(3,800,855)	(3,800,848)	7
Total	(0)	408,496	(3,059,007)	(3,467,503)

Revenue Budget Position at the end of September 2018

HRA Portfolio Summary

	2018/19 Current Full Year Budget	2018/19 Profiled Budget to date	2018/19 Actual to date	2018/19 Variance to Profile
	£	£	£	£
Housing	(2,241,210)	(4,625,741)	(4,698,390)	(72,649)
	(2,241,210)	(4,625,741)	(4,698,390)	(72,649)
Revenue Support for Capital Investment	480,570	0	0	0
Financing Items	1,919,980	0	0	0
Budget Before use of Reserves	159,340	(4,625,741)	(4,698,390)	(72,649)
Contribution to / (from) earmarked reserves	(159,340)	0	0	0
Total	0	(4,625,741)	(4,698,390)	(72,649)

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2018

Department - Office of Chief Executive

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	394,310	197,155	194,290	(2,865)	98,578	
Premises Related Expenditure	1,360	1,360	1,362	2	0	
Transport Related Expenditure	14,040	7,020	6,355	(665)	3,510	
Supplies & Services	601,830	302,195	294,593	(7,602)	125,513	
Total Direct Expenditure	1,011,540	507,730	496,600	(11,130)	227,600	
Direct Income						
Government Grants	0	0	(2,853)	(2,853)	0	
Other Grants, Reimbursements and Contributions	(4,070)	(4,070)	(16,631)	(12,561)	0	
Sales, Fees and Charges	(3,090)	(3,090)	(3,089)	1	0	
Total Direct Income	(7,160)	(7,160)	(22,573)	(15,413)	0	
Net Direct Costs	1,004,380	500,570	474,028	(26,542)	227,600	
Net Indirect Costs	(45,480)	0	0	0	0	
Total for Office of Chief Executive	958,900	500,570	474,028	(26,542)	227,600	

Department - Office of Chief Executive

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Leadership and Community Support	958,900	500,570	474,028	(26,542)	
Total for Office of Chief Executive	958,900	500,570	474,028	(26,542)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2018

Department - Corporate Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	6,681,130	2,557,716	2,284,876	(272,840)	1,263,870	
Premises Related Expenditure	190,500	170,530	150,873	(19,657)	1,950	
Transport Related Expenditure	55,910	45,640	38,834	(6,806)	8,415	
Supplies & Services	7,650,520	1,594,754	1,218,834	(375,920)	1,000,390	
Transfer Payments	53,222,090	23,440,875	24,317,112	876,237	11,720,437	
Interest Payments	63,670	33,306	18,549	(14,757)	1,823	
Total Direct Expenditure	67,863,820	27,842,821	28,029,078	186,257	13,996,885	
Direct Income						
Government Grants	(57,164,240)	(24,612,735)	(27,241,244)	(2,628,509)	(12,190,683)	
Other Grants, Reimbursements and Contributions	(1,713,250)	(973,133)	(944,101)	29,032	(435,716)	
Sales, Fees and Charges	(16,660)	(12,800)	(10,810)	1,990	(930)	
Rents Receivable	(300)	(180)	(215)	(35)	(50)	
Interest Receivable	(428,160)	(251,180)	(337,785)	(86,605)	(119,365)	
RSG, Business Rates and Council Tax	(13,902,480)	(6,918,487)	(6,918,280)	207	(4,203,489)	
Total Direct Income	(73,225,090)	(32,768,515)	(35,452,435)	(2,683,920)	(16,950,232)	
Net Direct Costs	(5,361,270)	(4,925,694)	(7,423,356)	(2,497,662)	(2,953,347)	
Net Indirect Costs	(4,172,060)	0	0	0	0	
Net Contribution to/(from) Reserves	(12,484,560)	0	0	0	0	
Total for Corporate Services	(22,017,890)	(4,925,694)	(7,423,356)	(2,497,662)	(2,953,347)	

Department - Corporate Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director, PR and Electoral Services	668,710	252,964	234,929	(18,035)	
Total for Governance and Legal Services	116,130	245,240	121,993	(123,247)	The position to date primarily reflects employee costs along with the reimbursement of costs from an associated planning appeal which is proposed to be transferred to the Forecast Risk Fund as set out in Appendix H.
Total for Finance, Revenues and Benefits	1,637,130	1,481,551	123,108	(1,358,443)	Similarly to the last quarter, the variance to date reflects both the position against employee costs (vacancies and temporary staff supported by funding from the major preceptors) and the cash flow impact of housing benefit payments and the timing of the reimbursement of expenditure via the associated subsidy system.
Total for Finance - Other Corporate Costs	3,055,820	(1,412,829)	(2,178,556)	(765,727)	Income is currently running ahead of the profile for business rate grant income from the government, income from investments and new burdens funding. This is in addition to a one-off saving from changing the renewal date for insurance renewal and moving to an accruals basis. Income from investments and the saving from insurances are both included in Appendix H as part of the net contribution to the Forecast Risk Fund.

Department - Corporate Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Total for Finance - Financing Items	(14,759,110)	152,580	124,522	(28,058)	
Total for Finance - RSG, Business Rates and Council Tax	(13,902,480)	(6,918,487)	(6,918,280)	207	
Total for Property Services	51,460	14,375	25,105	10,730	
Total for People, Performance and Projects	179,900	292,930	289,158	(3,772)	Although overall the variance is minimal, a significant variance is now emerging against the Career Track / Apprenticeship budget. This remains under review with the relevant service but represents the time 'lag' in building the customer base to a break even position. Given this issue is likely to remain at the end of the year, an adjustment is set out in Appendix H to meet this level of reduced income in the short term.
Total for IT and Corporate Resilience	934,550	965,982	754,664	(211,318)	Some of the expenses / costs incurred reflect the timing of the delivery of a number of projects and initiatives. On-going savings are starting to emerge such as those associated with the new telephony system with the saving included in Appendix H within the net contribution to the Forecast Risk Fund.
Total for Corporate Services	(22,017,890)	(4,925,694)	(7,423,356)	(2,497,662)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2018

Department - Operational Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	8,882,700	4,433,075	4,501,974	68,899	2,227,310	
Remises Related Expenditure	3,049,600	1,630,517	1,737,997	107,480	570,104	
Transport Related Expenditure	467,280	176,518	169,340	(7,178)	101,655	
Supplies & Services	4,382,920	1,790,158	1,803,663	13,505	1,166,847	
Third Party Payments	4,629,740	1,162,991	1,131,733	(31,258)	1,185,687	
Transfer Payments	149,650	74,825	155,783	80,958	37,413	
Total Direct Expenditure	21,561,890	9,268,084	9,500,490	232,406	5,289,015	
Direct Income						
Government Grants	(446,720)	(353,350)	(353,350)	(0)	0	
Other Grants, Reimbursements and Contributions	(1,368,580)	(535,065)	(651,536)	(116,471)	(410,147)	
Sales, Fees and Charges	(8,010,640)	(4,679,498)	(5,030,761)	(351,263)	(1,678,261)	
Rents Receivable	(305,970)	(218,996)	(188,512)	30,484	(44,214)	
Total Direct Income	(10,131,910)	(5,786,909)	(6,224,160)	(437,251)	(2,132,623)	
Net Direct Costs	11,429,980	3,481,175	3,276,330	(204,845)	3,156,392	
Net Indirect Costs	3,180,720	(11,120)	(11,277)	(157)	(117,485)	
Total for Operational Services	14,610,700	3,470,055	3,265,052	(205,003)	3,038,907	

Department - Operational Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director and Administration Operational Services	741,920	218,230	170,297	(47,933)	
Total for Public Realm	1,454,120	299,442	145,462	(153,980)	Income remains strong and ahead of the profile against a number of service areas such as parking, the crematorium and cemeteries. Some additional costs have been incurred such as responding to traveller incursions and business rates for public conveniences due to the lead in time to decommission the sites previously identified for closure. These two items are included within Appendix H as adjustments against parking income and the net contribution to the Forecast Fund.
Total for Environmental Services	5,218,570	1,054,696	976,253	(78,443)	The position to date broadly reflects the timing of income and contract payments.
Total for Customer and Commercial Services	348,940	427,535	417,859	(9,676)	

Department - Operational Services

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Total for Sports and Leisure Page 268	2,541,560	(173,392)	(53,171)	120,221	As at the 30th September 2018 Clacton Leisure Centre is reporting an overspend of £70k. This is primarily due to asset deterioration in the swimming pool and spa areas which has led to building repair costs £40k over profile and reduction in income of £30k. A report is planned on being presented to Cabinet to set out these issues in more detail along with considering the longer term strategy for sports facilities. In addition, the air show account for 2018 has now been finalised which shows an increased cost of £42k compared to the budget. This is included within Appendix H as an adjustment against the net contribution to the Forecast Risk Fund.
Total for Housing	1,231,770	377,314	336,024	(41,290)	
Total for Building and Engineering	3,073,820	1,266,230	1,272,327	6,097	Income from Street Naming and numbering continues to remain strong with income ahead of the budget by £56k to date. This is 'masked' by the timing of coast protection expenditure which is ahead of the profiled budget to date.
Total for Operational Services	14,610,700	3,470,055	3,265,052	(205,003)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2018

Department - Planning and Regeneration

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	2,404,650	1,151,703	1,047,033	(104,669)	596,037	
Premises Related Expenditure	28,430	20,050	16,586	(3,464)	4,190	
Transport Related Expenditure	35,960	18,310	14,370	(3,940)	8,825	
Supplies & Services	4,728,540	1,034,820	378,658	(656,162)	466,560	
Third Party Payments	870	0	0	0	0	
Total Direct Expenditure	7,198,450	2,224,883	1,456,647	(768,235)	1,075,612	
Direct Income						
Government Grants	(96,500)	(96,500)	(96,506)	(6)	0	
Other Grants, Reimbursements and Contributions	(5,500)	(5,500)	(19,752)	(14,252)	0	
Sales, Fees and Charges	(1,382,320)	(731,405)	(688,716)	42,689	(325,457)	
Rents Receivable	(55,340)	(27,913)	(26,404)	1,509	(13,713)	
Total Direct Income	(1,539,660)	(861,318)	(831,378)	29,940	(339,171)	
Net Direct Costs	5,658,790	1,363,565	625,269	(738,295)	736,441	
Net Indirect Costs	789,500	0	0	0	0	
Total for Planning and Regeneration	6,448,290	1,363,565	625,269	(738,295)	736,441	

Department - Planning and Regeneration

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director	1,040	53,585	54,273	688	
Total for Head of Planning and Customer Services	51,350	749,055	627,008	(122,047)	The position to date primarily reflects employee costs.
Total for Planning and Development	968,690	(364,009)	(283,612)	80,397	Planning fee income continues to remain behind profile. As discussed at the end of the first quarter, income may be received across financial years which will be reviewed to see how such an impact can be 'smoothed' across the financial forecast period.
Total for Planning Policy	1,764,800	595,170	(50,864)	(646,034)	Delivery of the Local Plan takes place over a number of years with the variance to date reflecting the timing of expenditure across financial years.
Total for Building Control	144,230	15,880	(24,168)	(40,048)	Income remains ahead of the profile at the end of September 2018.
Total for Regeneration	3,518,180	313,884	302,632	(11,252)	
Total for Planning and Regeneration	6,448,290	1,363,565	625,269	(738,295)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2018

Housing Revenue Account

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	1,061,140	324,230	325,026	796	162,115	
Premises Related Expenditure	3,708,270	1,299,604	1,226,991	(72,613)	1,022,328	
Transport Related Expenditure	22,570	11,385	14,508	3,123	5,593	
Supplies & Services	469,470	190,591	154,072	(36,519)	60,730	
Third Party Payments	1,030	515	0	(515)	258	
Transfer Payments	17,000	8,500	11,096	2,596	4,250	
Interest Payments	1,452,960	393,685	399,340	5,655	293,269	
Total Direct Expenditure	6,732,440	2,228,510	2,131,032	(97,478)	1,548,542	
Direct Income						
Other Grants, Reimbursements and Contributions	(8,000)	0	(8,775)	(8,775)	0	
Sales, Fees and Charges	(553,860)	(312,777)	(315,532)	(2,755)	(107,543)	
Rents Receivable	(13,107,230)	(6,541,474)	(6,505,115)	36,359	(3,268,839)	
Interest Receivable	(51,600)	0	0	0	0	
Total Direct Income	(13,720,690)	(6,854,251)	(6,829,422)	24,829	(3,376,381)	
Net Direct Costs	(6,988,250)	(4,625,741)	(4,698,390)	(72,649)	(1,827,839)	
Net Indirect Costs	7,147,590	(0)	0	0	0	
Net Contribution to/(from) Reserves	(159,340)	0	0	0	0	
Total for HRA	0	(4,625,741)	(4,698,390)	(72,649)	(1,827,839)	

Housing Revenue Account

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	2,400,550	0	0	0	
Total for Corporate Director and Administration Operational Services	639,420	45,546	39,589	(5,956)	
Total for Customer and Commercial Services	(41,980)	(84,000)	(88,787)	(4,787)	
Total for Housing	(6,920,890)	(5,706,166)	(5,680,879)	25,287	In line with the first quarter, rental income continues to be behind profile. Although void periods contribute to this overall position, there is now an impact from right to buy sales which totalled more than 30 in 2017/18, with 6 sold to date in 2018/19. The longer term impact will be considered as part of the HRA 30 year business planning process.
Total for Building and Engineering	3,922,900	1,118,879	1,031,686	(87,193)	The position to date reflects the timing of repairs and maintenance costs.
Total for HRA	0	(4,625,741)	(4,698,390)	(72,649)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*		2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Expenditure							
Corporate Enforcement Portfolio							
Milton Road car park repairs	250,000		250,000	0	0	0	This project remains under consideration as part of the wider Harwich regeneration programme
Clacton Multi-Storey car park repairs	180,000		180,000	0	0	0	The tender process is underway with works expected to start during November 2018.
Total for Corporate Enforcement Portfolio	430,000		430,000	0	0	0	
Environment Portfolio							
Cranleigh Close, Clacton, landscaping works	6,660		6,660	0	0	0	Project ongoing and expected to be finalised by end of this financial year
Environmental Health Database Migration	5,250		0	0	0	0	The Service is reviewing this project as part of the wider Digital Transformation Project with the budget being profiled to 2019/20.
Public Access Module to CAPS	54,140		0	0	0	0	The Service is reviewing this project as part of the wider Digital Transformation Project with the budget being profiled to 2019/20.
Laying Out Cemetery	170,120		1,650	1,650	1,650	0	The works element of this project which has been profiled to 2020/21.

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Crematorium and Cemeteries Road Works	150,000	150,000	0	0	0	The tender process for this scheme has been delayed, and is set to begin within the next few weeks.
Bath House Meadow Play Area, Walton	37,580	37,580	32,710	32,709	(1)	Minor works to be completed before project is finalised
Changing Place Facilities, Walton	62,000	62,000	47,060	47,056	(4)	Minor works to be completed before project is finalised
Resurfacing Works, Valley Road	40,000	40,000	40,000	27,668	(12,332)	Minor landscaping works to be carried out before the project is finalised.
Total for Environment Portfolio	525,750	297,890	121,420	109,083	(12,337)	
Finance and Corporate Resources Portfolio						
Audit management software	2,230	2,230	0	0	0	
Joint HR and Payroll System	1,780	1,780	0	0	0	
Westleigh House Demolish/additional parking provision	23,710	23,710	0	0	0	Demolition is scheduled for December 2018
Information and Communications Technology Core Infrastructure	552,400	152,400	26,200	(4,808)	(31,008)	This capital sum, together with the IT strategic Investment budget below will shortly be fully committed to the office transformation network re-design and investment works during 2018/19.

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*		2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
IT Strategic Investment	153,790		153,790	41,861	36,662	(5,199)	See Information and Communications Technology Core infrastructure comment re: office transformation network re-design.
Agresso e-procurement	84,000		84,000	0	0	0	Now that the necessary upgrade to Agresso has been completed, the next phase of this project is currently expected to progress in 2019/20, and the budget is to be reprofiled to reflect this.
Individual Electoral Registration - Scanning Equipment	1,560		1,560	0	0	0	
Enhanced Equipment replacement - Printing and Scanning	3,610		0	0	0	0	This scheme has been profiled to 2021/22
Office Rationalisation	1,489,260		937,670	55,000	54,505	(495)	Statutory consents for work in Pier Avenue have been gained. Work began on 25 June 2018. Procurement of further work phases will take place through Autumn 18 with construction extending through to Autumn 19. The bulk of expenditure will occur during the construction phases between now and Autumn 2019. Retentions and set up costs will form a tail of expenditure from Autumn 19 for around a further 12 months. The budget has been reprofiled to reflect this schedule of works.
Total for Finance and Corporate Resources Portfolio	2,312,340		1,357,140	123,061	86,359	(36,702)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*		2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Housing Portfolio							
Replacement of High Volume Printers	29,000		29,000	0	0	0	
Replacement debit and credit card payment facility	14,630		14,630	0	0	0	
Replacement Scan Stations	12,000		0	0	0	0	This scheme has been profiled to 2020/21
Housing in Jaywick	500,000		70,000	0	0	0	Although the budget has been profiled to reflect a higher spend profile in 2019/20, expenditure in 2018/19 is allocated to a project officer/consultant to support the delivering of the project.
Private Sector Renewal Grants/Financial Assistance Loans	365,640		365,640	28,840	28,840	(0)	
Disabled Facilities Grants	7,037,320		4,009,320	563,337	561,157	(2,181)	
Private Sector Leasing	75,660		75,660	0	0	0	
Empty Homes funding	164,220		164,220	0	0	0	This project is being reviewed to identify alternative options / opportunities
Total for Housing Portfolio	8,198,470		4,728,470	592,177	589,997	(2,181)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Investment and Growth Portfolio						
Regeneration Capital Projects	349,180	349,180	0	0	0	The Service is currently reviewing projects and initiatives which will be presented to Members for consideration.
SME Growth Fund Capital Grants	65,000	65,000	12,250	12,250	0	This is supported by external funding and will be committed as successful applications are made against the SME Scheme.
Warwick Public Realm	1,000,000	1,000,000	0	0	0	
Total for Investment and Growth Portfolio	1,414,180	1,414,180	12,250	12,250	0	
Leisure and Tourism Portfolio						
Replacement of beach hut supports - The Walings	11,620	0	0	0	0	
Clacton Leisure Centre Air Handling Units	0	0	0	(4,300)	(4,300)	The outstanding credit is due to a retention payment which is expected to be paid at the end of 2018
Princes Theatre Toilets	40,000	0	0	0	0	This project will now be completed in 2019/20 as part of the scheduled works to the Town Hall that form part of wider Office Rationalisation project
Town Centre Fountain	160,000	160,000	0	0	0	The Service is currently exploring options for the existing site
Princes Theatre Sound Equipment	42,240	42,240	42,240	42,387	147	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2018

	Total Budget Allocated to Scheme*	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments
Venetian Bridge Clacton	108,140	108,140	108,140	113,988	5,848	Works finished, with service awaiting final invoices to finalise the project
New Beach Huts	64,600	20,000	0	0	0	The majority of this project has been profiled to 2019/20 with a limited amount of expenditure planned in 2018/19.
Cliff Stabilisation Scheme	4,617,720	4,015,130	89,380	89,381	1	Works are now underway, and are expected to be completed during summer 2019.
Public Convenience Works	140,000	140,000	16,410	16,409	(1)	Works on this Public Convenience have started and are expected to be finalised by December 2018.
Marine Parade West Clacton Cliff Works	57,270	57,270	4,490	4,486	(4)	Works finished, with service awaiting final invoices to finalise the project
Flood Wall, Walton On The Naze	222,500	222,500	216,310	216,313	3	Works are now complete, with invoices being sent to funding partners to finalise the project.
Promenade Way, Public Convenience Works	135,000	135,000	0	0	0	Initial Refurbishment works for this Public Convenience are underway.
Total for Leisure and Tourism Portfolio	5,599,090	4,900,280	476,970	478,664	1,694	
Total Approved General Fund Capital Programme	18,479,830	13,127,960	1,325,878	1,276,353	(49,525)	

* This is current and future years budget where a scheme has been profile into future years

Corporate Budget Monitoring - Housing Revenue Account Capital Programme

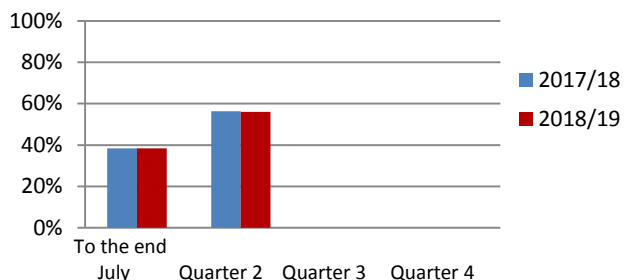
Budget Position at the end of September 2018

	2018/19 Current Full Year Budget £	2018/19 Profiled Budget to date £	2018/19 Actual to date £	2018/19 Variance to Profile £	Comments												
Improvements, enhancement & adaptation of the Council's housing stock	3,492,250	913,205	891,592	(21,613)	This budget covers a range of individual schemes which will be delivered as the year progresses and are subject to the appropriate procurement processes, which are planned, being progressed or are underway.												
Upgrade & Replacement	79,030	10,000	1,015	(8,985)													
Disabled Adaptations	465,060	200,000	122,985	(77,015)	Similarly to the above, it is anticipated that works will be progressed over the remainder of the year.												
Cash Incentive Scheme	60,000	0	0	0													
New Build Initiatives and Acquisitions	3,312,950	760,240	760,242	2													
<div>*Within the budget of £3,312,950, £2,748,202 relates to projects supported by one for one capital receipts with spend by dates as follows:</div> <table><tr><td>31/12/2019</td><td>£102,150</td><td>30/09/2020</td><td>£536,130</td></tr><tr><td>31/03/2020</td><td>£413,570</td><td>31/12/2020</td><td>£1,270,100</td></tr><tr><td>30/06/2020</td><td>£276,060</td><td>31/03/2021</td><td>£150,192</td></tr></table>						31/12/2019	£102,150	30/09/2020	£536,130	31/03/2020	£413,570	31/12/2020	£1,270,100	30/06/2020	£276,060	31/03/2021	£150,192
31/12/2019	£102,150	30/09/2020	£536,130														
31/03/2020	£413,570	31/12/2020	£1,270,100														
30/06/2020	£276,060	31/03/2021	£150,192														
Total Housing Revenue Account Capital Programme	7,409,290	1,883,445	1,775,834	(107,611)													

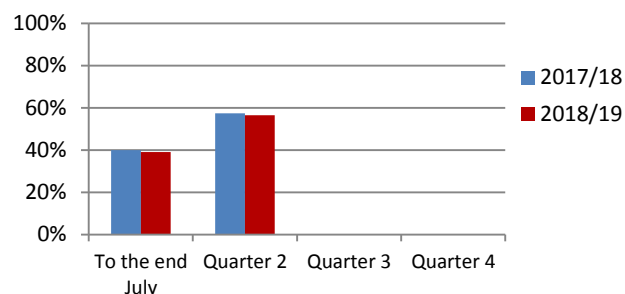
Collection Performance : Position at the end of September 2018

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax (against annual amounts)

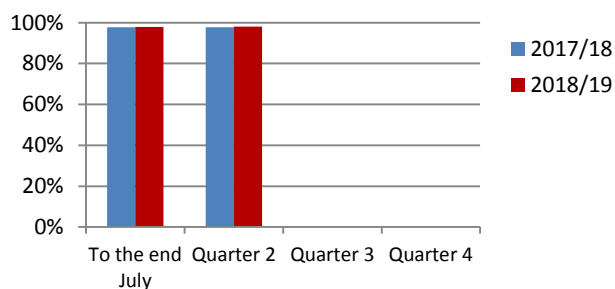


Business Rates (against annual amounts)

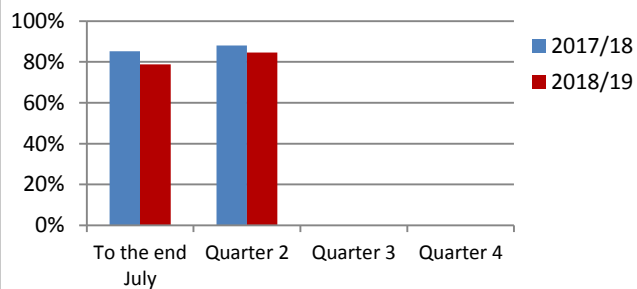


	2017/18	2018/19		2017/18	2018/19
To the end July	38.42%	38.46%	To the end July	39.97%	39.12%
Quarter 2	56.29%	56.09%	Quarter 2	57.38%	56.40%
Quarter 3			Quarter 3		
Quarter 4			Quarter 4		

Housing Rents



General Debt



	2017/18	2018/19		2017/18	2018/19
To the end July	97.80%	98.00%	To the end July	85.25%	78.84%
Quarter 2	97.80%	98.10%	Quarter 2	88.04%	84.58%
Quarter 3			Quarter 3		
Quarter 4			Quarter 4		

Treasury Activity : Position at the end of September 2018

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	464	0	111	353	
Long Term PWLB Borrowing - HRA	43,434	0	832	42,602	
TOTAL BORROWING	43,898	0	943	42,955	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	46,000	166,400	160,400	52,000	Net investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure.
Investments with UK financial Institutions (including Money Market Funds)	9,440	29,000	21,243	17,197	At the end of the period, investments were held with 9 counterparties.
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	55,440	195,400	181,643	69,197	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	55,440	195,400	181,643	69,197	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	56	30	16	(14)	The weighted average rate of interest on the Council's GF borrowing is currently 7.95%. (on an accrued basis)
Interest Paid on Borrowing - HRA	1,453	394	399	5	The weighted average rate of interest on the Council's HRA borrowing is currently 3.38%. (on an accrued basis)
Interest Received on Investments	(236)	(130)	(212)	(82)	The weighted average rate of interest being received on the Council's investments is currently 0.60%. (on an accrued basis)

PRUDENTIAL INDICATORS

	Approved Indicator £'000	Highest amount reached in the period £'000	Comments
Authorised limit for external borrowing	74,298	43,898	Borrowing has remained within approved limits.
Operational boundary for external borrowing	66,868		
Debt Cap - HRA	60,285		

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme	Amount Committed / Planned to be Spent in 2018/19 (including accrued interest as appropriate) £'000
Capital Schemes	
Cranleigh Close, Clacton - landscaping works	7
Valley Road, Car Park Resurfacing	40
Seafront Facilities, Brightlingsea Promenade	135
Revenue Schemes and other Contributions	178
TOTAL	360

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	0	74
Affordable Housing	0	0	0	650
Healthcare	0	0	0	47
Town Centre Improvements	0	0	0	43
Open Space*	7	12	33	716
TOTAL	7	12	33	1,530

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows:
 £4,000 by October 2018
 £2,000 by November 2018
 £1,000 by December 2018

Proposed Adjustments to the 2018/19 Budget September 2018

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
GENERAL FUND REVENUE			
<i>The following items have no net impact on the overall budget</i>			
Environmental Services - Employee Expenses	(50,040)		Use of vacancies within the service to support short term temporary staff costs.
Environmental Services - Agency Staff	50,040		
Planning Services - Employee Expenses	(25,660)		Use of vacancies within the service to support short term temporary staff costs.
Planning Services - Agency Staff	25,660		
Wheeled Bins Purchase (Revenue Contribution to Capital)	742,990		To support the changes associated with the extension to the existing Waste and Recycling Contract to be funded from the 2018/19 New Homes Bonus as agreed by Cabinet at its 23 March 2018 meeting.
Temporary staff to support activities associated with the waste and recycling contract extension	47,660		
New Homes Bonus	(790,650)		
Mayflower 400 Project	57,000		This represents the cost of leasing and undertaking associated work to Christopher Jones' house (Kings Head Street, Harwich) to support the wider Mayflower 400 commemorations, funded from the Business Investment and Growth Budget.
Business Investment and Growth Budget	(57,000)		
Total General Fund Revenue with no net impact on the overall budget	0	0	
<i>The following items will be adjusted against the Forecast Risk Fund</i>			
Increase in Income - Governance and Legal Costs Recovered		(56,000)	Reimbursement of costs from associated planning appeal.
Reduction in Expenditure - Insurance renewal date changed	(100,000)		One-off saving from changing the insurance renewal date and moving to an accrual basis
Reduction in Expenditure - Asset Valuations 5 year cycle	(15,000)		Savings in 2018/19 as only limited revaluation work during the interim period between full revaluations
Increase in Income - Investment Income		(80,000)	Income is running ahead of the budget due to the cash flow and interest rate position

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Reduction in Income - Career Track		50,000	Income is expected to remain behind the budget for the year due to the time 'lag' in developing the customer base to reach a break-even position
Reduction in Expenditure - Central Telephones	(15,000)		Saving from roll-out of new telephony system as part of on-going digital transformation programme.
Increase in Expenditure - Public Convenience NDR	8,500		Additional costs incurred due to the delay in decommissioning sites that were identified to deliver savings as agreed last year.
Increase in Expenditure - Car Park Security Increase in Income - Car Park Fees and Charges	18,000	(18,000)	Additional security costs were incurred due to traveller incursions during the year with the cost to be met from an associated income adjustment
Increase in Net Expenditure - Air Show	42,700		To meet the net additional costs associated with running the 2018 event
Decrease in Income - Housing Benefit Administration Grant		(11,010)	Additional income was received following the final grant notification from the Government
Reduction in Expenditure - Employee Costs	(200,000)		This represents the level of vacancy 'saving' accrued to date
Reduction in Expenditure - Staff Restructures undertaken in period	(11,350)		Minor savings identified from staff restructures completed in the first half of the year
Net Contribution to Forecast Risk Fund	387,160		Net total of above adjustments contributed to this reserve

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
GENERAL FUND CAPITAL			
Schemes Reprofiled			
Agresso e-procurement reprofile	(84,000)		It is estimated that expenditure will not take place on this scheme until 2019/20
Corresponding adjustments to financing of Capital Programme (including associated Direct Revenue Financing adjustment) to reflect estimated year of expenditure as set out for the above capital scheme(s).	84,000		
Other Changes to General Fund Capital Programme			
Wheeled Bins Purchase	742,990		New Scheme added to the Capital Programme funded by a revenue contribution which is highlighted above.
<i>Total General Fund Capital Adjustment with no net impact on the overall budget</i>	(742,990)	0	

HRA REVENUE			
The following items will be adjusted against the HRA General Balance			
None			

HRA CAPITAL			
Jaywick Sands New Build / Starter Homes (Phase 1)	775,000		To enable works to begin within Jaywick Sands as endorsed by Cabinet in November 2017. The adjustment proposed establishes a new line within the HRA Capital Programme by moving money from the existing new build and acquisition scheme.
New Build and Acquisition Schemes	(775,000)		
New Build and Acquisition Schemes	667,000		To increase this capital scheme following additional funding from ECC to support the cost of work within the Jaywick Sands such as property acquisition costs
Corresponding adjustments to financing of Capital Programme (income from ECC)		(667,000)	

UPDATED LONG TERM FINANCIAL FORECAST

APPENDIX I

	Budget 2017/18 £	Budget 2018/19 £	Estimate* 2019/20 £	Estimate 2020/21 £	Estimate 2021/22 £	Estimate 2022/23 £	Estimate 2023/24 £	Estimate 2024/25 £	Estimate 2025/26 £	Estimate 2026/27 £
Underlying Funding Growth in the Budget										
Council Tax Increase 1.99%	(0.136)	(0.147)	(0.151)	(0.154)	(0.157)	(0.160)	(0.164)	(0.167)	(0.170)	(0.174)
Ctax increase by £5 (amounts set out are over and above 1.99% above)	(0.090)	(0.086)	(0.082)	(0.079)	(0.076)	(0.073)	(0.070)	(0.067)	(0.063)	(0.060)
Growth in Business rates - Inflation	0.000	(0.131)	(0.092)	(0.093)	(0.095)	(0.097)	(0.099)	(0.101)	(0.103)	(0.105)
Growth in Business rates / council tax - general property growth	(0.148)	(0.293)	(0.130)	(0.138)	(0.147)	(0.155)	(0.164)	(0.172)	(0.181)	(0.189)
Collection Fund Surpluses b/fwd	(0.218)	(0.652)	(0.703)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)
	(0.592)	(1.309)	(1.158)	(0.564)	(0.575)	(0.585)	(0.597)	(0.607)	(0.617)	(0.628)
Net Cost of Services and Other Adjustments										
Reduction in RSG	0.914	0.580	0.648	0.422	0.000	0.000	0.000	0.000	0.000	0.000
Remove one-off items from prior year	(0.155)	(0.315)	(0.112)	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Remove one-off items from prior year - Collection Fund Surplus	(0.020)	0.218	0.652	0.703	0.100	0.100	0.100	0.100	0.100	0.100
Inflation - Employee Costs (including annual review adjustments)	0.125	0.514	0.608	0.264	0.266	0.268	0.269	0.271	0.272	0.274
Inflation - Other	0.000	0.088	0.107	0.109	0.111	0.113	0.115	0.118	0.120	0.122
First / Second / Third year impact of PFH WP Savings	(0.268)	(0.055)	(0.115)	(0.090)	0.000	0.000	0.000	0.000	0.000	0.000
LCTS Grant To Parish Council's	0.000	(0.049)	(0.055)	(0.036)	0.000	0.000	0.000	0.000	0.000	0.000
Beach Recharge - Set aside full budget in one year	0.000	(0.150)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Revenue Contrib. to Capital Programme	(0.100)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Specific change in Use of Reserves	0.287	0.374	(0.060)	0.081	0.000	0.000	0.000	0.000	0.000	0.000
On-going savings required	(0.879)	(0.290)	(0.300)	(0.300)	(0.300)	(0.300)	(0.300)	(0.300)	(0.300)	(0.300)
Unmitigated Cost Pressures	1.046	0.114	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
Other Adjustments	0.000	(0.134)	0.000	(0.081)	0.000	0.000	0.000	0.000	0.000	0.000
	0.950	0.895	1.523	1.222	0.327	0.331	0.335	0.338	0.342	0.346
Net Total	0.358	(0.414)	0.365	0.658	(0.248)	(0.254)	(0.263)	(0.269)	(0.275)	(0.282)
Add back General Use of Reserves in Prior Year to Balance the Budget	0.200	0.558	0.144	0.509	1.167	0.918	0.664	0.401	0.133	(0.142)
Net Budget Position	0.558	0.144	0.509	1.167	0.918	0.664	0.401	0.133	(0.142)	(0.424)
Use of Forecast Risk Fund to support the Net Budget Position	(0.558)	(0.144)	(0.509)	(1.167)	(0.918)	(0.664)	(0.401)	(0.133)	0.142	0.424
Use of Forecast Risk Fund to support the Net Budget - Forecast From Last Year		(0.536)	(0.650)	(0.857)	(0.652)	(0.441)	(0.225)	(0.004)	0.223	0.454

* See separate RAG risk assessment for further consideration of forecast risks for each line of the forecast

Use of Forecast Risk Fund to Support the Net Budget Position Above

Outturn b/fwd from prior years	(0.558)	(1.934)	(2.290)	(2.281)	(1.614)	(1.196)	(1.032)	(1.130)	(1.498)	(2.140)
Applied in year as set out in the forecast above	0.558	0.144	0.509	1.167	0.918	0.664	0.401	0.133	(0.142)	(0.424)
Additional contributions generated in year	(1.934)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)
Balance to Carry Forward	(1.934)	(2.290)	(2.281)	(1.614)	(1.196)	(1.032)	(1.130)	(1.498)	(2.140)	(3.063)
Balance to Carry Forward Forecasted From Last Year		(1.398)	(1.248)	(0.891)	(0.739)	(0.798)	(1.073)	(1.569)	(2.292)	(3.246)

FORECAST SENSITIVITIES		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	Totals
		£	£	£	£	£	£	£	£	£
Forecast Budget Gap / (Surplus) from table Above (BASE Position)		0.509	1.167	0.918	0.664	0.401	0.133	(0.142)	(0.424)	3.227
Revised Forecast Budget GAP / (SURPLUS) in the event of the following possibilities										
Council Tax Increase are lower by 1% per annum compared to the base		0.585	1.323	1.158	0.991	0.819	0.646	0.469	0.289	6.281
Property Growth does not grow over the life of the forecast		0.639	1.305	1.065	0.819	0.565	0.305	0.039	(0.235)	4.503
Property Growth is lower by 5% compared to the base		0.510	1.174	0.932	0.684	0.428	0.166	(0.102)	(0.378)	3.415
Inflation increases at a rate of +1% faster than the base		0.714	1.384	1.141	0.893	0.636	0.375	0.106	(0.160)	5.090
Inflation decreases at a rate of 1% slower than the base		0.304	0.950	0.695	0.435	0.166	(0.109)	(0.390)	(0.688)	1.364
Savings achieved are lower by 10% per annum compared to the base		0.539	1.227	1.008	0.784	0.551	0.313	0.068	(0.184)	4.307
Savings achieved are lower by 20% per annum compared to the base		0.569	1.287	1.098	0.904	0.701	0.493	0.278	0.056	5.387
Unmitigated Cost Pressures are greater by 10% per annum compared to the base		0.524	1.197	0.963	0.724	0.476	0.223	(0.037)	(0.304)	3.767
Unmitigated Cost Pressures are greater by 20% per annum compared to the base		0.539	1.227	1.008	0.784	0.551	0.313	0.068	(0.184)	4.307

Relevant line of the Forecast	RAG Assessment of Risk	Comments
Underlying Funding Growth in the Budget		
Council Tax Increase 1.99%		Although this is subject to future Government policy, it is expected that an allowable inflationary uplift will always be a feature in the Local Government finance settlement and associated Council Tax referendum principles
Ctax increase by £5 (amounts set out are over and above the 1.99% above)		Although similar to the above, there is less certainty around the level of increase that the Government may allow over and above a 'base' inflationary uplift. However it is expected that such increases will be allowable in the short term without invoking the need to hold a referendum. This will remain subject to on-going review.
Growth in Business rates - Inflation		Similar to Council Tax above, based on the historic trend of inflationary uplifts in the poundage applied to rateable values, modest inflationary increases are relatively certain over the life of the forecast.
Growth in Business rates / council tax - general property growth		Growth in business rates and Council Tax are expected to remain relatively stable and robust over the life of the forecast. The two main risks relate to major economic changes and future Government Policy, especially in relation to business rates where the Government remains active in developing the full retention model across the public sector.
Collection Fund Surpluses b/fwd		Based on the outturn position for 2017/18, there is a collection fund surplus of £446k brought forward into 2018/19. Following the latest review of the forecast and using the most up to date figures, this has been increased to £703k which is available to support the budget in 2019/20. More modest amounts are included in future years of the forecast with a high degree of confidence in their delivery. (The forecast excludes any benefit from being a member of the Essex Business Rates Pool as it is accounted for on an actual basis rather than building it into the base budget given its one-off nature and complexities in the overall business rate calculations)
Net Cost of Services and Other Adjustments		
Reduction in RSG		There is only limited uncertainty in respect of the next two years given the Government's commitment to a four year deal which the Council signed up to.
Remove one-off items from prior year		These are known adjustments
Remove one-off items from prior year - Collection Fund Surplus		These are known adjustments based on the assumptions set out above concerning the year on year change in the collection fund position
Inflation - Employee Costs (including annual review adjustments)		2018/19 and 2019/20 reflects the significant / adverse impact from the recent pay settlement, which includes significant increases on the lower pay scales across the Council. It could be argued that such increases reflect the years of previous pay restraint which may see only modest inflationary rises in 2020/21 and beyond. Annual increases of 1% have been included in these later years of the forecast which compares with 1.5% initially included last year.
Inflation - Other		Although the Government's target inflation is 2%, this is a long term target which will inevitably see fluctuations over short financial cycles. However 2% remains the basis for calculating an inflationary allowance given the longer term nature of the current forecast.
First / Second / Third year impact of PFH WP Savings		These are known adjustments which will be delivered in total but is recognised that the timing may differ to that originally anticipated which will be reflected in the forecast.
LCTS Grant To Parish Council's		These are known adjustments based on the Council's agreed policy of reducing support in line with it's own reduction in Government funding. The Government have raised the issue of Councils not passporting on the relevant funding which may require the existing policy to be revisited but this is only a limited risk.
Specific change in Use of Reserves		Changes in the use of reserves primarily reflect other changes elsewhere in the budget/ forecast so are not a significant risk in isolation. One reserve that will be 'exhausted' by the end of 2019/20 is the homelessness reserve which will require a corresponding adjustment to the expenditure that this reserve is currently supporting to ensure there is no net impact on the budget. This will have to be reviewed in light of the on-going pressure on the delivery of homeless services and prevention activities.

Relevant line of the Forecast	RAG Assessment of Risk	Comments
On-going savings required		<p>This line of the budget fundamentally acts as the 'safety valve' for other changes elsewhere in the forecast and would need to be increased if adverse issues were experienced or estimates were not in line with predictions. Based on the improved overall position set out in the revised forecast, there is flexibility in the delivery of such savings over the life of the forecast. However it is important that on-going savings are secured to meet the amounts set out in the forecast.</p>
Unmitigated Cost Pressures		<p>It is recognised that of the various lines of the forecast, this presents the highest risk, with on-going revenue items being the most difficult items to deal with. Although one-off items, such as those associated with repairing / refurbishing assets could also have a significant impact on the forecast, one-off funding is available elsewhere in the budget to support these costs which therefore changes the risk.</p> <p>One of the most significant risks within this line of the budget relates to external income, especially from elsewhere in the public sector where similar financial pressures are being experienced. Such items include the funding from the major preceptors in respect of the Council Tax Sharing agreement, which totals over £800k each year, which has now been included as a on-going cost pressure in 2019/20 as set out in Appendix K.</p> <p>To support the management of risks, the Council continues to resist using one-off money to support the on-going base budget such as the New Homes Bonus.</p>

INITIAL NET SAVINGS ITEMS 2019/20

	On-going or One-Off	2019/20 £	Comments
Increased Income - Investments	On-going	100,000	Based on performance to date and interest rate forecasts, it is expected that this level of additional income can be achieved from the Council's treasury management activities over the course of the year.
Reduction in Expenditure - Telephony	On-going	15,000	The on-going investment in IT and digital transformation has enabled this reduction in expenditure to be secured.
Increased Income - Street Naming and Numbering Fee Income	On-going	30,000	Against the context of current and historic performance, this level of income is expected to continue into 2019/20 and beyond
Reduction in Expenditure - Staff reorganisation	On-going	19,000	This money has become available as part of finalising a number of restructures with this amount being the on-going impact.
Reduction in Expenditure - External Audit Fees	On-going	15,000	This represents the expected reduction in fees following the External Audit tender and appointment process undertaken by the associated independent body.
Reduction in Expenditure - Staff Vacancy Provision	On-going	100,000	It is proposed to increase the existing vacancy provision from £200k to £300k to reflect a more up to date staff turnover rate. The new amount represents approximately 2% of total payroll with a staff turnover rate of 8% (slightly lower than existing rates) with average vacancy periods of 2 to 3 months per vacated post during the year.
Total		279,000	

APPENDIX L

INITIAL COST PRESSURE SUMMARY 2019/20

	2019/20 £	2020/21 £	2021/22 £	2022/23 £	2023/24 onwards £	Comments
Revenue						
Operational Services - Public Realm - Expiry of Commuted sums from developers to support open space maintenance etc.	25,000	33,500	33,500	33,500	33,500	Four areas of open space including a significant country park would not be able to be maintained to adequate standards.
Operational Services - Public Realm - Milton Road Car park maintenance	23,000	23,000	23,000	23,000	23,000	This item compliments the capital item below by increasing the on-going maintenance budget to meet future expenditure.
Operational Services - Building and Engineering Services - Removing build up of sand on promenades	5,000	5,250	5,500	5,750	6,000	New beach levels along Clacton to Holland seafront have resulted in sand being deposited along the promenade which needs to be cleared on a frequent basis.
Operational Services - Customer and Commercial Services - Staff Restructure Costs	47,200	47,200	47,200	47,200	47,200	A service restructure is proposed to support the wider transformation project.
Operational Services - Housing - Grant Coordinator Post	26,800	26,800	26,800	26,800	26,800	To bring onto the permanent establishment the Disabled Facilities Grant Coordinator post (currently 2 year fixed term post) to support the effective delivery of this service to residents.

Operational Services - Sport and Leisure - Clacton Airshow	60,000	60,000	60,000	60,000	60,000	To support the increasing cost of the show, including the night flight display.
Operational Services - Sport and Leisure - Sea and Beach Festival	20,000	20,000	20,000	20,000	20,000	To build this event into the ongoing base budget rather than it being a one-off item each year.
Operational Services - Sport and Leisure - 'Love Clacton' TV advert	25,000	25,000	25,000	25,000	25,000	To build this activity into the ongoing base budget rather than it being a one-off item each year.
Planning and Regeneration - Regeneration - Contribution to Mental Health Hub	23,000	23,000	23,000	23,000	23,000	To build this activity into the ongoing base budget rather than it being a one-off item each year.
Operational Services - Environmental Services - Waste, Recycling and Street Cleansing Contract Costs	41,000	41,000	41,000	41,000	41,000	This reflects the slightly higher annual contract costs associated with the extension to the Waste, Recycling and Street Cleansing Contract as set out in the report to Cabinet in March 2018.
Corporate Services - People, Performance and Projects - Apprenticeship Levy	9,000	9,000	9,000	9,000	9,000	The required levy is calculated as a percentage of total payroll costs which have significantly increased due to the pay award in 2018/19 and 2019/20.
Corporate Services - Finance, Revenues and Benefits - Reduced income from the Council Tax Sharing Agreement with the major preceptors	111,000	222,000	222,000	222,000	222,000	The major preceptors have confirmed that they will be reducing the percentage they 'share-back' with district Council's within Essex (reducing from 16% to 14% in 2019/20 and to 12% in 2020/21).
TOTAL REVENUE ITEMS	416,000	535,750	536,000	536,250	536,500	

Capital						
Operational Services - Public Realm - To extend Clacton Cemetery	200,000	50,000	0	0	0	This cost is over and above the £170k already within the Capital Programme for this project but this would secure capacity for the foreseeable future
Operational Services - Public Realm - To provide additional security measures at Bath House Meadow	20,000	0	0	0	0	This proposal will reduce unauthorised incursions in the car park, open space and play areas by a number of groups including youths at night in vehicles. This proposal will improve security and reduce ongoing maintenance costs.
Operational Services - Public Realm - Refurbishment of toilets at Weeley Crematorium and Cemeteries Clacton	100,000	0	0	0	0	Refurbishment / upgrading required to minimise external competition and to ensure assets are maintained to a high standard reducing future maintenance costs.
Operational Services - Public Realm - Milton Road Car park repairs	150,000	0	0	0	0	This represents the estimated increase in costs of repairing the car park over and above the £250k already in the capital programme for this project.
TOTAL CAPITAL ITEMS	470,000	50,000	0	0	0	

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Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

9 NOVEMBER 2018

REPORT OF THE HOUSING PORTFOLIO HOLDER

A.7 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2019/20 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2019/20

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider and agree for recommending to full council the following:

- Local Council Tax Support Scheme 2019/20 (including associated exceptional hardship policy)
- Discretionary Council Tax Exemptions and Discounts 2019/20
- Annual MRP Policy Statement for 2019/20

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and Council Tax exemptions and discounts for 2019/20.
- Given the on-going impact on residents from welfare reforms, including universal credit, it is proposed to continue with the principle highlighted last year of providing some financial stability to Tending claimants by keeping the LCTS scheme for 2019/20 the same as this year. The current scheme provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has also been reviewed for 2019/20 and it is not proposed to make any changes from the scheme operating this year and so remains available to support eligible claimants over the year.
- In respect of discretionary council tax discounts and exemptions for 2019/20, it is proposed to continue with the same level of discounts as agreed for 2018/19 that were approved by Full Council in November 2017.
- The Annual Revenue Provision Policy Statement has also been reviewed for 2019/20 with no changes proposed although attention is drawn to the fact that this may need to be reviewed at some point in the future in light of the Garden Communities project that continues to be developed.
- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council on 27 November 2018, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is

required, this Council will have to notify the precepting authorities that the final Council Tax base will be delayed and not available until late in the budget cycle.

- Given the recommendation to continue with the existing LCTS scheme, it is not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it will be considered by Full Council on 27 November 2018.

RECOMMENDATION

It is recommended:

- a) That Cabinet agrees that the LCTS scheme will remain the same as the current year, as set out as Appendix A and recommends to full Council:
 - i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants.
 - ii) that subject to a)i) above, delegation be given to the Deputy Chief Executive in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2019;
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;
- c) that Cabinet agrees that the discretionary Council Tax exemptions and discounts remain unchanged in 2019/20, which are set out in Appendix C, and recommends the same to full Council for approval:
 - i) that subject to c) above, delegation is given to the Deputy Chief Executive in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the Council Tax exemptions and discounts from 1 April 2019; and
- d) Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2019/20 as set out in Appendix D be approved.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In developing a local scheme the Council must be mindful of their duties to vulnerable groups, and Council Tax payers set against the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

LCTS scheme for 2019/20

LCTS is treated as a discount within the council tax calculations which means that the Council's taxbase is reduced (as will the taxbase for County, Fire and Police and Parishes).

Although the link to funding coming from the Government via the Revenue Support Grant has weakened over time as that grant continues to be phased out by 2019/20, the cost of the LCTS scheme needs to be considered in the context of the Council's overall budget position like any other area of the Council's expenditure / income.

There is some logic in arguing that the same level of reductions in revenue support grant year on year should be 'passported' across to the LCTS scheme and therefore reduce the support available in line with those reductions. However as has been the case in previous years, for 2019/20 it is proposed to protect the current position with the scheme proposed remaining unchanged from 2018/19 where a maximum discount of 80% can be awarded to working age claimants, the cost of which can be accommodated within the Council's overall budget position.

As at the end of September, the total estimated annual 'cost' of the LCTS scheme in 2018/19 is **£11.467m**, with approximately 10% of this amount (**£1.147m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

For information, the following sets out the total cost of the LCTS scheme over recent years, which shows a trend of year on year reductions in the overall cost of the scheme:

2015/16 - £11.725m
2016/17 - £11.577m
2017/18 - £11.362m
2018/19 - £11.235m (forecast outturn)

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS scheme with the total cost of the scheme over recent years as follows:

Year	Applications Rec'd	Amount Awarded
2014-2015	46	£12,838.84
2015-2016	24	£5,201.73
2016-2017	27	£15,572.85
2017-2018	47	£22,777.71

As highlighted during the previous review of the policy, as with any exceptional hardship scheme, it is difficult to define exceptional hardship or descriptive criteria that will apply as there may be a number of variables to consider when an application is made. However the policy continues to set out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable' expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

The policy also highlights that a senior officer will review all decisions to demonstrate fairness and consistency to the application process.

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall Council Tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total of **£23,833**. For any awards over and above this annual amount, 100% of the cost is met by TDC in accordance with the wider council tax sharing agreement with the major preceptors.

As no changes are proposed to the policy in 2019/20, no additional costs over above those included within existing budgets are expected

Council Tax exemptions and discounts for 2019/20

It is proposed to keep the level of exemptions and discounts at the same level as 2018/19 which are as follows:

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

- **0% discount** (on the days when the property cannot be used due to a planning restriction an exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

- **0% discount**

Class C – Unoccupied and substantially unfurnished dwellings.

- **0% discount**

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

- **100% discount**

By leaving the current level of discounts / exemptions unchanged it supports the Council Tax base which is one of the Council's core income streams especially as the revenue support grant decreases year on year. It is worth highlighting that for every 10% increase in any one class of discount, the Council would lose up to approximately **£25,000** per year income.

Council tax Income raised from the above locally determined discounts also has the additional benefit of increasing the contribution receivable from the major preceptors under the current council tax sharing agreement which is based on total council tax income collectable.

As highlighted in previous years, the Council does receive feedback from residents such as owners of empty and furnished properties and those who occupy caravans and chalets on caravan parks. A number of owners of empty and furnished properties consider it to be unfair that they are charged 100% for a property that demands little from local services while a single occupant of the property receives a 25% discount. However, this approach supports the principle of reducing the number of empty properties and therefore does not necessarily directly link the amount paid to the services received.

The Council also receives feedback from owners / occupiers of caravans / chalets within caravan parks in Tendring who cannot occupy their properties due to lease restriction imposed by the private owners of the sites. They suggest that it is unfair to have to pay council tax for these periods. However this needs to be considered against the periods that they cannot occupy their properties due to planning restrictions which already attract a discount equivalent to the period that they cannot use their properties for. Although the position across Tendring will differ between caravan sites, the feedback received to date relates to where the period restricted by the private landlord of the site is longer than the period restricted via the planning process. It could therefore be argued that the issue is between the owner/occupiers and their landlord rather than the Council being asked to consider a local discretionary discount. The

scale of the issue across Tendring is difficult to determine, as such restrictions could apply to other properties and not just caravans / chalets. Although there is continued sympathy for the issue faced by effected owners / occupiers, it is considered a matter for them to resolve with their landlord.

Minimum Revenue Provision Policy Statement (MRP)

In respect of the annual MRP policy statement, this sets out how the Council will make provision for the repayment of loans taken out to finance capital investment. For the General Fund, the MRP is a direct charge on the revenue budget. At present no MRP over and above the amount of principal being repaid is calculated for the Housing Revenue Account capital investment, although future provision will be considered within the business planning process in future years.

Other Financial Considerations

Although changes to the New Homes Bonus (NHB) were introduced by the Government in 2017/18, a factor in the calculation of any NHB due to the Council is the number of empty properties. The more empty properties there are will therefore have an impact on the NHB receivable.

In terms of the Council's overall collection fund performance to date, at the present time it is forecast that the overall amount of council tax collected for the year will be in line with the budgeted amount.

Risk

The LCTS affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate. This is potentially compounded by the Government's ongoing welfare reforms such as benefit 'capping' and the ongoing roll out of universal credit.

The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2019/20 to support the financial stability of residents especially during the continuing roll-out of the Government's welfare reforms.

LEGAL

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012/2885).

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 (SI 2013/501).

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable.

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2019/20, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The LCTS scheme set out in the body of the report will not disproportionately impact on the following groups in that the relevant income will continue to be disregarded in calculating entitlement to support:-

- Families in receipt of child benefit; The Child Poverty Act 2010
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010
- War widows/disabled. The Armed Forces Covenant 2011

The recommendations on discounts apply a 0% (zero percentage) discount to all second homes and a 0% discount on empty properties, across the entire district. The implications will apply to all property owners and it is considered that there are no equality and diversity issues specific to this issue

Empty properties can attract vandalism and increase the potential for crime. The approach taken to the amount of council tax charged on empty properties aims to encourage their return to occupation.

PROPOSED LCTS SCHEME 2019/20

A level of funding is received from the Government via the RSG to support the cost of the scheme. Given the significant reductions in RSG over recent years and the phasing out of this funding by 2019/20, any LCTS funding rolled into this grant is significantly lower than the 90% commitment originally made by the Government. The cost of the scheme is therefore no different to any other expenditure item within the Council's budget which is subject to review each year as part of the annual budget cycle.

There are two parts to the LCTS scheme;

- one for pension age claimants where 100% support is provided
- one for working age claimants.

The Pension Age Scheme is set in accordance with rules laid down by the Government whereas the Working Age Scheme rules are decided locally by each local authority (billing authority).

The Government removed the family premium element for housing benefit applications for new claims in 2017/18. This change effectively reduces the amount of money claimants can earn before they lose benefit by way of a taper. However since 2017/18, this Council has determined that it would not follow this approach locally within the LCTS scheme and instead retain this element, which increases the support available to claimants. This therefore remains within the proposed scheme for 2019/20.

The support provided to the pensioner age group under the Council's LCTS scheme remains unchanged.

Authorities must adopt a scheme on an annual basis which must be agreed by 31 January each year for the subsequent year's scheme. A summary of the proposed scheme for 2019/20 is set out as **Appendix A**, which remains unchanged from 2018/19.

For information, statistics relating to the LCTS scheme in 2018/19 are set out below:

As at the end of September 2018:

There are currently 13,489 household receiving LCTS at a cost (forgone income due to the discount awarded) of approximately **£11.467m**

The total working age households receiving support is 6,507

The total pensioner households receiving support is 6,982

The collection performance for those accounts where LCTS has been awarded is 49.58% (total overall council tax collection performance is 56.09%)

PROPOSED COUNCIL TAX DISCOUNTS AND EXEMPTIONS 2019/20

The discounts proposed for 2019/20 remain the same as those agreed for 2018/19 by Full Council in November 2017.

Full details of the proposed discretionary discounts are set out in **Appendix C**, which remain based on the underlying principle of encouraging property to be maintained in use or brought back into use. Other statutory discounts and exemptions are also available.

The Government have proposed allowing Authorities to increase council tax on long term empty properties as follows:

- For properties unoccupied and unfurnished for up to 5 years – a maximum charge of 200% of 'standard' council tax can be charged.
- For properties unoccupied and unfurnished for over 5 years but less than 10 years – a maximum charge of 300% of 'standard' council tax can be charged.
- For properties unoccupied and unfurnished for over 10 years – a maximum charge of 400% of 'standard' council tax can be charged.

As at the time of finalising this report, the relevant legislative changes had yet to be agreed by the Government. Therefore it is not proposed to consider these potential changes further for 2019/20 but they will be reviewed as part of the consideration of the 2020/21 discounts and exemptions at the same time next year.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix D** is the proposed Annual MRP policy statement for 2019/20 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

The policy sets out how the Council will make provision for the eventual repayment of any borrowing undertaken to finance capital expenditure. The policy, which is unchanged from 2018/19, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for

completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2019/20 over the coming months.

It is recognised that the Council's MRP Statement may need to be reviewed in the context of the Garden Communities project as it continues to develop. If any changes are required then they will be presented to members as part of the Garden Communities decision making processes and/or as part of this annual review process in future years.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2019/20

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2019/20

Appendix D Annual Minimum Revenue Provision Policy Statement 2019/20

Local Council Tax Support Scheme (LCTS) 2019/20

**A summary of the scheme for Working Age persons and
the Government Scheme for Pension Age claimants**

Local Council Tax Support (LCTS)

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance on Maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), Maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance Maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2019/20 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2019/20 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- Families in receipt of child benefit;
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council via the Tendring District Council website at www.tendringdc.gov.uk or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be

provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that

your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;



- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.



How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
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(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	Gross Income is less than £201.00 per week; 15 per cent of the Council Tax due in respect of that day; Gross Income is not less than £201.00 per week but less than £260.00 per week; 7.5 per cent of the Council Tax due in respect of that day;
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit, income-related employment and support allowance or income support, living with a full-time student(s).	100 % of the Council Tax due in respect of that day.

Income less than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and



premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance/Personal Independence Payment.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or



- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment.
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service



Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:
- a rate for each dependent child/young person in your household who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
- a rate for a single person who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
- a rate for couples where at least one member of the couple receives the highest rate of DLA/Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.



Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the



gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings. The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which

is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).



Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The



balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have



notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.



If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.



How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does



cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement



The Council may receive and obtain information and evidence relating to claims for LCTS from—

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for, LCTS purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.

Localised Support for Council Tax Exceptional Hardship Policy

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1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
- Make a separate application for assistance;
 - Provide full details of their income and expenditure;
 - Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
 - Identify potential changes in payment methods and arrangements to assist the applicant;
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
 - Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.
- 4.2 Through the operation of this policy the Council will look to
- Support those in exceptional hardship;
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.
- 4.3 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton between 10am and 4pm Monday to Friday.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

- 12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

- 13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

- 14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.
- 14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.
- 14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.
- 14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.
- 14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

- 15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

- 16.1 The Council's 'Compliments and Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

- 17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2019/2020 financial year:-

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

0% discount (on the days when the property cannot be used due to a planning restriction a statutory exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

100% discount up to 12 months

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ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2019/20

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

Unlike a mortgage where amounts of principal are repaid each month, the borrowing undertaken by this Council may be repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be reviewed as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2019/20, no changes compared to 2018/19 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2019/20 is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2019/20 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.