

# Public Document Pack

## TENDRING DISTRICT COUNCIL

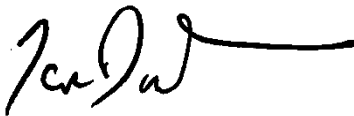
Committee Services  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex  
CO15 1SE

29 August 2019

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 10 September 2019 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line extending to the right.

Ian Davidson  
Chief Executive

To: All members of the Tendring District Council

## TENDRING DISTRICT COUNCIL

### AGENDA

For the meeting to be held on Tuesday 10 September 2019

#### **Prayers**

#### **1 Apologies for Absence**

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

#### **2 Minutes of the Last Meeting of the Council (Pages 1 - 14)**

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 6 August 2019.

#### **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 Chairman of the Council**

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

#### **5 Announcements by the Chief Executive**

The Council is asked to note any announcements made by the Chief Executive.

#### **6 Statements by the Leader of the Council**

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

*Councillors may then ask questions of the Leader on his statements.*

#### **7 Statements by Members of the Cabinet**

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

*Councillors may then ask questions of the Portfolio Holders on their statements.*

#### **8 Petitions to Council**

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

There are none on this occasion.

**9 Questions Pursuant to Council Procedure Rule 10.1 (Pages 15 - 16)**

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

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 21 minutes.

There are two such Questions on this occasion.

**10 Questions Pursuant to Council Procedure Rule 11.2 (Pages 17 - 18)**

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of any Committee.

The time allocated for receiving and disposing of questions shall be a maximum of 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.

There are six such Questions on this occasion.

**11 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions**

The Council will receive a report on any Cabinet or Portfolio Holder 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/or Overview and Scrutiny Procedure Rule 18(i).

There is no such report on this occasion.

**12 Minutes of Committees (Pages 19 - 46)**

The Council will receive the minutes of the following Committees:

- (a) Audit of Monday 29 July 2019;
- (b) Resources and Services Overview & Scrutiny of Monday 29 July 2019; and
- (c) Community Leadership Overview & Scrutiny of Monday 5 August 2019.

**NOTE:** The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.

**13 Motion to Council - "Review of the Implementation of the new Refuse Collection Contract" (Pages 47 - 48)**

In accordance with the provisions of Council Procedure Rule 12, the Council will consider a Motion to Council submitted by Councillor Maria Fowler.

**14 Recommendations from the Cabinet**

No recommendations from Cabinet have been submitted on this occasion.

**15 Reports Submitted to the Council by an Overview and Scrutiny Committee**

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are no such reports on this occasion.

**16 Urgent Matters for Debate**

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

**Date of the Next Scheduled Meeting of the Council**

Tuesday, 26 November 2019 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

# **INFORMATION FOR VISITORS**

## **PRINCES THEATRE FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

## **PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS**

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

### **Rights of members of the public to film and record meetings**

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

### **Public Behaviour**

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) 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 had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

**MINUTES OF THE MEETING OF THE COUNCIL,  
HELD ON TUESDAY, 6TH AUGUST, 2019 AT 7.30 PM  
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15  
1SE**

<b>Present:</b>	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Calver, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, P Honeywood, S Honeywood, King, Knowles, McWilliams, Miles, Morrison, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Cath Bicknell (Head of Planning), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), William Lodge (Communications Manager), Charlotte Cooper (Committee Services Officer) and Matt Cattermole (Business Support Assistant)

**26. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bush, I J Henderson and J Henderson.

**27. MINUTES OF THE LAST MEETINGS OF THE COUNCIL**

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

**RESOLVED** that the minutes of the under-mentioned meetings of the Council be approved as correct records and signed by the Chairman:-

- (a) Ordinary Meeting of the Council held on 26 March 2019;
- (b) Annual Meeting of the Council held on 28 May 2019; and
- (c) Extra Ordinary Meeting of the Council held on 15 July 2019.

**28. DECLARATIONS OF INTEREST**

In relation to Agenda Item 11 (Questions pursuant to Council Procedure Rule 11.2), Councillor Broderick, as a point of information, informed Council that she was a member of the Citizens Advice Bureau Tendring.

In relation to Agenda Item 18 (Reference from the Planning Policy & Local Plan Committee), Councillors Stock OBE and G V Guglielmi, as points of information,

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informed Council that they were, respectively, a Director and an alternate Director of North Essex Garden Communities Limited.

**29. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**

The Chairman of the Council (Councillor Land) updated Council on his recent civic engagements and reminded Members that a tour of Historic Harwich would take place on Thursday 8 August commencing at 10.00 a.m. at Ha'penny Pier. He thanked Councillor Calver for his assistance in arranging the Tour.

The Chairman informed Members that he was willing to participate in community activities that they were involved in within their respective Wards and he also urged Members to look at the images taken around the District that were displayed on the screen in the Princes Theatre Foyer and would be continuing feature at Council meetings going forward.

Members were aware that ROALCO, the Council's external contractor for repairs and refurbishment the Council's housing stock, had recently gone into liquidation. The Chairman paid tribute to the Officers in Building and Engineering Services for their dedicated, professional operational response to this unforeseen event.

The Chairman further informed Members that a themed 'casino style' evening would be held at the Town Hall on 6 March 2020 (which would include a prize draw) to raise funds for his chosen charity.

**30. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were none on this occasion.

**31. STATEMENTS BY THE LEADER OF THE COUNCIL**

There were none on this occasion.

**32. STATEMENTS BY MEMBERS OF THE CABINET**

There were none on this occasion.

**33. PETITIONS TO COUNCIL**

No petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

**34. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1**

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

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

Question One

From Mr James Machin to Councillor Stock OBE, Leader of the Council:



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*“Pursuant to the motion to council – “PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA” voted on and lost at the last Council meeting prior to the District Council elections, I would draw to the attention of the recently elected representatives Tendring that many councillors voted against the motion solely on the grounds that they felt it was not in their gift to vote on a motion which would force the newly elected representatives to carry forward a motion which they had not the opportunity to debate themselves.*

*I therefore ask the Leader of the Council to remind the newly elected councillors of Tendring District Council of these discussions, and seek an assurance that the question will be put back to the newly elected councillors for consideration at their earliest opportunity.”*

Councillor Stock replied to the question as follows:

*“Thank you for your question Mr Machin.*

*This is a subject which has been debated on more than one occasion in the past by the Council – not only at the meeting you refer to in your question.*

*From my recollection of the most recent debate one or two Members made reference to not binding the hands of a future administration by making such a significant decision at their last meeting, but it was far from being the dominant reason why the Councillors voted against it.*

*For my part the most compelling point is the almost complete absence of requests for a Clacton Town Council from the public.*

*As was explained in that last debate there is provision for a Community Governance Review to be started off by a public petition and I believe we should refrain from debating the issue again until there is clear evidence of a significant public appetite for the idea of a Clacton Town Council to be considered.”*

#### Question Two

From Mr Steve Kelly to Councillor Stock OBE, Leader of the Council:

*“In the light of the top scientific research that is predicting more severe heatwaves, droughts and flooding; will the Council Leader agree that we should be spending more money on both amelioration and adaptation in order to prevent spending more money on climate crisis emergencies in the future?”*

Councillor Stock replied to the question as follows:

*“Thank you for your question Mr Kelly.*

*I do believe that we should take steps in the short term to reduce the Council’s impacts on the environment and to reduce its carbon footprint.*

*But we have very little evidence of what that is in reality so we must start by getting the evidence and the facts to enable us to take the most appropriate actions which will make a real and lasting difference.*

*You will have seen from tonight's Agenda that I am proposing that the Council recognises that this is a significant issue and takes decisive action to establish the facts with regard to its impact on the environment and to come up with an Action Plan – including no doubt actions to ameliorate and adapt - in order to address this issue."*

**35. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2**

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

Four questions had been submitted by Members as set out below:

Question One

From Councillor Morrison to Councillor Talbot, Portfolio Holder for Environment and Public Space:

*"The Harwich Peninsula continues to suffer a high level of dog fouling. In a recent response to a written complaint from a resident, TDC informed her:*

*'Our officers regularly patrol the seafront area and will take enforcement action against any individuals who fail to comply with the Dog (Fouling of Land) Act (Fixed Penalty Notice will be issued for failing to pick up dog poo).'*

*Will the Portfolio Holder for Environmental Services please advise the Council how many fixed penalty notices have been issued for offences committed on Dovercourt Seafront or Dovercourt Bay beach in 2019 up until the date of writing (7<sup>th</sup> June)?"*

Councillor Talbot replied as follows:

*"The Dog Wardens have not issued a Fixed Penalty Notice (FPN) during 2019 for dog fouling in the area but as previously stated "they will" take the appropriate action if they witness such an offence take place.*

*If the Dog Warden does not witness the offence taking place and has no supporting evidence produced or available i.e. CCTV or a Mobile Phone recording then it is very difficult to prove somebody has committed an offence and therefore an FPN is unable to be issued.*

*The area is patrolled on a regular basis and a Patrol spreadsheet is kept within the department listing the exact days and times the wardens was in the area. To date there have been 35 visits to this area at different times during the working day.*

*There are only two Dog Wardens employed by Tendring District Council and they are responsible for covering and patrolling the whole District but also have other duties such as the collection of stray dogs (a constant active and unpredictable duty), attending the vets with injured or unwell dogs, micro chipping, transporting dogs from our kennels to our externally contracted kennels, attending events, working with external agencies such as the RSPCA, Dogs Trust, Essex Police, responding to dog barking and other dog related nuisance complaints and various other daily duties.*

*With the summer here we appreciate that lighter early mornings and lighter late evenings provide more hours for dog walking, so we will be conducting some patrols outside of the normal office hours to show a presence and take action against those that do ignore their responsibility to pick up after their dog.*

*We are also working towards replacing the old Bye-Laws regarding dog fouling with a new Public Space Protection Order (PSPO). At the point we introduce the new PSPO then Parish and Town Councils, such as Harwich, will be able, after receiving appropriate training, to issue FPN tickets for dog fouling offences themselves."*

Councillor Morrison then asked a supplementary question to which Councillor Talbot responded.

#### Question Two

Earlier in the meeting Councillor Broderick, as a point of information, had informed Council that she was a member of the Citizens Advice Bureau Tendring.

From Councillor M E Stephenson to Councillor Broderick, Portfolio Holder for Independent Living:

*"This June the BBC have taken away the TV licence to the over 75's in what I can only call a money-grabbing exercise that shows no moral conscience for those faced with isolation and loneliness daily. The BBC, in an attempt to smokescreen its blatant disregard for viewers over that of money, has graciously offered that anyone over the age of 75 and on pension credit will still be entitled to a free TV licence.*

*With this in mind will the Cabinet member for Independent Living agree with me that we need to make every effort to raise the profile of the availability of Pension Credit to residents? Furthermore, will she work closely with Citizen Advice Bureau to increase the uptake of Pension Credit and to ensure that our pensioners get what they are entitled to?"*

Councillor Broderick replied as follows:

*"Thank you Councillor Stephenson for your question and I agree it is a good idea to promote the availability of Pension Credits. The Council is talking to both CAB and CVST about this.*

*I can confirm that the CAB promotes any specific changes to Pension Credits and other benefits. As an example, recently in May 2019, there were changes to couples entitlement to Pension credit which were promoted on the CAB reception information display screen, Twitter and Facebook accounts and leaflets and posters were produced for clients.*

*In addition when the advisers meet residents of pensionable age, they are assessed for their eligibility for Pension Credit. Events are also used as an opportunity to raise the profile of Pensions Credit, such as the Older Person's Fair, U3A and local carnivals.*

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*If Members would find it useful, posters can be provided for Councillors to promote the take up of Pension Credit for their constituents. If any Member would like a poster please contact Lizzie Ridout.*

*Thank you.”*

### Question Three

From Councillor Barry to Councillor Talbot, Portfolio Holder for Environment and Public Space:

“Is the Cabinet Member with responsibility for the Environment and Public Space satisfied with the planning and implementation of the new council strategy for waste collection and recycling?”

Councillor Talbot replied as follows:

*“You ask if I am satisfied with the planning and implementation of the new waste service, a service that involves the distribution of over 57 thousand 180 litre Wheelie Bins to households around our Tendring District. These Bins are being delivered to properties that can physically accommodate a Bin and in each Bin is a calendar of the fortnightly dates when their Bin will be collected.*

*In addition over 11 thousand households have been notified of that they will continue with the Weekly Black Sack collection they previously enjoyed, but informing them of their changed collection date. Yes I am satisfied!*

*The Planning for the new waste and recycling service first started on 22<sup>nd</sup> August 2016 with the first working group meeting held in Weeley Council Chamber. Many options were considered. We could stay as we were with a weekly Black Sack service, we could have a fortnightly or even three weekly refuse collections, with co-mingled, unsorted recycling, with or without glass or leave recyclable material to be separated by the resident. We had concern about keeping the cost in check and the need to increase our recycling effort through increased participation. The best option meeting these objectives was a fortnightly waste collection using a Wheelie Bin, but leaving weekly food waste and the alternate weekly collection of our red and green recycling boxes.*

*Nothing is ever perfect and there is no magic wand to wave. This task is absolutely enormous since it involves 69,478 households in Tendring. I cannot deny that there have been problems, but these were expected. Some deliveries have been missed, some black sack households were not informed of a changed date for collection causing confusion and in many areas the normal collection services were disrupted, delayed or in some cases missed out altogether. An unexpectedly large number of households not previously recycling came forward to collect a red or green box, to the extent that we actually ran out of our stock of 10,000 recycling boxes.*

*The telephone enquiry lines have been difficult to use to contact the Council, notwithstanding the employment of additional and transferred staff to help, it has remained difficult to get in contact. Over the delivery period so far we have experienced an additional 1,800 phone calls per week.*

*The Bin deliveries themselves are continuing, and thanks to the complete commitment of our Waste and Recycling staff, led by Mr Jonathan Hamlet and his team, (who are accompanying all Bin deliveries); they are able to ensure as few 'missed properties' as possible.*

*My understanding is that only three authorities in Essex still use Black Sacks as their main means of Waste collection. At the end of this month there will be only two. Experience from colleagues in other authorities is that the introduction of Wheelie Bins is a bit traumatic, with many problems and complaints for almost a year, but from then onwards the vast majority of residents who have a Wheelie Bin are very happy, with them asking why they did not have them earlier.*

*Yes there have been problems, which will gradually be sorted out. But with a dedicated staff working their socks off for us to minimise problems when they occur, I must admit that I find - all that can be done, is being done!"*

Councillor Barry then asked a supplementary question to which Councillor Talbot responded.

#### Question Four

From Councillor Steady to Councillor Talbot, Portfolio Holder for Environment and Public Space:

*"Do you think that your portfolio is being managed efficiently?"*

Councillor Talbot replied as follows:

*"Since this is the first ever question received by any Tending Portfolio Holder from a member of the Shadow Cabinet, I must be positive with my answer.*

*I was invited to take up the Environment Portfolio by Councillor Neil Stock, the Council Leader on 5<sup>th</sup> June.*

*The Environment Portfolio Holder in the last administration from 2015 to 2019 left the portfolio in good health and ready for a new administration appointee to pick up the duties.*

*The question seems simple and since it asks for my opinion and not that of any third party then my answer to the question is: Yes"*

Councillor Steady then asked a supplementary question to which Councillor Talbot responded.

#### **36. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

There was no such report on this occasion.

#### **37. MINUTES OF COMMITTEES**

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

- (a) Resources and Services Overview & Scrutiny of Monday 18 March 2019;
- (b) Standards of Wednesday 20 March 2019;
- (c) Audit of Thursday 28 March 2019;
- (d) Resources and Services Overview & Scrutiny of Monday 24 June 2019;
- (e) Community Leadership Overview & Scrutiny of Monday 1 July 2019;
- (f) Standards of Wednesday 3 July 2019; and
- (g) Planning Policy & Local Plan of Tuesday 16 July 2019.

There were recommendations to Council contained within Minute 6 of the meeting of the Planning Policy & Local Plan Committee held on 16 July 2019. Those recommendations were taken in conjunction with Agenda Item 18 as recorded under Minute 42 below.

**38. MOTION TO COUNCIL - "PROPOSED DECLARATION OF A CLIMATE EMERGENCY"**

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

*"That the Council notes:*

- *That the impact of climate breakdown is already causing serious damage around the world.*
- *That the "Special Report on Global Warming of 1.5 degrees" published by the intergovernmental Panel On Climate Change in October 2018*
  - *Describes the enormous harm that a 2 degree C average rise in global temperatures is likely to cause compared with a 1 degree rise,*
  - *Confirms that limiting Global Warming to 1.5 degrees may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.*
- *That the impact of projected rises in sea levels as a result of global warming places the East Coast of the UK in the front line where impacts will be felt soonest and most severely.*
- *That all Governments (National, Regional and Local) have a moral duty to act, and local Governments should not wait for national Government to change their policies.*
- *That the challenge of taking action to avoid climate breakdown is of an unprecedented scale and scope which will have very significant additional costs*

*and impacts on the prioritisation of budgets and will require sources of funding beyond the Council, and local Business Rate and Council Tax payers if the goals are to be met.*

- *That the need for determined action must be set alongside and balanced with the Council's other statutory responsibilities.*
- *That strong policies to cut emissions also have associated health, well-being and economic benefits; and*
- *That, recognising the above, over 80 councils across the UK have already passed "Climate Emergency" motions.*

*It is therefore proposed that this Council:*

- 1 *Declares a Climate Emergency and instructs the Chief Executive to prepare an Action Plan for consideration by Cabinet and recommendation to the Full Council to form part of the Policy Framework, as soon as practicable with the aim of activities of the Council being carbon neutral by 2030.*
- 2 *Instructs the Chief Executive to draw up the Action Plan in two parts,*
  - *Part 1 setting out clear research and evidence as to what the Council's Carbon footprint is and precisely how it is composed and setting out costed actions and policies together with appropriate milestones to make the Council's activities carbon neutral by 2030*
  - *Part 2 setting out community leadership actions to influence and encourage partners, businesses, community groups and individuals across Tendring to join the Council in striving to achieve carbon neutrality for the District as a whole.*
- 3 *Calls on the UK Government to provide the powers, resources and help with funding to achieve carbon neutrality and to call on local MPs to do likewise.*
- 4 *Authorises the Chief Executive to use the £150,000 allocated by the last Cabinet meeting to a Climate Emergency budget to enable specialist advice to be obtained to complete the essential research to establish the Council's Carbon footprint to be carried out and to provide the capacity to enable a comprehensive and costed Action Plan to be prepared for agreement by full Council as set out above.*
- 5 *Notes that the Leader will form a Working Party to oversee and work alongside officers to prepare the Action Plan, to be established in accordance with Article 7.7 of the Constitution, which will be broadly politically balanced, and that the Leader of each political Group on the Council will be invited to join the Working Party or to nominate a representative."*

Councillor Stock formally moved the motion, and Councillor G V Guglielmi formally seconded the motion.

Councillor Stock then explained the purpose of the motion and gave his reasons why he felt that it would be appropriate for the motion to be dealt with at the meeting.

As Councillor Stock was also the Leader of the Council there were no reasons put forward as to why it would be more appropriate for the motion to stand referred to the Cabinet.

The Chairman of the Council (Councillor Land) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

Councillors Coley, Allen, Scott, Davis, M E Stephenson, Calver, Steady, Turner, Miles and G V Guglielmi addressed the Council on the subject matter of Councillor Stock's motion.

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

**39. RECOMMENDATIONS FROM THE CABINET**

No recommendations from Cabinet were submitted on this occasion.

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

There were no such reports on this occasion.

**41. REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.1 - PROPOSED REVISION OF LICENSING ENFORCEMENT POLICY**

The Council considered the recommendation submitted to it by the Licensing and Registration Committee in respect of the revised Licensing Enforcement Policy.

Members were aware that the Licensing and Registration Committee had considered this matter at its meeting held on 10 April 2019. The relevant Committee Minute and Officer reports were contained within the Council Book.

It was moved by Councillor Winfield that the revised Licensing Enforcement Policy be formally approved and adopted.

It was then moved by Councillor G V Guglielmi and seconded by Councillor Turner that Councillor Winfield's motion be amended by the addition of the following paragraphs:-

*"That Council notes that the implementation of this Enforcement Policy will be in line with the work of the Corporate Enforcement Group and the aims of the Corporate Enforcement Strategy.*

*That Council requests that all Ward Members will be notified of any event in their Ward which will need a Temporary Event Licence, as well as a notification when a licence has been revoked or granted."*

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

Councillor Guglielmi's amendment on being put to the vote as the substantive motion was declared **CARRIED**.



42. **REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.2 - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS**

Earlier in the meeting Councillors Stock OBE and G V Guglielmi, as points of information, had informed Council that they were, respectively, a Director and an alternate Director of North Essex Garden Communities Limited.

The Council considered the recommendations submitted to it by the Planning Policy & Local Plan Committee in respect of the proposed Additional Sustainability Appraisal, evidence and amendments relating to Section 1 of the Local Plan which it was further proposed should be submitted, together with the responses received from a proposed public consultation thereon, to the Planning Inspector.

Members were aware that the Planning Policy & Local Plan Committee had considered this matter at its meeting held on 16 July 2019. The relevant Committee Minute and Officer Reports were contained within the Council Book.

Councillors Turner, Allen, M E Stephenson and Stock addressed the Council on the subject matter of this item.

It was moved by Councillor Turner and:-

Unanimously **RESOLVED** that -

- a) the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;
- c) the Additional Sustainability Appraisal work and evidence base (including the additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and

- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.

**43. REPORT OF THE CHIEF EXECUTIVE - A.3 - MEMBERSHIP OF COMMITTEES**

The Chief Executive formally reported that, following the Annual Meeting of the Council held on 28 May 2019 and in accordance with the wishes of the relevant Political Group Leaders, he had exercised his delegated powers and had appointed, with effect from 31 May 2019, Members to serve on the under-mentioned Committees and Sub-Committee as follows:

Audit Committee

Councillors Alexander, Coley, King, Miles, Placey, Porter and Steady

Community Leadership O & S Committee

Councillors Amos, Broderick, Chittock, Clifton, Davidson, Davis, Miles, Newton and Skeels

Human Resources & Council Tax Committee

Councillors Calver, Chapman, Chittock, Clifton, Griffiths, S Honeywood, King, Morrison and M Stephenson

Licensing & Registration Committee

Councillors Casey, Coley, V Guglielmi, J Henderson, S Honeywood, Knowles, Overton, White and Winfield

Planning Policy & Local Plan Committee

Councillors Allen, Broderick, Bush, Chapman, Fairley, G Guglielmi, I Henderson, Newton, Scott, Skeels and Turner

Planning Committee

Councillors Alexander, Bray, Cawthron, Codling, Fowler, Harris, McWilliams, Placey and White

Resources and Services O & S Committee

Councillors Allen, Barry, Bray, Codling, Griffiths, Morrison, Scott, M Stephenson and Turner

Standards Committee

Councillors Amos, Harris, J Henderson, Land, Overton, Steady and Wiggins

Miscellaneous Licensing Sub-Committee

Councillors Casey, V Guglielmi, J Henderson, S Honeywood and White

Subsequently, following the appointment of the Cabinet by the Leader of the Council and other necessary changes, the Chief Executive also formally reported that, on 10 and 11 June 2019, he had again exercised delegated powers, in accordance with the wishes of the Leaders of the Holland-on-Sea, Independent and UKIP Groups and had duly made the following appointments:-

Audit Committee

Councillor Codling has been appointed to serve in place of Councillor Porter.

Community Leadership O & S Committee

Councillor King had been appointed to serve in place of Councillor Broderick.

Councillor Overton had been appointed to serve in place of Councillor Newton.

Human Resources & Council Tax Committee

Councillor Broderick had been appointed to serve in place of Councillor King.

Licensing & Registration Committee

Councillor Davis had been appointed to serve in place of Councillor White.

Miscellaneous Licensing Sub-Committee

Councillor Davis has been appointed to serve in place of Councillor White.

Council noted the foregoing.

**44. REPORT OF THE CHIEF EXECUTIVE - A.4 - MEMBERSHIP OF THE EXECUTIVE (CABINET)**

The Chief Executive formally reported that, following the Annual Meeting of the Council held on 28 May 2019, the Leader of the Council (Councillor Stock OBE) had exercised his delegated powers and had appointed, with effect from 5 June 2019, Members to serve on the Council's Executive (Cabinet) as follows:

PORTFOLIO	COUNCILLOR APPOINTED
Business and Economic Growth	M C Newton
Corporate Finance and Governance	G V Guglielmi
Deputy Leader of the Council	
Environment and Public Space	M J Talbot
Housing	P B Honeywood
Independent Living	J A Broderick
Leisure and Tourism	A O J Porter
Partnerships	L A McWilliams

Council noted the forgoing.

**45. SEATING PLAN FOR FUTURE MEETINGS OF THE COUNCIL IN THE PRINCES THEATRE**

Council's approval was sought in respect of the seating plan for future meetings of the Full Council held in the Princes Theatre.

It was moved by Councillor Scott, seconded by Councillor Bray and:-

**RESOLVED**, that the seating plan proposed for future meetings of the Full Council to be held in the Princes Theatre be approved.

**46. URGENT MATTERS FOR DEBATE**

There were none on this occasion.

The Meeting was declared closed at 9.15 pm

**Chairman**

## **Questions pursuant to Council Procedure 10.1**

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

### Question One

**From Tom Howard to Councillor Michael Talbot, Environment and Public Space Portfolio Holder:**

*“As the portfolio holder for the Environment and Open Spaces should be aware, there is a high level of discontent amongst the residents of Tendring regarding the collection of refuse, recycling and garden waste.*

*Since the recent service changes, the service provided by Veolia on behalf of Tendring District Council has been nothing short of shambolic and implementing penalty charges would seem in order, as would public acknowledgement of the problems and the implementation of an appropriate action plan to bring the service on track.*

*In the case of the garden waste collection service, this is an add-on paid for service equating to a service charge of £2 per contracted collection. Where these collections have been repeatedly missed, the Council is in breach of its contract with its residents for this paid for service, and the Council should be refunding residents pro rata for the missed collections and services not rendered.*

*Please will the Portfolio Holder advise what action he is taking regarding the above?”*

### Question Two

**From James Burfoot to Councillor Neil Stock OBE, Leader of the Council:**

*“During December 2014 the Council removed parts of ornate cast iron lampposts situated along Clacton seafront. These structures were erected circa. 1912 and have been Grade II listed since July 4 1986. Naturally, due to this history, they form an important part of Clacton’s heritage. A media article dated 24 December 2014 (Gazette: p37) states that these parts were removed on the grounds of health and safety. The Council of course has a duty of care to ensure its property is safe.*

*However, it can also be a criminal offence to carry out demolition or alteration works on listed buildings without obtaining proper permissions. When work is carried out on an emergency basis this must be proved to be necessary and temporary.*

*Within the article Cabinet Member for Coast Protection at the time of the removal, Cllr Nick Turner states “we have dismantled these listed structures and will be storing everything carefully until we can decide the best way forward to repair and restore them”.*

*I have recently made contact with Cllr Nick Turner through email correspondence and, despite him no longer having authority over this matter, would like to thank him for his efforts in responding and for forwarding my concerns to the Council. This is greatly appreciated.*

*I assume that, at the time of the removal, the Council complied with all relevant legislation and obtained all necessary legal permissions and that they have indeed been stored “carefully”.*

*We are fast approaching the fifth anniversary of these “temporary emergency works”. Therefore could the Leader of the Council please explain the Council’s plans to restore these lampposts either to a cosmetic or ideally full working condition in order that these priceless features of our town’s history can once again form a paramount role in the ongoing regeneration of our Town Centre and seafront?”*

## **Questions pursuant to Council Procedure 11.2**

The following questions have been received, on notice, from Members:

### **Question One**

**From Councillor Ivan Henderson to Councillor Mary Newton, Portfolio Holder for Business & Economic Growth:**

*“I welcome the fact that the Leader of the Council has appointed the Portfolio Holder for Business and Economic Growth as the lead Member on the UK leaving the EU.*

*With the truly frightening prospect of the UK exiting the EU without a deal becoming a real possibility, I am confident that the Portfolio Holder for Business and Economic Growth will have made it her top priority to ensure that a full and detailed risk assessment for the Tendring District in the case of a ‘no deal exit’ scenario is in place.*

*Will she please advise Members of the conclusions reached in her risk assessment as to how the Tendring District would be impacted by a no deal exit?”*

### **Question Two**

**From Councillor Garry Calver to Councillor Carlo Guglielmi, Portfolio Holder for Corporate Finance & Governance:**

*“When the Conservative Group took control of the administration in 2009 it cancelled the plan to turn the Gas House Creek site in Harwich into a public car park and removed the earmarked funding. The reason given was that the site was needed as employment land to provide much needed jobs in the Harwich area.*

*In the ten years since, not one job has resulted from the change of policy on this site.*

*Will the Portfolio Holder for Corporate Finance & Governance please advise the Council of any plans he has for this site and when the residents of Harwich can expect it to benefit the local community?”*

### **Question Three**

**From Councillor Bill Davidson to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:**

*“Will the Portfolio Holder for the Environment and Open Spaces please confirm whether or not he advised his Cabinet colleagues at the time of the decision to withdraw the weekly refuse collection service and to replace it with a two weekly ‘amount restricted’ service that this would inevitably lead to a major increase in fly tipping within the Tendring District?”*

#### Question Four

**From Councillor Ivan Henderson to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:**

*“Since the imposition of the ‘amount restricted’ refuse collection policy on the residents of Tendring the incidents of fly tipping have soared.*

*Will the Portfolio Holder for Environmental Services please advise the Council of how much fly tipping is costing the council tax payers of the Tendring District?”*

#### Question Five

**From Councillor Jo Henderson to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:**

*“Will the Portfolio Holder for the Environment and Open Spaces please provide the figures for both the number of operatives allocated to the ground maintenance team for the Harwich area in 2010 and the number of operatives allocated to the ground maintenance team for the Harwich area in 2019?”*

#### Question Six

**From Councillor Maria Fowler to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:**

*“I was both amazed and disappointed at the last Council meeting to hear the Portfolio Holder for the Environment’s response to the question asked specifically about the number of fixed penalty notices for dog fouling issued by TDC for the area of Dovercourt Bay seafront and beach.*

*May I ask the Portfolio Holder for the Environment to advise the Council how many fixed penalty notices for dog fouling have been issued in 2019 across the entire Tendring District?”*



**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,  
HELD ON MONDAY, 29TH JULY, 2019 AT 10.30 AM  
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Coley (Chairman), Alexander (Vice-Chairman), Chapman, Codling (items 7 (part) - 8 only), Miles and Placey
<b>In Attendance:</b>	Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Craig Clawson (Acting Audit and Governance Manager), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Clare Lewis (Fraud and Risk Manager)
<b>Also in Attendance:</b>	Aphrodite Lefevre (Director & Engagement Lead) and Numan Indika (Audit Manager) [both representing BDO LLP the Council's External Auditors]

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Steady (with Councillor Chapman substituting).

**2. MINUTES OF THE LAST MEETING**

The minutes of the previous meeting of the Committee, held on 28 March 2019, were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**5. REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER - A.1 - PERIODIC REPORT ON INTERNAL AUDIT FUNCTION: MARCH TO JUNE 2019 AND THE ANNUAL REPORT FOR 2018/2019**

There was submitted a report by the Council's Acting Audit and Governance Manager (Craig Clawson) (report A.1) which provided a periodic update on the Internal Audit function for the period March 2019 to June 2019, together with his Annual Report for 2018/19 as required by the Public Sector Internal Audit Standards (PSIAS). The report A.1 was split into four sections as follows:-

- (1) Internal Audit Plan Progress 2018/19;
- (2) Annual Report of the Acting Audit and Governance Manager;
- (3) Internal Audit Plan Progress 2019/20; and
- (4) Internal Audit Charter.

(1) INTERNAL AUDIT PLAN PROGRESS 2018/19

It was reported that a total of nine audits had been completed in the March 2019 to June 2019 period. As at 31 March 2019, 87% of the audit plan had been completed. The Internal Audit Plan was a rolling programme and there was always an expectation for some audit reviews to progress into the next financial year. However, resourcing issues had challenged the team's capacity to deliver a higher percentage of the plan by 31<sup>st</sup> March 2019.

The Committee was informed that, as at the 30 June 2019, 97% of the plan had been completed. Only two audits remained outstanding, with the majority of fieldwork on those completed. The audits still in progress were Housing Repairs and Maintenance and Housing Allocations. With the addition of an external resource the team had been able to catch up with the audits from the 2018/19 whilst the external contractor commissioned on a daily rate completed some of the 2019/20 audits.

Members were reminded that the PSIAS required an audit opinion on Risk Management and therefore a corporate review of the Council's risk management arrangements had been undertaken during the year and was ongoing. Senior Management continued to monitor strategic risks on a regular basis with the Audit Committee's input throughout the year. This assurance allowed Internal Audit to work with Senior Management and the Council's Fraud and Risk Manager to concentrate on reviewing the overall risk appetite of the Council and to support implementation of departmental risk management at an operational level.

Quality Assurance

The Internal Audit function had issued satisfaction surveys for each audit completed. In the period under review 100% of the responses received had indicated that the auditee was satisfied with the audit work undertaken.

Resourcing

As previously reported, the Internal Audit Team had been operating with reduced capacity due to one Officer being on long term sick leave and another on maternity leave. The capacity of the Internal Audit Team was currently 2 FTE with an apprentice supporting where she could. The Audit Committee had previously suggested that Officers explore the use of an external contractor or employ a temporary agency Auditor for a fixed term.

The Committee was informed that Officers had explored both scenarios and had decided that the best way forward was to utilise a framework set up by Croydon London Borough Council in partnership with a professional services company, Mazars LLP. This Council had commissioned work from Mazars to support the team in delivering a number of audits within the 2019/20 Internal Audit Plan.

Members were also made aware that the Internal Audit team was also currently being restructured. The consultation period for all Officers within the team had now passed. This would allow the Council to recruit to a vacant Auditor post and to bring the establishment back to around 80% capacity.

Outcomes of Internal Audit Work

The standards required the Acting Audit and Governance Manager to report to the Audit Committee on significant risk exposures and control issues. Since the last periodic report nine audits had been completed and the final report issued. Of those nine completed audits, one had received a 'Substantial Assurance' audit opinion and six had received an 'Adequate Assurance' audit opinion. One audit had not required an opinion to be issued and the remaining audit had received an 'Improvement Required' audit opinion. That audit had been the one undertaken in relation to Inventory Management / Stock Control management processes across the Council.

This had never been done before on a Council wide basis. However, in 2018/19 it had been decided to undertake an arm's length audit to review processes only without detailed testing to identify any inconsistencies and add value by promoting good practice across all departments. A good practice guide had subsequently been developed which would be distributed to all relevant areas of the Council and would be available on the Intranet. Unfortunately, there had been a significant issue identified with required management actions relating to more than one department which was that some departments had a rudimentary stock control system or did not have a working inventory stock control system in place. The required actions were:-

- *To use the generic inventory management spreadsheets provided by Internal Audit or procure a bespoke inventory control system that works more flexibly with the service need; and*
- *Heads of Service with stocks and stores to review the best practice guide and distribute to their relevant Officers.*

#### Management Response to Internal Audit Findings

There were processes in place to track the action taken regarding findings raised in Internal Audit reports and to seek assurance that appropriate corrective action had been taken. There were no high severity issues currently outstanding.

#### Update on previous significant issues reported

##### *Facilities Management (FM)*

- *A fire evacuation testing process is to be introduced that adheres to Health and Safety regulations while considering the sensitivity of the services provided to the public. Liaise with Health and Safety to establish an acceptable approach.*

Although there were no significant actions outstanding in this period Members were made aware that the issue reported above regarding fire evacuation testing at the Crematorium at Weeley had now been resolved. The crematorium now had a fire evacuation plan in place that had been reviewed and approved by the Council's Health and Safety Team.

#### (2) ANNUAL AUDIT REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER

The Committee was aware that there was a requirement under PSIAS 2450 that the Chief Audit Executive must provide an annual report to the Audit Committee, timed to support the Annual Governance Statement. This must include:

- 
- an annual internal audit opinion on the overall adequacy and effectiveness of the organisation's governance, risk and control framework (i.e. the control environment);
  - a summary of the audit work from which the opinion was derived (including reliance placed on work by other assurance bodies); and
  - a statement on conformance with the PSIAS and the results of the internal audit Quality Assurance and Improvement Programme.

Members were reminded that an unqualified opinion of adequate assurance had been provided in 2017/18 due to the control improvements implemented by departments. So far to date all significant issues identified within the 2018/19 financial year had been addressed and mitigated. The immediate corrective actions by operational teams had provided assurance that the control environment was being monitored and direct action taken when significant issues had been identified.

Internal Audit continued to work with services on a consultancy basis to support the implementation of new processes, identify and analyse root cause if necessary and ensure that all relevant employees had the appropriate training to competently carry out their role. Transformation, Project Management, Risk Management and Financial Resilience were some of the areas where this type of work had been undertaken and continued to collaborate resources.

In 2018/19 to date, only three audits from a total of 33 undertaken had received an overall audit opinion of "Improvement Required" where high severity issues had been identified. Those audits were Development Management, Facilities Management and Inventory Control. All significant issues were reported to the Audit Committee with required improvement actions throughout the year in order to provide a continuous update on the Council's control environment, governance arrangements, material issues identified and improvement actions.

The Committee was informed that the overall direction of travel regarding the internal control environment since 2017/18 had not changed. In some areas it had weakened and in others it had improved; however, as the majority of audits in 2018/19 had continued to receive an adequate or substantial assurance opinion it was reasonable to suggest that there had not been a considerable deterioration in internal control and operational processes within the year.

It was reported that governance arrangements and internal controls had been evaluated in all audits within the plan, albeit with varying levels of scope. Consultancy work was continuing in respect of risk management, working with the Fraud and Risk Manager to improve processes at a departmental level. Senior Management continued to review strategic risks on a regular basis within Management Team and the Corporate Risk Register was reviewed bi-annually with any feedback reported to Management Team for their consideration.

Members were made aware that the opinion of the Acting Audit and Governance Manager was drawn from all of the information reported above, external reviews carried out throughout the year from other assurance providers and through the ongoing work in supporting Senior Management and Services in delivering the Council's objectives and vision.

The Internal Audit function was expected to commission an independent assessment on compliance with the PSIAS that had been set by the Institute of Internal Auditors and adopted by the Chartered Institute of Public Finance and Accountancy every five years. Internal Audit had received such an independent report in 2017/18 which had concluded that there was conformance with the standards. Although this assessment was undertaken, the Internal Audit function was also obliged to complete an annual Quality Assurance and Improvement Programme which was a self-assessment questionnaire against the PSIAS. Work remained on-going in respect of this year's assessment with the final position planned to be reported to the September 2019 meeting of the Committee.

It was considered that the internal control environment continued to remain stable with no significant changes from 2017/18, an open dialogue with Senior Management on risk remained in place and a generally sound system of internal control had been assessed across the majority of the Council's operational areas. Therefore, an overall unqualified opinion of Adequate Assurance could be provided.

### (3) INTERNAL AUDIT PLAN PROGRESS 2019/20

It was reported that a total of 14 audits from the 2018/19 Internal Audit Plan had been allocated, were in progress or fieldwork had been completed. Final Reports were yet to be sent out for Quarter One audits in 2019/20. Appendix B to the report provided an update on the status of each audit to date within the 2019/20 Internal Audit Plan. There were no significant issues or particular areas of concern to report at this time and a further update on progress against the 2019/20 Internal Audit Plan would be presented to the Committee in September 2019.

Members were informed that Internal Audit were working a lot more on a consultative basis with services to ensure internal control and governance arrangements were incorporated as an integral part of a project, system implementation or when re-engineering a process. This had helped build better working relationships with departments as it added value early on in a process rather than after the event. Therefore Internal Audit would undertake more reviews in this capacity within the 2019/20 financial year.

### (4) INTERNAL AUDIT CHARTER

Members were made aware that a requirement of the PSIAS was for the Audit Committee to review and approve the Internal Audit Charter on an annual basis. The Internal Audit Charter defined the purpose, authority and responsibility of the Internal Audit function within the Council and set out the principles which the Internal Audit function must adhere to.

The Committee was informed that the Charter had last been updated and approved in September 2018. Although it was less than a year since its last review, it was felt that with a number of new members on the Committee it would be of benefit to review the Internal Audit Charter at this meeting. A copy of the Internal Audit Charter was before Members as Appendix C to the report.

The Council's Head of Finance, Revenues and Benefits (Richard Barrett) referred to the restructuring of the Internal Audit section and informed the Committee that Craig Clawson had been appointed to the post of Internal Audit Manager. The duties of that

post would include carrying out the statutory roles and functions as the Council's designated 'Head of Internal Audit'.

Having considered and discussed the contents of the Acting Audit and Governance Manager's report and its appendices it was:-

**RESOLVED** that –

- (a) the contents of the report and its appendices be noted; and
- (b) consideration of the Internal Audit Charter be deferred until the September 2019 meeting of the Committee when it is due for its annual review.

**6. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.2 - CORPORATE RISK UPDATE**

There was submitted a report by the Council's Deputy Chief Executive (report A.2) which presented for the Committee's consideration the updated Corporate Risk Register.

Members were reminded that the Corporate Risk Register was regularly updated and presented to the Committee every six months with the last such occasion being in January 2019. The following table summarised the position at the end of the latest review period with updated information provided within the Register (Appendix B to the report) where necessary:-

Item	Number
New Risks Identified	0
Risks Removed	0
Risk Score Amended	0
Risks Under Review	0
Risks Amended	3

The Risks amended were:-

- (1) Risk 2c – Community Leadership Projects = Action owner amended due to an Officer leaving the Council.
- (2) Risk 1c – Ineffective communication/management of information = Update on the current situation provided.
- (3) Risk 6a – Loss of sensitive and/or personal data through malicious actions/loss due to theft and/or hacking = Update on the current situation provided.

It was reported that during 2017/18 a review had been carried out by the Council's internal audit team relating to risk management. The following table set out the recommendations identified and the current position against each action:

Agreed Action	Current Position
Management Team to promote the importance of operational risk management	<b>COMPLETED</b> - As agreed by Management Team, the Fraud and

<p>within the organisation and ensure that Senior Managers implement a process for identifying and mitigating risks in coordination with the Corporate Fraud and Risk Manager.</p>	<p>Risk Manager continues to effectively promote the importance of operational risk management within the Council and attends Management Team meetings on a quarterly basis to provide timely updates.</p>
<p>One to one meetings will continue to take place between Senior Managers and the Corporate Fraud and Risk Manager to identify and record key operational risks within their service areas. Support to be provided by Internal Audit if required</p>	<p><b>COMPLETED</b> - Reviews of the services departmental risk assessments have now been carried out by the Council's corporate Fraud and Risk Manager.</p> <p>The Corporate Fraud and Risk Team will continue to review these documents and ensure they are updated at regular intervals by Senior Managers and provide any feedback to internal audit should it be deemed necessary.</p>
<p>Once all departmental risk registers are implemented, the Corporate Fraud and Risk Manager is to embed a quality control process for monitoring business risks and verifying the recorded mitigating controls. This should involve process walkthrough's, reviews of supporting documentation and assessments of target dates / resources required to implement controls</p>	<p>Reviews of the departmental risk assessments during this process were carried out to consider if the councils business risks were being addressed and to provide help and support where necessary and assist in implementing control measures if a need was identified.</p> <p>This action has now taken place and feedback has been given to internal audit in relation to this outstanding matter.</p> <p>Consideration is being given to the format of the current Corporate Risk Register to better reflect the actions of officers and TDC over the financial year, including review dates.</p> <p>The proposed alternative format is provided as Appendix C, using three existing risks as examples and reflecting on discussions with the Council's insurer / risk advisor.</p>

Having considered the information provided, including the proposed alternative Risk Register format (as set out in Appendix C to the report) it was:-

**RESOLVED** that –

- (a) the updates provided to the current Corporate Risk Register be noted; and
- (b) the alternative Risk Register format, as set out as Appendix C to item A.2 of the Report of the Deputy Chief Executive, be approved.

**7. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.3 - EXTERNAL AUDITOR'S AUDIT COMPLETION REPORT 2018/19**

There was a report submitted by the Council's Deputy Chief Executive (report A.3) which presented:-

- (i) the Annual Governance Statement 2018/19 for approval;
- (ii) the External Auditor's Audit Completion Report for the year ended 31 March 2019 (which included the management representation letter, for consideration and approval, in order to enable a final opinion on the accounts and value for money arrangements to be formally issued by the external Auditor; and
- (iii) the Statement of Accounts 2018/19 for consideration and approval for publication by the end of July 2019.

(1) ANNUAL GOVERNANCE STATEMENT 2018/2019

The Committee was informed that the Annual Governance Statement 2018/2019 had been revised to include the final opinion of the Acting Audit and Governance Manager. Appendix A to the Officer's report set out the revised Annual Governance Statement 2018/19.

Therefore, the Annual Governance Statement was presented to the Committee for consideration and approval which included the necessary authorisation for the Chief Executive and the Leader of the Council to sign it.

(2) STATEMENT OF ACCOUNTS 2018/2019 AND EXTERNAL AUDITOR'S AUDIT COMPLETION REPORT

It was reported that the pre-audited Statement of Accounts for 2018/19 had been approved for publication by the Council's Section 151 Officer (the Head of Finance, Revenues and Benefits) at the end of May 2019. In addition, the pre-audited Annual Governance Statement 2018/19 had been approved for publication by the Council's Management Team also at the end of May 2019.

Members were made aware that each year the Council's External Auditors were required to prepare an annual report setting out the outcomes from their review of the Statement of Accounts (including the Annual Governance Statement) and the Council's value for money arrangements. The Audit Committee was then required to consider the content of that annual report and approve for publication the final audited Statement of Accounts and Annual Governance Statement.

The Committee was advised that a draft management representation letter which sets out certain management representations was included as Appendix D to the External Auditor's Audit Completion Report. The Audit Committee were also required to separately approve this letter and to authorise the Head of Finance, Revenues and



Benefits and the Chairman (or in his absence the Vice-Chairman) of the Committee to sign it before it was forwarded on to the External Auditor.

Once the above tasks were completed the External Auditor could conclude the audit by finalising and formally issuing their audit opinion along with the certification of the accounts.

Although the External Auditor had substantially completed their audit of the 2018/19 accounts a small number of activities remained outstanding (as set out on page 35 of the External Auditor's Audit Completion Report). However, the External Auditor currently planned on issuing an unmodified audit opinion in respect of the Financial Statements and on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources.

However, one adjustment had been required (details were set out on pages 19 to 20 of the Audit Completion Report) and there had also been an unadjusted item (as set out on pages 17 and 18 of the Audit Completion Report). Both of those issues were outside of the Council's control as they related to pension fund adjustments. It was, however, important to highlight that those items did not have a direct impact on the overall 2018/19 financial position of the Council.

The Committee was further informed that, in respect of other matters arising, the External Auditor had made a recommendation regarding the collation / declaration of related party transaction information involving Members. Further details along with an associated recommendation were set out on page 27 of their Audit Completion report. This would be reviewed by Officers for implementation as part of the Statement of Accounts process for 2019/20 which would be undertaken at the end of the current financial year.

Members were advised that, to conclude the Statement of Accounts process for 2018/19, the Committee was required to consider the Audit Completion Report for the year ending 31 March 2019, approve the management representation letter and approve the final Statement of Accounts for 2018/19, which included the adjustment mentioned above. The final Statement of Accounts for 2018/19 could then be published by the end of July 2019 deadline.

The Committee was reminded that, as mentioned above, the work of the External Auditor remained in progress with a small number of actions outstanding. Further issues could therefore emerge and delegated authority was sought for the Head of Finance, Revenues and Benefits, in consultation with the Chairman (or in his absence the Vice Chairman) of the Committee to enable these to be reflected in the final management representation letter and / or the Statement of Accounts before publishing.

Aphrodite Lefevre (Director and Engagement Lead) and Nuwan Indika (Audit Manager) attended the meeting on behalf of the Council's External Auditor, BDO LLP, formally presented its Audit Completion Report to the Committee and, in addition, gave updates to Members where matters had moved on since the report had been submitted to the Council on 25 July 2019 and responded to the Committee's questions thereon.

Having considered and discussed all of the information submitted it was:-

**RESOLVED** that -

1. in respect of the External Auditor's Audit Completion Report for the year ended 31 March 2019, the Audit Committee:
  - (a) notes the contents of that report including the adjustments to the Statement of Accounts as set out on pages 19 to 20 of the report;
  - (b) approves the management representation letter, as set out as Appendix D (pages 37 to 39) to the External Auditor's Audit Completion Report;
  - (c) authorises the Head of Finance, Revenues and Benefits and the Chairman (or failing him the Vice-Chairman) of the Committee to sign the management representation letter for forwarding to the External Auditor;
  - (d) approves for publication the audited Statement of Accounts for 2018/19, amended for the adjusted items identified; and
  - (e) authorises the Head of Finance, Revenues and Benefits, in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee to make amendments to the management representation letter for forwarding onto the External Auditor and / or Statement of Accounts 2018/19 before publication, if further changes are recommended by the External Auditor following the completion of the outstanding areas of their work.
2. in respect of the Council's Annual Governance Statement 2018/19, the Audit Committee:
  - (a) approves the revised Annual Governance Statement, as set out in Appendix A to item A.3 of the Report of the Deputy Chief Executive; and
  - (b) authorises the Chief Executive and the Leader of the Council to sign the approved Annual Governance Statement.

#### **8. FUTURE MEETINGS OF THE COMMITTEE - VENUE AND START TIME**

The Committee gave consideration whether to change the venue and/or the start time of its meetings.

Having had regard to the wishes of Members and the operational requirements of the Council's External Auditors:-

It was:-

**RESOLVED** that the usual venue for meetings of the Committee be changed from the Council Offices, Weeley to the Town Hall, Clacton-on-Sea and, additionally, that the usual start time for the meetings be moved from 7.30 p.m. to 10.30 a.m.

Members were aware that ROALCO, the Council's external contractor for repairs and refurbishment of the Council's housing stock, had recently gone into liquidation. At the request of the Chairman, the Head of Finance, Revenues and Benefits Services circulated to Members a briefing note on the Council's operational response to this event, which note had been prepared by the Council's Head of Building and Engineering Services.

The meeting was declared closed at 11.40 am

**Chairman**

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Resources and Services Overview and  
Scrutiny Committee

29 July 2019

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW  
AND SCRUTINY COMMITTEE,  
HELD ON MONDAY, 29TH JULY, 2019 AT 7.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Scott (Vice-Chairman (in the Chair)), Allen, Barry, Bray, Codling, Griffiths and Miles
<b>Also Present:</b>	Councillor Ann Wiggins
<b>In Attendance:</b>	Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services), Ian Taylor (Head of Public Realm), Trevor Mills (Open Space and Transport Manager), Charlotte Cooper (Committee Services Officer)

**9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for Absence were submitted on behalf of Councillors Stephenson (with Councillor Miles as a substitute), Morrison and Turner (with no substitutes).

In the Absence of the Chairman, the Chair was occupied by the Vice-Chairman,

**10. MINUTES OF THE LAST MEETING**

The minutes of the previous meeting held on 24 June 2019 were approved as a correct record and signed by the Vice-Chairman.

**11. DECLARATIONS OF INTEREST**

Councillors Allen and Scott each declared as a point of interest that they were members of the Planning Policy and Local Plan Committee.

Councillor Barry later declared that, with regards to consideration of agenda item 6 - Report of the Deputy Chief Executive, A.1 – Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, he has a personal interest in respect of the Brightingsea Lido as there was a reference to funding in the report.

Councillors Allen and Miles later declared that with regards to agenda item 6 Report of the Deputy Chief Executive, A.1 – Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, they each had a personal interest in respect of Walton Bowls Club which rented property from the Council as there was reference to rental income in the report.

**12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

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**13. RECOMMENDATIONS MONITORING REPORT**

The Committee recalled that at its previous meeting it was agreed for a new agenda item to be added to all future meetings of the Committee (later called the Recommendations Monitoring Report) whereby a report will be presented outlining the recommendations this Committee has sent to Cabinet/Council and the response of Cabinet/Council to the recommendations.

The Committee had before it the current Recommendations Monitoring Report which set out one item for which this Committee had made recommendations to the Cabinet. The recommendations were from the Committee of 18 March 2019, and concerned the cost to the Council of two empty properties of the Council (Honeycroft and Spendells) and the allocation of funding in respect of costs of homelessness service.

In the discussion of the detail in the report, the following questions were raised concerning the response of the Portfolio Holder at Cabinet on 14 June 2019 (Minute 8 of that meeting refers) to the recommendations from this Committee as referenced above:

- (a) Another large building was mentioned for demolition together with the former Honeycroft sheltered housing scheme although the name of the other large building was not part of the response.
- (b) A proposal from a partner agency for the use of the former Spendells sheltered housing scheme building was mentioned although the name of the partner agency was not part of the response.

Officers agreed to seek answers to the other large property and the partner agency referred to above and to circulate those to Members of the Committee for information.

There was a desire for the Committee to examine the issue of homelessness by including such an item in its work programme. On this basis, Councillor Miles would be invited to attend the Committee's meeting.

The Committee noted the contents of the report.

It was then moved by Councillor Miles, seconded by Councillor Bray and **RESOLVED** to include in the Committee's work programme for 2019/20 the issue of maintenance arrangements for the portfolio of Council buildings.

[Note: Subsequent to the meeting, it was identified that the issue of scrutiny of homelessness was a matter for the Community Leadership Overview and Scrutiny Committee (as provided for by Article 6.02(i) of the Council's Constitution). As such homelessness was not added to the work programme of this Committee.]

**14. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - FINANCIAL OUTTURN 2018/19 AND ALLOCATION OF THE GENERAL FUND VARIANCE FOR THE YEAR**

The Committee had before it the Report of the Deputy Chief Executive (A.1) which provided it with an overview of the Council's financial outturn for the year 2018/19 and the allocation of the associated General Fund Variance for the year.

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It was reported that on 31 May 2019 the Leader considered the Financial Outturn 2018/19 and made the following decision:-

That the Leader of the Council, on behalf of the Finance and Corporate Resources Portfolio Holder:

- (a) Noted the financial outturn position for 2018/19 as set out in the report and appendices;
- (b) Approves the financing of General Fund capital expenditure for 2018/19 as detailed in Appendix D;
- (c) Approves the movement in uncommitted and earmarked General Fund reserves for 2018/19 set out in Appendix E;
- (d) Approves the qualifying carry forwards totalling £18.716m (£9.762m Revenue and £8.954m Capital) as set out in Appendix K;
- (e) Agrees that all other carry forwards totalling £0.790m requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its July 2019 Meeting
- (f) Approves, subject to the above, that the overall General Fund Outturn Variance for the year of £0.843m be transferred to the Revenue Commitments reserve until Cabinet formally considers the allocation of this funding at its July 2019 meeting.
- (g) Approves in respect of the HRA the movement on the HRA balances for 2018/19 including any commitments set out within Appendices H and I along with recharges to the HRA from the General Fund of £2.429m for the year and the financing of the HRA capital expenditure set out in Appendix I; and
- (h) Approves that the Council's Section 151 Officer, in consultation with the Finance and Corporate Resources Portfolio Holder, be authorised to adjust the outturn position for 2018/19 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2018/19 accounts.

It was also reported that on 19 July 2019, Cabinet considered the Outturn 2018/19 and the Proposed Allocation of General Fund Variance for the Year and made the following decision:-

That Cabinet:

- (a) Agrees that of the total of £0.790m requested by services, £0.475m can be retained by them via the associated carry forward requests as set out in Appendix A.
- (b) Approves the allocation of the General Fund Variance for the year of £1.158m as set out in table 1 of the report, of which £0.150m be allocated to a climate emergency budget.

The two officer reports submitted to the Leader and Cabinet referred to above were attached as appendices for the Committee's consideration.

During the discussion of this matter, there was reference to the following in the key departmental variances:

- (a) There had been a lower than budgeted Income from Bring Bank Recycling income – what could be done to improve this and whether the Council's private

sector partner was aware that, it was said, Sweden was looking to import more waste to recycle. The volatile nature of the market in certain recycled materials was reflected to the Committee as a reason why in one year income from certain recycled material was lower than budgeted.

- (b) There had been additional income achieved in the year from that budgeted for in respect of off street car parks – it was therefore disappointing to note that investment in the Walton Car Park had not proceeded.
- (c) The net overspend on Leisure Facilities included a reference to £20k being paid to Brightlingsea Town Council in respect of the transfer of the Brightlingsea Pool – the note did not say what the costs to this Council would have been if the transfer had not occurred; which it was said would have been higher.
- (d) There had been an overspend in defending Planning Appeals – the total cost for defending such appeals in 2018/19 was some £242K and understanding how some of these costs could be avoided in the future was important.

In respect of General Fund Position as at the end of March 2019 in the report in respect of Corporate Services, and specifically ‘Rents Received’, it was noted that there had been income received in excess of the budget in 2018/19 and this drew a number of questions on the charging practices for organisations in Council properties that were providing services that were otherwise in the power of the Council to provide directly. In this respect the position concerning the Walton Heritage Centre was referred to.

Officers agreed to provide further information to Members of the Committee on the charges for Council owned properties. Members could also look at the overall charging policies as part of its review of the Budget preparation at its meeting on 16 December 2019. In the meantime, individual instances could be raised through the usual channels.

In relation to the Qualifying General Fund Carry Forwards (Capital) it was highlighted that £3.1m related to Disabilities Facilities Grants. The Committee was advised on the inter-dependency for these Grants to be awarded on the District and County Councils in respect of assessing and allocating those funds. The Committee was further advised on this Council’s decision to establish two posts to mitigate any resulting backlog that could arise. The value of an All Member Briefing on Disability Facilities Grants was stated by a number of Members.

The Committee also considered the allocation of the General Fund Variance from 2018/19. In respect of this element of the report:

- (a) In response to a question, the Committee was advised that several items of elections equipment were in need of replacement (including Polling Booths which were costing an increasing amount to repair). The costs in previous years for additional scanning equipment were more concerned with electoral registration following the introduction of Individual Electoral Registration for which central government grants had been secured and offset the cost to the Council.
- (b) The detailed proposals for the allocation of £0.525m to the Clacton Leisure Centre in respect of the investment in that Centre was to be considered by the Cabinet (potentially in September 2019). As such, with this Committee’s work programme item for the 16 September 2019 meeting being Leisure Centre



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provision in the District, the detailed proposals for the investment in Clacton leisure Centre could be considered then.

It was **RESOLVED** that;

- (1) The Chief Executive be requested to consider the inclusion of a section on Disability Facilities Grants as part of a future All Member Briefing;
- (2) The Financial Outturn 2018/19 and Allocation of the General Fund Variance for the Year, the answers given to questions on the same and the requests for further information as outlined above be noted; and
- (3) Within its work programme for the year the detailed proposals for investment in the Clacton Leisure Centre item be included as part of the 16 September 2019 meeting item on Leisure Centre provision in the District generally.

**15. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 -  
SCRUTINY OF THE NORTH ESSEX GARDEN COMMUNITIES BUSINESS PLAN  
2018-19 AND BEYOND**

The Committee had before it the report of the Head of Democratic Services and Elections (A.2) which invited the Committee to consider the appropriate arrangements to be adopted for Scrutiny of the North Essex Garden Communities Interim Business Plan 2018-19 and the future Business Plans. This Committee's approved work programme envisaged scrutiny of the NEGC Business Plan at this meeting and this report sought to respect the wish to undertake this scrutiny, to establish a revised timeframe for this scrutiny and address the appropriate arrangements for that scrutiny.

It was reported that the Community Leadership Overview and Scrutiny Committee at its meeting on 3 December 2018 resolved that the NEGC Business plan become a regular item on its agenda and that Committee's work programme scheduled a review of the NEGC Business Plan for the 2 December 2019.

It was further reported that there is a legitimate rationale for both this Committee and the Community Leadership Overview and Scrutiny Committee to scrutinise the NEGC Business Plan however this may not be efficient nor effective and could unduly lead to a drain on capacity of Members of the two Committees and Officers in supporting those Committees if both operate separately on this matter. This report was therefore submitted to invite the Committee to consider whether there was value in establishing specific scrutiny arrangements for the NEGC Business Plan that span both Overview and Scrutiny Committees. The Corporate Director (Planning and Regeneration) has indicated that it would be entirely reasonable to accommodate a meeting within August/September on the basis that the arrangements have been settled upon.

The Committee was reminded that its members had been sent an email on 26 July 2019 advising that the NEGC Business Plan 2019-22 had not yet been received.

Councillor Griffiths stated;

"I note that the North East Essex Garden Communities business plan has not been received by the Council. However my view is that since the 30<sup>th</sup> January 2017 when the NEGC LTD was formally established, the business plan would be purely for noting, as it is not a council document, but business plan of a limited company, whose four directors have already outlined the direction of travel, for something that is to all in tense and

purposes, an independent company of which we as a council, in effect have a quarter of the shares.

It is still my view, that the shareholder to the board, should be an appointed portfolio holder, who reports both to Cabinet and the Council, but in the event of any votes, declares an interest and withdraws from the meeting.

It is still my view, that the councils commitment to funding the delivery vehicle to deliver the garden city communities, should be within the framework of a policy document, which outlines both the councils expectations, and has targets and priorities contained within the policy framework, which allow those engaged within the scrutiny process, to be able to form a considered opinion regarding both affordability and value for money

It is also my view, that the establishment or the exploration of the potential to set up a locally led development corporation, should also be seated within the framework of a policy document, which outlines both the councils expectations, targets and priorities, and that within the context of the establishment or exploration of any delivery corporation, a scoping document should be put before the council, which outlines the councils financial responsibilities, liabilities and potential ongoing financial costs, associated with the development corporations, and any subsequent companies, which may evolve, after the main developments and constructions have ceased.

Policy statements regarding support from the council to long term public sector funding in relation to enabling delivery should also be published along with the breakdown of the councils contributions to providing the finances to provide, project management, planning, programming and communications, and evolving work on operational readiness, set within a policy framework, which provides both targets and measureable milestones, and an indicator to provide scrutiny with the financial instruments to gauge if both the project and investment is achieving value for money should also be produced.

Publication of stewardship arrangements for the long term maintenance of public amenities need to be set within a framework and policy document, and set alongside progressing work on a financial model, which should also include initiating discussions with government, regarding long term funding, soft financial testing and testing financial and scheme funding parameters.

Consideration to preparing individual concept frameworks for each garden city community that sets out the vision and policies for each garden city community and outlines the council's financial responsibility to each community."

In view of the issues in the statement from Councillor Griffiths, the Committee considered it appropriate in all the circumstances to include the full statement in these Minutes.

The Committee **RESOLVED** that;

- (1) That this Committee believes that the value of scrutinising the NEGC is demonstrated as it will:
  - the topic is of high local importance and reflects the concerns of local people about the delivery of sustainable growth/development and protection of the identity of existing settlements in the District.
  - there is a commitment from Members to the time to conduct the review.
  - the findings from the scrutiny can realistically influence and shape delivery against the business plan and future business plans.
  - the issue is relevant to all or large parts of the local area

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- the review would be in the council's interests to ensure that the investment in the scheme is independently overseen.
- (2) To record that the broad range of the NEGC, spanning the responsibilities of both of the existing Overview and Scrutiny Committees and the impact of the proposed Garden Community in the District necessitates a joint approach, unfettered by considerations as to whether the issues are internal to the Council or its partnership working. The creation of a new Joint Scrutiny Panel with a Membership drawn from the existing Overview and Scrutiny Committees would avoid work duplication; a key consideration in good scrutiny.
  - (3) To seek the views of Community Leadership Overview and Scrutiny Committee on the above and, particularly, the proposal for a new joint NEGC Scrutiny Panel.
  - (4) That, if there is agreement to the establishment of a Joint NEGC Scrutiny Panel, this be established with a view to its first meeting being held within a month of the Community Leadership OSC meeting and that the Chairmen of the two Committees be authorised to determine the Membership of the Joint Panel on the basis of equality of representation on the Panel from the two Committees and a broadly proportionate political representation. Such decisions will be subject to ratification by the respective OSCs.
  - (5) That, further to (4) above, the view of this Committee is that the members of the Joint Panel would not normally also be a member of the Planning Policy and Local Plan Committee.
  - (6) That, subject to the establishment of a NEGC Joint Scrutiny Panel being approved:
    - a. the Chief Executive be requested to identify any necessary amendments to the Constitution to facilitate the above and to submit the necessary reports to achieve this.
    - b. The issues set out in the statement from Councillor Griffiths recorded above in the Minutes be referred to the Joint Scrutiny Panel to consider.

**16. REPORT OF THE HEAD OF PUBLIC REALM - A.3 - GROUND MAINTENANCE (INCLUDING WEED SPRAYING) IN TENDRING**

The Committee had before the Report of the Head of Public Realm – A.3 – Ground Maintenance (Including Weed Spraying) in Tendring, which presented to the Committee the Council's procedure on Ground Maintenance (Including Weed Spraying).

The Councils Head of Public Realm and the Open Space and Transport Manager attended the meeting to present the report to the Committee and answer any questions Members raised.

The advantages generally for the District, its residents and visitors of key gateway sites and routes being well maintained was a focus for discussion at the Committee. These sites included the vicinity of Railway Stations.

The Committee was advised that many areas of land adjacent to the highway were the responsibility of the Highways Agency, others were directly the responsibility of the Essex County Council and others were the responsibility of the Council under its agreement with the County Council. In broad terms, of the £100K received from Essex County Council and referenced in the report, £20k related to highway weed spraying, £40K for highway verge maintenance and £40 to highway tree maintenance.

The Committee also considered the role of a range of parish and Town Councils in the area who undertook measures to maintain open spaces.

The Committee commended the Officers for the report.

After some deliberation of the Committee it was moved by Councillor Miles, seconded by Griffiths and **RESOLVED** that the Committee **RECOMMENDS TO CABINET** that;

- £50,000 should be available for works to be carried out in the Tendring District's area to improve the look of the area for visitors and improve the quality of life for residents.
- Discussions be held with Town and Parish Councils in the District about opportunities to best achieve the stated aims.

17. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.4 - NEW STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES**

The Committee had before it the report of the Head of Democratic Services and Elections (A.4) New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

It was reported that on the 7 May 2019, the Government published new statutory guidance on overview and scrutiny in local and combined authorities. The guidance itself follows the report of the House of Commons' Communities and Local Government Committee of 15 December 2017 into the 'Effectiveness of Local Authority overview and scrutiny committees'. The Council's Constitution already sets out its compliance with statutory requirements for overview and scrutiny committees, the appointment of Members of those Committees, the appointment of Chairmen and Vice-Chairmen of the same, the procedures for such matters as call-in, and work programming, access to information for Members of the committees and Member-Officer protocols etc. Officers will consider the statutory guidance in their work, through the Monitoring Officer, to ensure that the constitution is kept up-to-date.

The Committee were also made aware that training for officers who present or write reports for Committees and Cabinet is being proposed for the autumn and it is intended that this training will also reference the new statutory guidance.

It was **RESOLVED** that;

- the Committee receives the report and notes its content and Officers be requested to consider further training to be provided to Members to support the aims of the Statutory Guidance in achieving good scrutiny.

- Those who sit on the proposed Joint Scrutiny Panel for the NEGC (Minute above refers) should be provided with training on their role with an expectation that they participate in that training.

#### **18. SCRUTINY OF PROPOSED DECISIONS**

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

In response to a question, Officers agreed to seek further information regarding the proposed decision identified as 'Terms of removal of a Restrictive Covenant over land to the rear of Wayside, Rectory Road, Great Holland' and to provide that information to Councillors Allen and Miles.

The Committee noted the submitted list of published forthcoming decisions.

The meeting was declared closed at 22:04

**Chairman**

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# Public Document Pack

Community Leadership Overview and  
Scrutiny Committee

5 August 2019

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**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND  
SCRUTINY COMMITTEE,  
HELD ON MONDAY, 5TH AUGUST, 2019 AT 7.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Skeels (Chairman), Chittock (Vice-Chairman), Amos, Davidson, Davis, King, Miles and Knowles
<b>Also Present:</b>	Councillor Honeywood, Steady and Wiggins
<b>In Attendance:</b>	Keith Simmons (Head of Democratic Services and Elections), Paul Price (Corporate Director ,Operational Services), Peter Russell (Housing Needs and Strategic Policy Manager) and Charlotte Cooper (Committee Services Officer)

**58. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Clifton, (with Councillor Knowles as substitute), and Councillor Overton, (with no substitute).

**59. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Committee held on 1 July 2019 were approved as a correct record and signed by the Chairman.

Note: Councillor Davis asked, in respect of minute 53 of 1 July 2019, the information being sought in respect to Community Safety Measures in Walton could also be sent to the Ward Councillor for that area. The Committee were advised that this request would be passed on.

**60. DECLARATIONS OF INTEREST**

Councillor Skeels, with regards to agenda item 9 – Report of the Head of Democratic Services and Elections – A.2 – Scrutiny of the North Essex Garden Communities Business Plan 2018/19 and Beyond, declared as a point of interest that he is a Member of the Planning Policy and Local Plan Committee.

**61. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**62. RECOMMENDATIONS MONITORING REPORT**

The Committee was advised that the Resources and Services Overview and Scrutiny Committee, at its meeting on 24 June 2019, agreed for a new agenda item to be added for all future meetings of the Committee (later called the Recommendations Monitoring Report) whereby a report will be presented outlining the recommendations the Committee had sent to Cabinet. With the approval of the Chairman of the Committee a similar report had also been submitted to this meeting of this Committee.

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After some deliberation by the Committee it was **RESOLVED** that:-

1. The contents of the report be noted.
2. The report becomes a standard item on the Committee's agenda for future meetings.

**63. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.1 - DRAFT HOUSING STRATEGY 2019-2024 AND THE COUNCIL'S HOMELESS SERVICE**

The Committee had before it the report of the Head of Democratic Services and Elections – A.1 – Draft Housing Strategy 2019-2024 and the Council's Homeless Service, with the recommendation that the Community Leadership Overview and Scrutiny Committee consider the contents of the draft housing strategy 2019-2024 ("Delivering Homes to Meet the Needs of Local People) and determine whether it has any comments it wishes to put forward to Cabinet.

The Council's Corporate Director (Operational Services) was in attendance to answer any questions Members had about the Council's Homeless Service.

The Council's Housing needs and Strategic Policy Manager delivered to the Committee a presentation on the new Housing Strategy for Tendring which included information on National and Local Settings, Welfare Reform, Challenges, Housing Market, Tendring as a Landlord, Strategic Priorities, Needs of Local People, Reducing and Preventing Homelessness and Rough Sleeping, Making the Best Use of and Improving Existing Housing, and Supporting People in their homes and communities.

The Corporate Director (Operational Services) outlined some key implications for the Council of possible outcomes following the publication of the final report from the Independent Review of Building Regulations and Fire Safety (which had been commissioned by Government following the Grenfell Tower Fire)

There was also a general discussion around the changes in Government Policy for housing over recent years and what further changes were probable and the frequent changes in housing minister that was frustrating measures to address problems with housing supply and housing financing.

There was exasperation by some Councillors on the problem of empty and unfit housing remaining in the District and the lack of solutions to bringing the houses back into purposeful use and removing the blight the unfit homes had on neighbours / neighbourhoods. The Committee was advised of the efforts being made to identify owners of empty properties with a view to encouraging steps to have the homes brought back into use. The use of Compulsory Purchase orders was not an easy solution to this problem, particularly where the owner would seek to frustrate the measure.

**RESOLVED** that the Committee notes the content of the report.

**64. HOUSE BUILDING STRATEGY**



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The Corporate Director (Operational Services) provided a verbal update to the Committee regarding the progress made in producing a House Building Strategy for the District.

The Portfolio Holder for Housing, Councillor Paul Honeywood, brought to the Committees attention that; at its meeting on 19 July 2019, Minute 23 refers, the Cabinet approved for a further 200 homes to be delivered in the District over the next five years. At that meeting the proposal for 200 homes was met with a response from the Leader of the Liberal Democrat Group, and subsequently publicised in the press, claiming that although 200 is a good start we should be looking at a higher number and offered the figure of 500 homes. The Portfolio Holder for Housing therefore invited the Committee to consider looking into the number of homes that could be built by the Council and thereby scrutinise whether 500 homes would be feasible. The Corporate Director advised that the proposed 200 homes would be funded from the Housing Revenue Account. Scrutiny of budgets, including the Housing Revenue Account was a matter in the terms of reference of the Resources and Services Overview and Scrutiny Committee. The Corporate Director advised the Committee that he had worked with the Finance department to determine, based on current known financial parameters, what would be a prudent capital investment and the s151 officer was satisfied that 200 homes was an affordable aspiration and would not place an unrealistic revenue burden on the Housing Revenue Account.

Progress with the development by this Council of 10 units in Jaywick Sands was relayed to the Committee and this was intended also to provide an impetus for others to seek to invest in the area. The Committee **RESOLVED** an update on possible private sector investment in new homes in Jaywick as part of the revitalisation scheme for that area.

After much deliberation by the Committee it was Moved by Councillor Miles, Seconded by Councillor King and **RESOLVED** that the Committee request the Resources and Services Overview and Scrutiny Committee to scrutinise the budget arrangements for the delivery of 200 homes agreed by Cabinet at its meeting on 19 July 2019, and as part of that exercise to examine the financial deliverability of building up to 500 new homes, as suggested in the statement by the Leader of the Liberal Democrat group, and where this number of new council homes could actually be accommodated.

**65. SCRUTINY OF PROPOSED DECISIONS**

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

**RESOLVED** that The Committee noted the published list of relevant forthcoming decisions.

**66. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 -  
SCRUTINY OF THE NORTH ESSEX GARDEN COMMUNITIES BUSINESS PLAN  
2018/19 AND BEYOND**

The Committee had before it the Report of the Head of Democratic Services and Elections – A.2 – Scrutiny of the North Essex Garden Communities Business Plan 2018/19 and Beyond.

This report invited the Committee to consider the appropriate arrangements to be adopted for Scrutiny of the North Essex Garden Communities Interim Business Plan 2018-19 and the future Business Plans. This Committee's approved work programme envisaged scrutiny of the NEGC Business Plan at its meeting on 2 December 2019 and this report sought to respect the wish to undertake this scrutiny, to establish a revised timeframe for this scrutiny and address the appropriate arrangements for that scrutiny.

It was further reported that there is a legitimate rationale for both this Committee and the Resources and Services Overview and Scrutiny Committee to scrutinise the NEGC Business Plan however this might not be efficient nor effective and could unduly lead to a drain on capacity of Members of the two Committees and Officers in supporting those Committees if both operate separately on this matter. This report was therefore submitted to invite the Committee to consider whether there was value in establishing specific scrutiny arrangements for the NEGC Business Plan that span both Overview and Scrutiny Committees. The Corporate Director (Planning and Regeneration) has indicated that it would be entirely reasonable to accommodate a meeting within August/September on the basis that the arrangements have been settled upon.

The Committee were made aware that a similarly worded Report was submitted to the Resources and Services Overview and Scrutiny Committee at its meeting on 29 July 2019, and had before it the decisions of that Committee relating to this report. These decisions included a request to this Committee for its views on establishing a joint scrutiny panel for NEGC.

It was moved by Councillor Miles, Seconded by Councillor Davidson to endorse the decisions as put forward by the Resources and Services Overview and Scrutiny Committee at its meeting on 29 July 2019. As such this Committee **RESOLVED:**

*(1) To record that this Committee believes that the value of scrutinising the NEGC is demonstrated as it will:*

- The topic is of high local importance and reflects the concerns of local people about the delivery of sustainable growth/development and protection of the identity of existing settlements in the District.*
- There is a commitment from Members to the time to conduct the review.*
- The findings from the scrutiny can realistically influence and shape delivery against the business plan and future business plans.*
- The issue is relevant to all or large parts of the local area*
- The review would be in the council's interests to ensure that the investment in the scheme is independently overseen.*

*(2) To record that the broad range of the NEGC, spanning the responsibilities of both of the existing Overview and Scrutiny Committees (OSCs) and the impact of the proposed Garden Community in the District necessitates a joint approach, unfettered by considerations as to whether the issues are internal to the Council or its partnership working. The creation of a new Joint Scrutiny Panel with a*

*Membership drawn from the existing OSCs would avoid work duplication; a key consideration in good scrutiny.*

- (3) *That, as proposed by the Resources and Services Overview and Scrutiny Committee, a Joint NEGC Scrutiny Panel be established with a view to its first meeting being held within a month of this meeting and that the Chairmen of the two Committees be authorised to determine the Membership of the Joint Panel on the basis of equality of representation on the Panel from the two Committees and a broadly proportionate political representation. Such decisions will be subject to ratification by the respective OSCs.*
- (4) *That the Chief Executive be requested to identify any necessary amendments to the Constitution to facilitate the above and to submit the necessary reports to achieve this.*

The meeting was declared closed at 9.04 pm

**Chairman**

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**COUNCILLOR MARIA FOWLER'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – "REVIEW OF THE IMPLEMENTATION OF THE NEW REFUSE COLLECTION CONTRACT"**

*"That this Council recognises the anger, concern and inconvenience caused to the residents of the Tendring District as a result of the introduction of the new refuse collection arrangements.*

*That this Council instigates a review of the issues arising from the new system and the manner of its introduction by the appropriate overview and scrutiny committee with the instruction that the committee reports its findings to the next ordinary meeting of the Council."*

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