



CABINET

DATE: Friday, 29 January 2021
TIME: 10.30 am
VENUE: Meeting to be held pursuant to provisions of Statutory Instrument 2020/392. Link to the live stream will be available via <https://www.tendringdc.gov.uk>

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Deputy Leader; Corporate Finance & Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Partnerships Portfolio Holder
Councillor Newton	- Business & Economic Growth Portfolio Holder
Councillor Porter	- Leisure & Tourism Portfolio Holder
Councillor Talbot	- Environment & Public Space Portfolio Holder

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686584.

DATE OF PUBLICATION: THURSDAY, 21 JANUARY 2021

AGENDA

1 Apologies for Absence

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

2 Minutes of the Last Meeting (Pages 1 - 16)

To confirm as a correct record the minutes of the last meeting of the Cabinet held on Friday 18 December 2020.

3 Declarations of Interest

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

4 Announcements by the Leader of the Council

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

5 Announcements by Cabinet Members

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

6 Matters Referred to the Cabinet by the Council

There are none on this occasion.

7 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.1 - Scrutiny of the Transformation of Digital Services (Pages 17 - 20)

To enable the Cabinet to consider the comment made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's transformation of Digital services.

8 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.2 - Scrutiny of the Transformation of Digital Customer Services (Pages 21 - 24)

To enable the Cabinet to consider the recommendations made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's transformation of Digital Customer services.

9 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.3 - Scrutiny of the Transformation of Staffing (Pages 25 - 26)

To enable the Cabinet to consider the comment made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Council's transformation of staffing resources.

10 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.4 - Scrutiny of the Updated Financial Forecast/Budget 2021/22 and Housing Revenue Account Budget Proposals 2021/2022 (Pages 27 - 28)

To enable the Cabinet to consider the recommendations made by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Updated Financial Forecast/Budget 2021/22 and Housing Revenue Account Budget Proposals 2021/2022.

11 Leader of the Council's Items - A.5 - Executive Decision(s) taken as a matter of Urgency (Pages 29 - 32)

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

12 Leader of the Council's Items - A.6 - Priority Actions for 2021/22 and Monitoring Delivery of those Actions (Pages 33 - 50)

To invite Cabinet to determine its provisional key priority actions for 2021/22 and the means by which performance against the priorities will be monitored and reported on in that year.

Cabinet is further invited to approve that consultation on these key priority actions and the performance monitoring proposals be undertaken with the Overview and Scrutiny Committees. The outcome of the consultation would then be reported to Cabinet on 19 March 2021.

13 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.7 - Protocol for Cabinet and Overview & Scrutiny Roles (Pages 51 - 96)

To approve the draft Executive Scrutiny Protocol which has been produced following consultation undertaken with the Chairmen of the relevant Committees and Portfolio Holders for recommendation onto the two Overview and Scrutiny Committees and full Council for adoption and incorporation into the Council's Constitution.

14 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.8 - Latest Financial Forecast / Final General Fund Budget Proposals 2021/22 (Pages 97 - 120)

To seek Cabinet's approval of the latest financial forecast and final General Fund budget proposals 2021/22 (including Council Tax proposals) for recommendation to Council on 16 February 2021.

15 Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - Housing Revenue Account Budget Proposals 2021/2022 (Pages 121 - 134)

To seek Cabinet's approval of the final Housing Revenue Account (HRA) budget proposals 2021/22 (including fees and charges, capital programme and movement in HRA Balances) for recommendation to Council on 16 February 2021.

16 Management Team Items

There are none on this occasion.

17 Exclusion of Press and Public

The Cabinet is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 18 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.”

18 Exempt Minute of the Meeting held on Friday 18 December 2020 (Pages 135 - 136)

To confirm as a correct record the exempt minute of the meeting of the Cabinet held on Friday 18 December 2020.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held on Friday, 19 February 2021.

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

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 18 is likely to be considered in private for the following reason:

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

Exempt Minute of the Meeting held on Friday 18 December 2020

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 18TH DECEMBER, 2020 AT 10.31 AM
MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392.**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships Portfolio Holder), Mary Newton (Business & Economic Growth Portfolio Holder), Alex Porter (Leisure & Tourism Portfolio Holder) and Michael Talbot (Environment & Public Space Portfolio Holder)

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independent Group), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of the Tendring Independents Group)

Also Present: Councillor Gina Placey (Deputy Leader of the Tendring First Group)

In Attendance: Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Ian Ford (Committee Services Manager), Matthew Wicks (Housing Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant) and Charlene Haynes (IT Officer)

92. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor G V Guglielmi (Deputy Leader of the Council & Corporate Finance & Governance Portfolio Holder).

93. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Cabinet, held on Friday 13 November 2020, be approved as a correct record and be signed by the Chairman.

94. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

95. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Covid Tiers – Essex

The Leader of the Council (Councillor Stock OBE) referred to the recent decision of the Government to keep the Districts of Tendring and Uttlesford and the Borough of Colchester in Covid Tier 2 whilst placing the rest of Essex into Tier 3. He was pleased

that the Secretary of State had listened to the pleas of Essex MPs not to put areas with lower rates of Covid infection into a higher Tier as this would have undermined the credibility of the whole process.

Councillor Stock also stated that he was encouraged by an answer given by the Secretary of State to a question asked in Parliament by Bernard Jenkin MP for Harwich & North Essex which indicated that if the infection rates continued to decline then Tendring could be placed into Tier 1 in the New Year.

The Leader of the Labour Group (Councillor I J Henderson) raised his concern that volunteers could be sent into schools in the New Year to administer Covid checks without having undergone a DBS check and that this raised issues of safeguarding and legality. The Leader of the Tendring First Group (Councillor Allen) stated that members of the public could enter schools without a DBS check but only if they were supervised at all times.

Councillor Stock shared Members' concerns as to the protection of pupils but was confident that the necessary safeguards would be put in place.

96. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by Cabinet Members on this occasion.

97. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - DEVELOPMENT SITES FOR COUNCIL HOUSING

Members recalled that, at the meeting of the Council held on 24 November 2020, the following motion had been moved by Councillor Placey and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

“(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning permission for housing developments on those sites in order to maximise the income from such disposals; and

(b) That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”

Cabinet was informed that none of three sites referred to in Councillor Placey's motion had yet been disposed of and no formal decision had been made in relation to any disposal. All of the sites were owned within the Council's General Fund and were currently used as small pieces of open space.

Members were advised that, in coming to decisions in relation to the management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council was obliged to ensure that the management of its assets were for the benefit of the District.

In addition, Section 123(1) of the Local Government Act 1972 indicated that, a local authority could dispose of land held by it in any way it wished so long as (in accordance with section 123 (2)) the land was disposed for a consideration not less than the best that could reasonably be obtained.

Furthermore, the General Disposal Consent Order (England) 2003 gave consent for disposal at below the best consideration reasonably obtainable provided that the under value was less than £2m and the proposal enhanced the environmental, economic or social well-being of the area.

Section 123(2A) Local Government Act 1972 indicated that, a local authority could not dispose of land held by it without advertising its intention to do so in the local press.

Similarly, where land could be owned within the Housing Revenue Account (HRA), Section 32 of the Housing Act 1985 together with the General Housing Consent 2013 gave the Council a discretionary power to dispose of land held under Part II of the Housing Act 1985 that had not been developed.

Planning Applications/Permissions

Cabinet was made aware that outline planning permission had been granted for residential development at Crome Road, Clacton-on-Sea and Dover Road, Brightlingsea. An application was in preparation for development at Hilton Close, Manningtree. In each case indicative work had indicated potential for one dwelling, (and possibly two at Crome Road), at each of the sites.

Council Strategies

Cabinet was reminded that the Council's adopted Housing Strategy identified the potential to construct additional housing within the HRA as part of the response to the target for 200 additional homes.

Additionally, the Property Strategy identified the desire to dispose of smaller and ineffective sites and to invest in play areas and larger open spaces. It also promoted identification, acquisition and development of sites for Council Housing.

It was reported that the three sites in question had been identified as part of a review of General Fund sites carried out pursuant to the Property Strategy objectives. Additionally, Property and Housing Team officers were working together to bring forward a series of sites within the HRA.

Members were aware that it was a corporate priority to construct Council Housing. Capacity was being built to follow the completion of starter homes at Jaywick Sands with further construction projects. It was likely that as the capacity of the team built it would be necessary to take a balanced view on sites in order to develop and sites to dispose of. Such a balanced approach would also allow attention to both housing and other capital programme projects and the funding of them.

It was therefore proposed that each site should be considered on its own merits in terms of options for disposal or development. Very generally speaking the various factors tended towards the retention of larger sites, sites in HRA and locations linked to existing

housing sites and the need to address other priorities and funding tended towards the disposal of smaller and isolated sites.

Accordingly it was suggested that Officers should consider all options for each site identified and outline the factors and reasoning behind recommendations when each of the sites was brought forward for decision on whether to dispose or develop.

In accordance with the provisions of Council Procedure Rule 12.6, Councillor Placey attended the meeting, explained her motion and responded to questions raised. Councillor Allen, the seconder of Councillor Placey's motion also explained its purpose.

Having considered the contents of Councillor Placey's motion to Council together with the information contained within the Officer report:-

It was moved by Councillor P B Honeywood, seconded by Councillor Stock OBE and:-

RESOLVED that –

- (a) Cabinet thanks Councillor Placey for taking the time to explain her motion to Cabinet;
- (b) Officers continue with the process of assessing all unused land owned by the Council with a view to suitability for building council homes or sale as part of the process of asset management. Clearly a number of factors must be taken into account when making decisions in respect of each site, for example, whether there is a demand for council homes in that area and whether the site is suitable for such a use. In some cases disposal of the land may be a better option when everything is taken into account; and
- (c) a report, considering the options suggested in the motion, be presented at the Cabinet meeting scheduled for February 2021 with a view to presenting the outcome of Cabinet's review to Full Council in March 2021.

98. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.2 - SCRUTINY OF THE WASTE AND RECYCLING COLLECTION SERVICE

During the consideration of this item, Councillor I J Henderson declared for the public record that he was a member of Essex County Council's Climate Change Commission.

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 86 referred), the Committee had been provided with an overview of the Council's Waste and Recycling Collection Service.

Future ambitions of the service to further improve the recycling rates:

Members of that Committee had heard that the last of the main delivery of approximately 58,000 wheeled bins had been completed by the end of August 2019 and as such the wheeled bin service had been in operation for just over a year. The report of the Portfolio Holder for Environment & Public Space placed before Cabinet on the 16th February 2018 had anticipated that the fortnightly collection of residual waste from a wheeled bin service would reduce the amount of waste sent to landfill by an estimated

16% (4,500 tonnes) whilst increasing recycling by an estimated 3,100 tonnes and increasing the recycling rate by an estimated 8%.

The Committee had been made aware that the latest audited data supplied by ECC for the period of April 2019 to March 2020 had reported a reduction of waste sent to landfill by 7,363 tonnes, increasing recycling by 2,899 tonnes and increasing the recycling rate from the 2018/19 figure of 27.4% to a 2019/20 figure of 36.6%; an increase of 9.2%.

Those figures had not only met or exceeded the predicted ambitions of the new service, the new waste service had not become fully operational until the last week in August 2019, this indicated that with the first 5 months data based either fully, or partially, on the old weekly collection service, that the future performance of the fortnightly collection service would continue to over-achieve the initial targets set for the service.

It had been reported to the Committee that the Council's Recycling Officer had recently overseen the installation of a new bring site, located at ASDA in Clacton resulting in the installation of 6 additional glass banks, which had helped support and increase the network of bring sites across the District. Additionally the community bring site in Brightlingsea had seen a larger capacity tetrapak bank installed to help meet demand.

It had been further to the Committee that the Street Scene team had recently taken on a new technical administrator; the purpose of that position would be to provide additional administrative support to the team, which when combined with the increased use by residents and customers of the Authority's on line My Tendring portal reporting tool, would further improve the Council's responses to enquiries and complaints and critically, would free up the Recycling Officer to prioritise their workload in promoting and enhancing recycling within Tendring.

As highlighted above the team continued to work and build upon the foundations of the new waste service, continued to deliver wheeled bins, installed and provided additional bring sites and ensured all new build properties were provided with a full waste and recycling container set in a timely manner; those efforts could be reflected in the recycling data for September 2019 up to and including the end of April 2020; for that 8 month period which solely reflected the fortnightly collection service had recorded a recycling rate of 39.80%; an increase of 12.4% compared to 2018/19.

After much deliberation the Committee had commented and recommended to Cabinet that:

- (a) that the recommendation from 17 February 2020 about waste minimisation information to residents (perhaps in the annual council tax leaflet) is repeated;*
- (b) that the Cabinet be invited to set the aspiration for this Council over the next four years to reach the mean level of recycling for all local authority districts in the East;*
- (c) that (further to (b)) the aspirations information presented to the meeting be assessed and an action plan be developed to take relevant ones forward in the short, medium and long term aimed at achieving the aspiration referenced. This action plan to be submitted to this Committee;*
- (d) that work with primary schools on waste reduction, minimisation and recycling should start at the first practical opportunity and details of involvement be passed to*

the relevant ward councillors in advance of such work commencing and explore possibility of funding for schools to support recycling; and

- (e) *that details of all bring sites be submitted to the Committee detailing the recycling available, the extent of use as far as it is known, the collection frequency and the plans for improving them, the range of recycling to be made available to extend that provision and address any excess of use over capacity for it and the signage at those sites to be clear that side waste should not be left.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Environment & Public Space (Councillor Talbot):-

"I would like to thank the Chair and the Committee for their recommendations and I too share their ambitions and future aspirations for the waste and recycling services provided to the residents of Tendring by this authority.

The officers continue to work tirelessly not only to improve and enhance our network of bring sites but to deliver projects over the period of the current contract which will provide residents with new opportunities to recycle more and reduce the amount of waste sent to Landfill.

I also look forward to the appropriate time when they can engage with primary school students in promoting the key messages of waste reduction and recycling, a key message which hopefully once installed in to them at an early age will stay with them throughout their adulthood and perhaps even share with their parents.

In relation to the aspiration to reach the mean level of recycling as compared against all local authorities in the East, with so many different waste and recycling arrangements in place, as Portfolio Holder we must ensure that any comparisons made to other authorities is based on a like for like basis and in doing so will provide us with a true and meaning comparison."

Councillor Talbot informed the meeting that the recycling rate for the month of September 2020 (the latest available) had been 42%.

Having considered the comments and recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for the Environment & Public Space's response thereto:

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

RESOLVED that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Environment and Public Spaces Portfolio Holder, in response thereto, be endorsed.

99. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.3 - SCRUTINY OF THE LEISURE PROVISION BY THE COUNCIL IN THE DISTRICT

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 87 referred), the Committee had been provided with an overview of the Leisure Provision by the Council in the District.

The Committee had been updated on a number of items on the Sport and Leisure work programme by the Assistant Director for Economic Growth and Leisure (Mike Carran). Those items had included:-

- (1) the emerging District-wide Leisure Strategy as previously reported to it with progress made on the development of the Strategy;
- (2) the refurbishment of the Clacton Leisure Centre – a review of the arrangements for the refurbishment since they had last been presented to the Committee;
- (3) the sale of land to Clacton County High School, community access to the pitches on that land, management of that community access and the conditional works on the existing 3G pitches at the Leisure Centre with progress and timescales; and
- (4) the refurbishment of the Skate Park at the Leisure Centre – plans and timescales.

After much deliberation the Committee had commented and recommended to Cabinet that:

1. *the Committee notes the intentions of a sports and leisure strategy to be considered in early 2021. While the Committee would want a strategy as early as possible it believes that the additional time will ensure that the strategy can address the issues facing the District, including encouraging people to regress from being fairly active, to active and from inactive to fairly active and with provisions for those with disabilities. The Committee would welcome the early sight of the emerging strategy and the associated action plans to support delivery of that strategy. The strategy itself, should rightly address the position beyond COVID.*
2. *the intentions for the redevelopment of Clacton Leisure Centre has been shelved for the end of this calendar year and the Cabinet is reminded that this Committee has previously requested that the consultation with users should be undertaken and detailed examination of the costs of the works be undertaken to secure value for money and a positive contribution of the Council's aims of reducing its carbon foot print.*
3. *that proposals around Back 2 Business of Clacton's Skate Park to be refurbished, to be pursued and that the associated lessons from the site in Dovercourt delivered to the Harwich Town Council, be harnessed including funding for it.*
4. *the previous issue, of the vital importance of consistent and common branding identified by this Committee on 13 August 2020 in respect of tourism, should also be applied to leisure services to help promote the area and its facilities to residents and visitors.*
5. *all tenders for improvements to the leisure facilities contain a specific recommendation in respect of energy efficiency costs and savings and the long term impact of the carbon foot print of Tendring District Council.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Leisure & Tourism –

“The Portfolio Holder for Leisure and Tourism welcomes the comments of the Resources and Services Overview and Scrutiny Committee. The emerging Sports Facilities strategy has rightly been postponed until there is a stable operating position for our Leisure Facilities and robust, long term decisions can be made. The strategy will be subject to consultation with the committee as well as wider partners and stakeholders.

The planned Leisure Centre refurbishment has been carefully prepared by appropriately skilled and experienced professionals and the specification of works will be robust and invite proposals for carbon reduction.

The Committee will have noted the refurbishment of Clacton Skate Park was incorporated in the short term plans for the Council’s Back to Business report. Officers will now work with park users to take the project forward and meet the aspirations of local people.

The Council has set out its objectives for branding in the draft Tourism Strategy, which will be finally considered in the New Year, following a period of consultation.”

Having considered the comments and recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for Leisure & Tourism’s response thereto:

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

RESOLVED that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Leisure & Tourism Portfolio Holder, in response thereto, be endorsed.

100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - A.4 - SCRUTINY OF THE FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE SECOND QUARTER 2020/21 AND LONG TERM FINANCIAL FORECAST UPDATE

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 16 November 2020 (Minute 97 referred), the Committee had been provided with an overview of the Financial Performance report of the Council’s financial position against the budget as at the end of September 2020 as well as an updated long term financial forecast.

During the consideration of this report the Committee had made the following recommendations to Cabinet:-

- 1. That Cabinet be recommend to record the sincere appreciation for the sterling work of the revenue and benefits team and the Section 151 officer in rapidly developing and deploying grant schemes for businesses to help maintain the economic fabric of the District in these difficult times for those businesses.*
- 2. That consideration be given when reporting on the in-year position on the budget to include reference to the comparable position from the previous year.*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for the Corporate Finance & Governance –

“I thank the RSOS Committee for their comments; I actually recognised the sterling work by both, the Financial and Benefits and Revenue teams for the sterling work they have rendered to all of us, Members, Residents and Businesses alike, in my speech at the last Cabinet meeting on 13th November, when I presented the Financial Performance Report.

I would further add that it goes without saying that the work and effort undertaken by Officers across the whole Council in response to COVID19 has been incredible, which also includes Members. This has been placed on public record several times over the last few months.

In respect of point 2, the Committee are able to independently request what information they think they need to support their overview and scrutiny role regardless of whether or not it is included within reports to Cabinet. However, any request for additional information needs to balance its value with the level of Officer time required to produce and maintain it, especially given the complex nature of local authority accounting.”

Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Portfolio Holder for Corporate Finance & Governance’s response thereto:

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

RESOLVED that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

101. LEADER OF THE COUNCIL'S ITEMS - A.5 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

During the consideration of this item Councillors Allen, Chapman, Scott and Stock OBE each declared for the public record that they had been recipients of Covid business support grants.

The Cabinet gave consideration to a report of the Leader of the Council (A.5) which notified Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

The Cabinet recalled that, as part of the Council’s response to the COVID-19 public health emergency the Council’s Monitoring Officer had produced a formal “Note on Decision Making Business Continuity Arrangements” which had set out the ways in which the normal operational business of the Council could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer’s formal Note, as issued on 20 March 2020, had contained, inter alia, the following information and advice:

“The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

a. Following a resolution of the Cabinet (subject to the Constitution), or

b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

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

Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- a formal decision will be published recording the matters taken into account;*
- at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

Whilst it was anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”

The Monitoring Officer had considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

It was reported that in making the decision in question the Leader of the Council had exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

Members were reminded that the decisions taken as a matter of urgency had related to:-

(1) Tendring Local Restrictions Support Grant Scheme (OPEN) [Published 20 November 2020]

Decision: (a) To approve a Local Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

(2) Tendring Additional Restrictions Support Grant Scheme (ARG) [Published 30 November 2020]

Decision: (a) To approve an Additional Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

Having considered the contents of the report:

It was moved by Councillor Stock OBE, moved by Councillor McWilliams and:-

RESOLVED that –

- (a) the contents of the report be noted; and
- (b) the urgent decisions taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.

102. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.6 - FUTURE BOOKING OF TEMPORARY ACCOMMODATION HOSTEL IN CLACTON-ON-SEA

The Cabinet gave consideration to a detailed report of the Housing Portfolio Holder (A.6) which sought its approval for the future use, by way of a licence to occupy, of a hostel in Clacton in which to provide temporary homeless accommodation.

Members were reminded that the Council had made use of a hostel in Clacton-on-Sea for temporary accommodation since 2018. Due to the accumulating value of the arrangement Cabinet approval was now required in order to enter into a future agreement.

The Cabinet was aware that homelessness applications, temporary accommodation placements and consequently Council spending had been increasing over recent years, a trend that showed no sign of reversing. Currently, temporary accommodation was sourced externally via this hostel, plus a small House in Multiple Occupation and other hotel and bed and breakfast establishments.

Cabinet also recalled that, in June 2020, it had approved the repurposing of Spendells House in Walton-on-the-Naze to temporary accommodation and that scheme was expected to be ready during the latter part of 2021.

The Housing Portfolio Holder (Councillor P B Honeywood) informed the meeting that the Planning Committee, at its meeting held on 15 December 2020, had granted planning permission for Spendells House to be converted into temporary accommodation to support those facing homelessness.

Having considered the information and advice contained in the Portfolio Holder's report:-

It was moved by Councillor P B Honeywood, seconded by Councillor Talbot and:-

RESOLVED that Cabinet –

- a) notes the ongoing increase in temporary accommodation placements across the District and significant associated costs;
- b) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Housing, to enter into a twelve month "licence to occupy" arrangement in respect of 13 Beach Road, Clacton-on-Sea from January 2021; and

- c) subject to the availability of Government grant funding, value for money considerations and continuing need, authorises, in principle, the Corporate Director (Operations & Delivery), in consultation with the Portfolio Holder for Housing to extend the twelve month “licence to occupy” year-on-year thereafter.

103. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE MANOR PUBLIC HOUSE, RECTORY ROAD, GREAT HOLLAND, FRINTON-ON-SEA

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.7) which sought its determination whether The Manor Public House, Great Holland met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by The Manor Reborn – an unincorporated body with more than 21 members registered to vote in the Tendring District. No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received from The Manor Reborn as shown identified in the plan included within Appendix A to the Portfolio Holder’s report.

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

The Cabinet was further advised that the Government’s non-statutory guidance defined an asset of community value as: *“Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”*. The Portfolio Holder’s report provided an assessment of the nomination.

The Cabinet therefore were required to consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account it was the Portfolio Holder’s recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder’s report and its appendix:-

It was moved by Councillor McWilliams, seconded by Councillor Stock OBE and:-

RESOLVED that The Manor Public House, Rectory Road, Great Holland, Frinton-on-Sea, Essex CO13 0JP does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council’s list of Assets of Community Value.

104. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.8 - FREEHOLD SALE OF A RESIDENTIAL PROPERTY

The Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.8) which sought its approval, in principle, for the revised terms for the freehold sale of a five bedroom residential property in Harwich which required substantial structural and maintenance work.

Cabinet recalled that, in December 2019, it had made the decision to dispose of a five bedroom residential property in Harwich which was in need of substantial structural repairs and maintenance work.

Following a structural engineers report on the condition of the property, commissioned by the prospective purchaser, a revised selling price had been negotiated reflecting the structural repairs identified as necessary. The revised terms were set out in the Portfolio Holders' private and confidential report that would be considered later in the meeting following the exclusion of the press and public.

It was reported that the house was currently vacant and had not been let since the last tenant had moved out in April 2019. Due to the nature and age of the house the maintenance and running costs were high and selling the property would avoid the Council having to spend upwards of £50,000 in capital works to solve dampness and structural problems. The use of the receipts could be added to funds already held from Right to Buy and/or Section 106 receipts and used to bring a more suitable additional dwelling(s) into the Housing Revenue Account that could immediately begin generating a return.

Having considered all of the information and advice contained in the Portfolio Holders' report:-

It was moved by Councillor P B Honeywood, seconded by Councillor Stock OBE and:-

RESOLVED that Cabinet authorises, in principle, the revised terms for the freehold sale of the property and also authorises, in principle, the Corporate Director for Operations and Delivery to enter into a contract and transfer deed in order to complete the sale of the property, subject to the Cabinet's decision to be taken later in the meeting (following the exclusion of the press and public) in respect of the related Part B private and confidential report.

105. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - UPDATED FINANCIAL FORECAST AND INITIAL BUDGET PROPOSALS 2021/22

The Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.9) which submitted the updated financial forecast and proposed budget position for 2021/22 for its consultation with the Resources and Services Overview and Scrutiny Committee.

Cabinet was aware that a 'live' 10-year forecast was maintained and reported to Members throughout the year and that he most up-to-date position in December each

year was translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee. Therefore, as part of maintaining a 'live' forecast, the Portfolio Holder's report 'built' on the last position that had been presented to Cabinet on 13 November 2020.

It was reported that, despite the challenging financial and economic environment, confidence in the long term approach to the forecast remained, which was supported by the forecast risk fund. It was also noted that the managed position in terms of reserves continued to enable the Council to respond to exceptional events such as the COVID 19 crisis.

Members were informed that, at this stage of the budget process, there was a net deficit of £1.647m forecast in 2021/22, an improvement of £0.128m compared with the £1.775m deficit reported to Cabinet on 13 November 2020. Therefore, the forecast remained within the financial boundaries set out in the long-term plan.

Cabinet was advised that, although subject to potential changes over the remaining budget-setting period, the current forecasted deficit of £1.647m would be met by drawing money down from the forecast risk fund.

The Leader of the Council (Councillor Stock OBE) informed Members that the Local Government Finance Settlement for 2021/22 had been announced the previous day (17 December 2020). For Tendring, that Settlement had included:-

- a Revenue Support Grant (RSG) of £400,000;
- a New Homes Bonus (NHB) of £650,000; and
- a permission to increase Council Tax by up to £5.

Those changes emerging from the settlement in relation to the RSG and the NHB would be included in the figures that would be presented to Cabinet in January 2021 when it considered its final budget proposals for recommendation to Full Council in February 2021. The budget already included a proposed council tax levy increase of £5.

It was reported that once the final position for 2021/22 was determined, the remaining years of the 10-year forecast would be revised, set against the budget position for 2021/22 and would be reported to Members later on in the budget setting process.

Having considered all of the information and advice contained in the Portfolio Holder's report:-

It was moved by Councillor Stock OBE, seconded by Councillor McWilliams and:-

RESOLVED that Cabinet –

- a) approves the updated Financial Forecast and proposed position for 2021/22, as set out in item A.9 of the Report of the Corporate Finance & Governance Portfolio Holder and the Appendices attached thereto; and
- b) requests the Resources and Services Overview and Scrutiny Committee's consideration of, and comments on, this latest financial forecast and proposed position for 2021/22.

106. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.10 - HOUSING REVENUE ACCOUNT ESTIMATES 2021/22

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.10) which set out and sought its approval of the following for consultation with the Resources and Services Overview and Scrutiny Committee:

- a Housing Revenue Account (HRA) Budget for 2021/22 including the movement in HRA Balances;
- the level of fees and charges for 2021/22; and
- the HRA Capital Programme.

Members were informed that only limited changes to the HRA budget were proposed in 2021/22, pending a longer-term review of the HRA business plan during 2021.

Cabinet recalled that 2020/21 had been the first year that the Government had allowed rents to be increased following a 4-year period where they had been required to be reduced by 1% each year. In-line with rent setting guidance issued by the Regulator for Social Housing, rents were proposed to be increased by CPI + 1% in 2021/22 (a 1.5% increase) in order to continue the recovery from the foresaid 4 years of rent reductions. Therefore, the average weekly rent proposed for 2021/22 was £84.10 (£82.42 in 2020/21). Although the above increase in rents would generate additional income of £0.193m, other changes to the budget had more than offset this position with an overall deficit of £0.012m forecast for 2021/22.

Cabinet was informed that it was proposed to fund this relatively small deficit by drawing money down from the HRA General Balance, which was estimated to total £5.257m at the end of 2021/22 after taking into account that adjustment.

It was reported that the proposed HRA Capital Programme for 2021/22 totalled £3.457m and would continue to provide for a range of schemes and projects. The Capital Programme included a revenue contribution of £0.281m in order to support new build and acquisition projects. That on-going budget could either support the direct cost of projects within the capital programme or meet the borrowing costs that were likely to be required to deliver the 200 new properties the Cabinet had committed to provide.

Also discussed within the Portfolio Holders' report was the potential to fund an increase in the level of borrowing required in order to deliver the new build projects at the speed and scale committed to.

It was felt that the HRA general balance retained a strong financial position against which the HRA 30 year Business Plan could be further developed. 'Old' HRA debt continued to reduce year on year as the principal was repaid with a total debt position at the end of 2021/22 forecast to be £36.777m (a reduction of £1.664m compared with the figure at the end of 2020/21).

Having considered all of the information and advice contained in the Portfolio Holders' report:-

It was moved by Councillor P B Honeywood, seconded by Councillor McWilliams and:-

RESOLVED that Cabinet –

- (a) approves a 1.5% increase in dwelling rents in 2021/22;
- (b) approves the 2021/22 Scale of Charges, as shown in Appendix B to item A.10 of the joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder;
- (c) approves the Housing Revenue Account (HRA) Budget for 2021/22, as set out in Appendix A to the aforementioned joint report, along with the HRA Capital Programme and the movement in HRA Balances / Reserves, as set out in Appendix C and Appendix D respectively to the aforesaid report and
- (d) requests the Resources and Services Overview & Scrutiny Committee's consideration of, and comments on, the HRA budget proposals for 2021/22.

107. MANAGEMENT TEAM ITEMS

There were none on this occasion.

108. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 18 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

109. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD SALE OF A RESIDENTIAL PROPERTY

RESOLVED that Cabinet -

- (a) approves the revised terms for a freehold disposal to the named individual; and
- (b) authorises the Corporate Director (Operations and Delivery) to enter into a contract to dispose of the site on the terms set out and subject to such other terms that he considers necessary.

The Meeting was declared closed at 11.45 am

Chairman

CABINET

29 JANUARY 2021

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.1 SCRUTINY OF THE TRANSFORMATION OF DIGITAL SERVICES

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 108 refers) the Committee was provided with an overview of the Council's Digital Services Transformation.

It was reported to the Committee that with Councillors having varying degrees of IT expertise the Council had identified an emerging picture whereby:

- ✘ Some councillors were increasingly becoming disengaged - losing the ability to fully/ effectively engage with the range of digital information and services that the council operated.
- ✘ Some councillors were struggling with their IT and asking Council Officers to fix their personal equipment – potentially creating an insurance liability issue.
- ✘ The diversity of different Councillor Applications, all at different versions, was causing Councillors to experience different IT problems causing unnecessary stress and pressures for all concerned.

The emerging digital picture was therefore perceived as an opportunity to assist councillors in their community leadership role. Through providing each councillor with a standard, managed device backed up by IT training and supported via the Council's IT service desk intended benefits and improvements were, and remain, as followed:

- ✓ To assist Councillors to improve their efficiency and access to stored digital information.
- ✓ Strengthen cybersecurity (and cybersecurity awareness) and further reduce any possibility of a data breach and Information Commissioner's Office (ICO) data loss.
- ✓ Enhance Councillors' digital engagement.
- ✓ Enhance mobile working and flexible working capabilities and thereby work/ life balance
- ✓ Further reduce reliance (and the costs) of printed information.
- ✓ Councillor IT equipment standardisation would in turn enable officers council-wide to standardise the range services that they provide which would achieve efficiency savings for both Councillors and Officers.

Members heard how the strategy had been to purchase high quality Microsoft Surface Go tablets during 2019 and at the beginning of 2020 for Councillors to

undertake their council-related duties. With some Councillors struggling with the tablet screen size Officers had additionally offered Councillors: connection hubs, full size keyboards, 24" screens, cabled mouse. This gave Councillors a blend of home-based digital access with the ability to go mobile with their tablets when required.

As a result of COVID-19 and an emerging understanding as to its longevity, officers had become conversant with new face-to-face restrictive working arrangements and the use of virtual Microsoft Skype meetings had become a key 'new working norm'. Likewise, virtual meeting MS Skype capabilities had needed to be extended to Councillors to enable them to perform their duties, which was not an intended original use of the previously purchased tablets.

The Committee was informed that the Council now had a pressing financial, technological and support need to migrate fully from Microsoft Skype to Microsoft Teams. Teams offered a range of additional meeting business functionality benefits over Skype but it was far more demanding in terms of computing processing power. As such, it was close to the limit and was very likely to become beyond the processing capabilities of councillor tablets as Microsoft invested in further enhancing Teams functionality.

With a view to giving Councillors the very best experience possible during multi-party video conference calls, the decision had now been taken to allocate funding to quickly replace Councillors' tablets with the same Lenovo laptops that officers used. Those laptops were tried and tested, high specification devices that had enabled officers to perform the full range of council business demands.

The Committee was also informed in addition, and based upon approaches from several senior Councillors, that providing Members with a council tablet had unintentionally been seen as an 'imposition' by some Councillors, despite Officers' best intentions. Likewise, Officers had now acknowledged Councillors' desire to be increasingly involved in their use of digital technology and how they worked and engaged with council business.

With engagement firmly in mind but reflecting the need to standardise equipment across Officers and Councillors as far as was possible, Councillors would now be asked on an individual basis whether they would benefit more from having a smaller, lighter more portable 13" council laptop, or a larger 15" laptop with a bigger screen and near full-size keyboard. Council provided ancillary devices – keyboards, screens, mice, hubs – would continue to be offered to Councillors and those who already had them would be able to connect and continue to use them with their replacement laptops.

It was the intention to engage with Councillors and roll-out the new laptops during December and early January. Following a period of Microsoft Teams training on virtual meetings the Council would migrate to Microsoft Teams on or around January 18th 2020.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

During the consideration of this report the Committee made the following:-

COMMENT TO CABINET: that the Cabinet be informed that this Committee endorses the principle that Councillors be consulted on the IT kit that is to be provided to them to fulfil their roles as Members.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

The comments of the Corporate Finance & Governance Portfolio Holder will be submitted to Cabinet at the meeting.

Recommendations to Cabinet

That the comment of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

This page is intentionally left blank

CABINET

29 JANUARY 2021

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.2 SCRUTINY OF THE TRANSFORMATION OF DIGITAL CUSTOMER SERVICES

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 108 refers) the Committee was provided with an overview of the Council's Transformation of Digital Customer Services.

The Committee heard that the Customer Service provision at Tendring District Council had undergone significant change in the last two years. Over the past 18 months the Council had seen telephone calls into the Customer Service centre rise dramatically. Firstly in the summer of 2019, with the roll-out of 70,000 wheelie bins and the associated changes in the recycling service and then more latterly with the advent of the Covid-19 pandemic. Undoubtedly the option for many residents to use the My Tendring self-serve portal had been of great benefit to them.

Members heard that within the next few months the Council would complete the roll-out of self-service processes relating to Council Tax, Benefits and Taxi Licensing. Along with Recycling, those were considered as having the biggest impact for residents. When those services had gone live the Council would commence a media campaign so that it could channel shift more people away from the customer service centre and towards the self-serve portal, thus looking to reduce the need for human resources.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

During the consideration of this report the Committee made the following:-

RECOMMENDATIONS TO CABINET:

- the development time frames and future services to be made available on *My Tendring* be shared periodically with Councillors, together with volume of customer services calls and email contact information, including call numbers, durations of call waiting and abandoned calls, with appropriate bench marking information from other organisations.
- the prospect of creating a seamless link between *My Tendring* and my permit for parking permits is actively explored.
- council tax billing and other services be asked to deliver those services in a way that avoids overloading the customer services team incoming call capacity, e.g. by spreading the dispatch of council tax bills.

- the development of the leisure app be urgently addressed.
- the Council look at joining the Institute of Customer Service.
- the progress of the transformation agenda and how the Council has responded to the COVID19 pandemic in its ability to work from home be noted and applauded.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

"I would like to thank the Committee for their comments, and my responses are:

- 1. This information is being collated for Management Team and will be made available for Councillors on a quarterly basis starting beginning April. We currently have no benchmarking practices in place but this is part of the Customer Services action plan for this year and will be added as soon as possible.*
- 2. A link to the MiPermit process on the My Tendring portal has now been added on.*
- 3. The despatch of council tax bills is very closely controlled by legislation so we do not have much leeway here. We will however do our utmost to protect the customer services team during annual billing and have created a working group to look at this. It is anticipated that having My Tendring self-service council tax balances available will also alleviate this problem along with helpful information (frequently asked questions etc) easily accessible on our website etc.*
- 4. We are very aware of the need to address this, but of a number of staff have been affected by Covid, and works has been prioritised to progress the Transformation project. I will be very happy to give the Committee an update on the progress of the App at its next meeting. I can advise that some of the improvements have already been written and are 'in test'.*
- 5. The ICS has been contacted and a preliminary conversation has taken place with them regarding the benefits of joining. Customer Services does not have a budget for professional memberships, therefore a business case will need to be drafted and approved by Management Team. An alternative of another professional body to this, such as Customer Service Excellence is also being looked at, that would also provide benchmarking and accreditation.*
- 6. I thank the Committee for the kind comment with regards to the Transformation works; I was delighted that the Planning Committee approved the revised proposals for the new Committee Room, which is the missing piece of the jigsaw puzzle, but the ability to have enabled so many members of staff, and members of the Council alike in working from home, is largely down to the substantial investment in IT we embarked on back in 2013, and the excellent efforts of the IT team in rolling out the Digital Transformation work, and supporting all of us in doing so during these incredible times."*

Recommendation to Cabinet

That the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Housing Portfolio Holder, in response thereto, be endorsed.

This page is intentionally left blank

CABINET

29 JANUARY 2021

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.3 SCRUTINY TRANSFORMATION OF STAFFING

(Report prepared by Keith Durran and Ian Ford)

BACKGROUND

At the meeting of the Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 109 refers) the Committee was provided with an overview of the Council's Transformation of Staffing.

It was reported to the Committee that throughout 2019 a significant focus had been placed on preparing staff to work more flexibly and with greater autonomy. Two programmes had been key to this: InDependence and Managing Remote Teams. All courses were delivered by external providers who had worked very closely with the Organisational Development Manager and HR Operations Manager on design, development and content.

The InDependence programme had been designed and developed by the Organisational Development Manager with input from an organisational psychologist. The workshops had been delivered by a team of six internal managers who had been trained in how to deliver the programme. In total 273 staff had attended that programme. The Managing Remote Teams course had been attended by 52 managers and team leaders.

In addition, a booklet entitled Modern Working, Your Guide had been circulated to all course attendees.

Members heard how a number of policies had been updated to support flexible working; including the Allowances Policy (2018) and the Remote Working Policy (2019) which also included the Flexi Hours Scheme.

To further support the move towards greater flexible working and staff personal accountability online training had been overhauled. The Council had used a specialist online provider (iHasco) for all health and safety awareness training. That shift had resulted in greater compliance as staff could plan their own training schedule according to their work patterns. Compliance rates were in excess of 90%. Face to face delivery was still used for those requiring additional support or greater detail.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

During the consideration of this report the Committee made the following:-

COMMENT TO CABINET:

- that the adaptability of the staff and Councillors in relation to the restrictions introduced for COVID19 to continually deliver success, be formally recorded and appreciated.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

"I would like to thank the Resources and Services Overview and Scrutiny Committee for their comment and appreciation of both Staff and Councillors during the pandemic. I agree that Staff and Councillors have shown great flexibility, adaptability and a commitment to keep the business of the Council moving forward, alongside responding to the additional demands of the Covid response and recovery programmes."

Recommendation(s) to Cabinet

That the comment of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

CABINET

29 JANUARY 2021

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.4 SCRUTINY OF THE UPDATED FINANCIAL FORECAST/BUDGET 2021/22 AND HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2021/2022

(Report prepared by Ian Ford)

BACKGROUND

The Resources and Services Overview and Scrutiny Committee at its meeting held on 14 January 2021 (Minutes 116 and 117 refer) and in accordance with the requirements of the Budget & Policy Framework Procedure Rules scrutinised:-

- (1) the updated financial forecast and proposed budget position for 2021/22; and
- (2) the Housing Revenue Account (HRA) Budget for 2021/22 including the movement in HRA Balances, the level of fees and charges for 2021/22 and the HRA Capital Programme.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

As a result of that scrutiny the Resources and Services Overview and Scrutiny Committee made the following recommendations to Cabinet:-

Updated financial forecast and proposed budget position for 2021/22

RECOMMENDATIONS TO CABINET:

- (a) *In respect of future outturn positions on the Council's annual budget, to allocate as a priority any available underspend following permitted carry forwards to extend further the measures to achieve the Back to Business Agenda of the Council.*
- (b) *Further to (a), to establish a Business Roundtable for the District as part of the Back to Business Agenda and to inform that Agenda going forward.*
- (c) *To reassess all the current reserves, provisions and one off sums allocated by the Council to determine whether they were still required, relevant to the Council's Corporate Plan and the associated sum was at the appropriate level and:*
 - (i) *to re-allocate sums such as those for the Clacton Town Centre Fountain and Residents Free Parking (where the cost has been incorporated in the base revenue budget) to more closely align with the Corporate Plan priorities of the Council.*
 - (ii) *to identify the specific intentions for the £1.585M for Business Investment and Growth Projects reserve or otherwise look to reallocate that reserve.*

- (iii) *To allocate a further £56k to resourcing public realm improvements across the District (supplementing and extending the £44k set aside to fund '2 One year fixed term posts to support improvements to the overall appearance of the District') thereby allocating a total of £100k to this initiative in total.*
- (iv) *From the reallocation process, and in recognition of the additional £110k in recycling credits achieved by the Council in 2020/21, to identify £10k to improve recycling bring sites operated by the Council in the District to improve the attractiveness of those sites, signage at and to those sites and thereby further encourage their use and address relevant issues at those sites.*
- (d) *To request that proposals for use of the Tendring Community Fund be developed swiftly so that these can be put in front of a meeting of the Portfolio Holder Working Party on the Tendring Community Fund without delay.*
- (e) *To identify whether existing funding in the revenue budget and reserves, provisions and one-off sums enables the Council to adequately support co-ordinated measures to address the mental health needs of the local population as we ultimately come out of covid-19 pandemic restrictions and if this is found to be insufficient to look to allocate further resources as necessary to address those needs.*
- (f) *To pro-actively assess and monitor the resources required to deliver a dynamic and expansive Tourism Strategy for the District (and the Year 1 delivery plan to accompany that Strategy) to maximise the advantage to the District as soon as covid-19 pandemic restrictions are lifted and extending beyond the normal summer season.*

Housing Revenue Account (HRA) Budget for 2021/22 including the movement in HRA Balances, the level of fees and charges for 2021/22 and the HRA Capital Programme

RECOMMENDATION TO CABINET: *To set a target level for reducing void periods in 2021/22 in the housing stock with a view to providing specific focus to those measures.*

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Portfolio Holder Comments

The comments of the Corporate Finance & Governance Portfolio Holder will be submitted to Cabinet at the meeting.

Recommendation(s) to Cabinet

That the recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

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

CABINET

29 JANUARY 2021

REPORT OF THE LEADER OF THE COUNCIL

A.5 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY
 (Report prepared by Ian Ford, Committee Services Manager)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

EXECUTIVE SUMMARY

In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

RECOMMENDATIONS

- (a) That the contents of the report be noted; and**
- (b) That the urgent decision(s) taken by the Leader of the Council, on behalf of the Cabinet, as detailed in this report, be formally endorsed.**

PART 2 – SUPPORTING INFORMATION

BACKGROUND

As part of the Council’s response to the COVID-10 public health emergency the Council’s Monitoring Officer produced a formal “Note on Decision Making Business Continuity Arrangements” which set out the ways in which the normal operational business could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer’s formal Note included, inter alia, the following information and advice:-

“The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

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

Officer.

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

Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

Whilst it is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”

The Monitoring Officer considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

In making the decision(s) in question the Leader of the Council exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Members' Grant Scheme – Phase 2 [Published 8 January 2021]

Decision: (a) To approve the allocation of a further £1,000 to each ward Member from the Tendring Community Fund to support local communities during the on-going coronavirus pandemic; and

(b) To grant that the Council's Section 151 Officer has the delegated authority to undertake the necessary steps to implement this decision.

(2) Next phases of the Local Restrictions Support Grant (OPEN) Scheme and the Additional Restrictions Support Grant Scheme [Published 15 January 2021]

Decision: (a) To approve the next phases of the Local Restrictions Support Grant (OPEN) Scheme and the Additional Restrictions Grant Scheme; and

(b) To authorise the Assistant Director (Finance & IT) to implement and administer the schemes and amend the policies in line with any emerging Government guidance.

BACKGROUND PAPERS

Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.
--

Executive Decisions taken by the Leader of the Council published on 8 and 15 January 2021.
--

APPENDICES

None.

This page is intentionally left blank

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

CABINET

29 JANUARY 2021

REPORT OF THE LEADER OF THE COUNCIL

A.6 PRIORITY ACTIONS FOR 2021/22 AND MONITORING DELIVERY OF THOSE ACTIONS

(Report prepared by Keith Simmons and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To invite Cabinet to determine its provisional key priority actions for 2021/22 and the means by which performance against the priorities will be monitored and reported on in that year. Cabinet is further invited to approve that consultation on these key priority actions and the performance monitoring proposals be undertaken with the Overview and Scrutiny Committees. The outcome of the consultation would then be reported to Cabinet on 19 March 2021.

EXECUTIVE SUMMARY

The Council approved a Corporate Plan for 2020/24 and this established its strategic direction for those four years. That strategic direction itself seeks to reflect the issues that matter most to local people, the national requirements from Government and the challenges that face the District over that time period. The Corporate Plan was adopted unanimously at the Council meeting on 21 January 2020 (Minute 78 refers).

The themes of the 2020/24 Corporate Plan are:

- Delivering High Quality Services
- Building Sustainable Communities for the Future
- Strong Finance and Governance
- Community Leadership through Partnerships
- A Growing and Inclusive Economy

Cabinet establishes each year its priority actions to deliver against the Corporate Plan and thereby ensure that the ambition of that Plan is central to its work. The priority actions do not cover every separate element of the ambition of the four year Corporate Plan; nor are they intended to indicate that other projects, schemes or activities are not being pursued. They are though intended to reflect imperatives across the Council and for the District and actions that it is right to focus on in this year.

2020 was an exceptional year not only nationally but globally. In Tending our Community Leadership role has never been more important. Working with our members we took on additional responsibilities in supporting our residents and businesses through the COVID-19 pandemic. Whilst Tending District Council did not formally report on its performance against priorities during 2020, much was achieved including but not limited to:

- The roll out of numerous grants in excess of £38million to businesses

- The adoption of a local Back to Business Agenda which not only supports businesses to survive but preparing to help them flourish.
- An Economic Growth Strategy focusing on recovery for the future.
- Allocation of monies from the Tendring Community Fund to Ward Councillors to provide grants to local organisations to enable them to respond to the pandemic locally.
- Business continuity arrangements immediately being invoked to ensure Council services remained in place where they were able to do so and for those services impacted by the various lockdowns, staff were redeployed to work with different teams in response to the pandemic, such as the Community Hub.
- Adoption of a Climate Change Action Plan to meet the Council's aspirations towards the Climate Emergency.
- Section 1 of the Local Plan was found sound by the Planning Inspectorate establishing the 5 year housing supply of 550 dwellings per annum, a North Essex vision and the Garden Community at Tendring Colchester Borders
- A balanced budget and revised governance arrangements to ensure democratic decision making continued throughout.
- Getting ready to build or acquire new council homes. We adopted a Corporate Housing Strategy to deliver homes to meet the needs of local people, making the best use of and improving existing housing and supporting people in their homes and communities. Separate strategies and policies were introduced to assist reducing homeless and rough sleeping in the district, providing financial assistance policies for private sector housing and acquiring land and buildings to increase council housing stock.

All of these provide a great foundation on which the Council will continue to deliver its priorities on the remaining years of the Corporate Plan. The 2021/22 actions will, of themselves, underpin further actions in 2022/23. As such, it is appropriate to invest time and energy to delivering them.

A provisional list has been prepared following consultation with individual Portfolio Holders and the Leader of the Council and this is set out at Appendix A to this report.

RECOMMENDATION(S)

- (a) That the provisional key priority actions for 2021/22, as set out at Appendix A to this report, be considered and, if appropriate, adopted by Cabinet**
- (b) That the means by which performance against the priorities will be monitored and reported on in that year be determined on the basis set out in Appendix B to this report.**
- (c) That consultation on the adopted provisional key priority actions referred to in (a) above and the performance monitoring proposals referred to in (b) above be undertaken with the Overview and Scrutiny Committees in February 2020.**
- (d) That the outcome of the consultation with the Overview and Scrutiny Committees referred to in (c) above be reported to Cabinet on 19 March 2021 in order that Cabinet can formally adopt its finalised key priority actions for 2021/22.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
The key actions set out at Appendix A seeks to deliver in the year 2021/22 on the ambitions of the four year Corporate Plan. Other actions in 2021/22 will also be undertaken as the Council applies the strategic direction of the Corporate Plan to its work overall. In addition, Cabinet will establish a further set of key actions for 2022/23 to further advance achievements against the Corporate Plan.
FINANCE, OTHER RESOURCES AND RISK
<p>The provisional key actions set out at Appendix A includes the delivery of the financial savings target within the Medium Term Financial Strategy. In considering all matters it is vital that the balance of resources can be accommodated by this Council and that it does not put further strain on the Council being able to balance its budget each year.</p> <p>A key risk as Cabinet prepares its key actions for 2021/22 is the continuing impact of the Covid-19 pandemic and the restrictions imposed to address the pandemic. These risks will need to be assessed in a dynamic way as infection and hospitalisation rates change and the restrictions are adjusted over time. There may yet be further work for the Council to achieve, such as new grant schemes, as there has been in 2020/21 and this too will impact on the capacity of the Council to achieve the Cabinet’s adopted key actions.</p>
LEGAL
The legal implications of individual actions will be assessed when they are brought forward for formal decisions to be made.
OTHER IMPLICATIONS
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below. Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.</p> <p>In preparing this report, due regard has been given to the likely effect of the exercise of the Council’s functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. In addition, due consideration has been given to the District Council’s statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.</p>

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The proposals set out in this report have been anchored in the findings from the last Peer Challenge Review of the Council.</p> <p>In 2018, through the Local Government Association, the Council benefitted from a ‘Peer Challenge Review’. Peer Challenges provide a robust and effective improvement tool managed and delivered by the local government sector, for the sector. Peers are at the heart of the peer challenge process and provide a ‘practitioner perspective’ and ‘critical friend’ challenge. The Review considered five key strands that all Peer Challenges cover:-</p>

- Understanding of the local place and priority setting
- Leadership of place
- Financial planning and viability
- Organisational leadership and governance
- Capacity to deliver

Following the Peer Challenge Review, the Council was recommended to:

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

In respect of programme management and project delivery the following detailed recommendations were identified to strengthen governance:

- Be clear from outset of projects re desired outputs / outcomes.
- Establish a clear decision making process re priorities / projects and ensure it is understood by members, staff and partners.
- Develop a TDC approach to Project Governance – e.g. business cases, PID, risk, dependencies, budget, tolerances, milestones, performance management.
- Set out clear “golden thread” to members / staff / partners linking Corporate Plan, annual priorities, budgets, performance monitoring.
- Quarterly Performance report should cover all Cabinet priorities and projects.
- Strengthen role of Members on Performance Management - ensure new O+S arrangements add value and align strongly with key priorities and projects.

Building on the changes made already since the Peer Challenge Review, the proposals now submitted seek to:

- Ensure that success measures and key milestones for delivery are built into the project/priority before it is/they are approved so that implications for resource allocation and other consequences can be factored in.
- Align the Cabinet’s Annual Priority Actions with the Budget approval process and thereby to clarify decision making. Likewise the six monthly review provides the opportunity to reset projects/priorities to take account of events.
- Strengthen further project governance by giving greater clarity as to the measures of success and the key milestones in delivery of the Cabinet’s priority actions.

- Link back the annual priority actions are to at least one Corporate Plan Priority Theme. The golden thread approach is further enhanced through the alignment with the budget timetable to ensure there is clarity that both have been developed to the same aim around achieving the Corporate Plan.
- Cover all Cabinet approved Priority Actions in the Quarterly reporting to Portfolio Holders and then publishing that data.
- Enhancing the role of Members in Performance Management so that OSCs will be free to review and scrutinise individual matters through bringing forward those matters in a more timely way following publication (one month after the end of the quarter concerned). And otherwise ensuring that review items approved for the OSC work programme include relevant performance data.
- Requiring OSC's, in submitting their work programmes each year to Council, how the items in the work programme address the Corporate Plan ambitions.

CURRENT POSITION

For the reasons set out here it is opportune to revisit the development of Priority Actions on an annual basis within the ambition of the Corporate Plan.

The Cabinet priorities for 2019/20 were, for obvious reasons, delayed due to the 'all-out' elections to the Council in May that year and then by the postponed elections for St Osyth Ward. It was also necessary to refresh the Corporate Plan and adopt a new Plan for 2020-24. The impact then of the Covid-19 Pandemic from early 2020 meant there was further disruption to the implementation of new performance management arrangements to enhance policies, procedures and practices at the Council to take further the recommendations from the 2018 LGA Peer Challenge Review recommendations.

In addition, there is a recognised need for performance data on the Cabinet's key annual priority actions to be provided in a timely way to the relevant Portfolio Holders and then on to the 'critical friend' in the Council's Overview and Scrutiny Committees.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

A – Provisional Key Actions for 2021/22 in support of the Corporate Plan themes
 B - Monitoring Delivery of the Corporate Plan Priority Themes and the Cabinet's Annual Key Priority Actions

This page is intentionally left blank

Tendring District Council's Highlight Priorities Corporately for 2021/22

[Note - These are drawn from the wider set of actions identified in the relevant theme of the Corporate Plan Priorities Actions]								
Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
Delivering high quality services	A7 - Carbon Neutral by 2030	<p>To deliver key actions identified in the Climate Change Action Plan</p> <p>(a) Buildings & Energy</p> <p>i) Undertake energy audits of all council owned buildings and compile a carbon reduction plan for each one. Continue work to improve the performance of our buildings towards achieving net zero emissions by 2030 and maximise funding opportunities such as SALIX (a non-departmental Government owned company that provides interest free loans to fund measures to reduce energy bills in the public sector).</p> <p>ii) Move to the purchase of 100% renewable electricity</p> <p>iii) Maximise onsite renewable energy generation opportunities</p> <p>iv) Explore carbon offsetting options and develop an implementation plan (Solar farm).</p>		<p>(i) £43K for surveys</p> <p>(ii) Existing budget – potential increase in contract</p> <p>(iii) Within existing budgets</p> <p>(iv) £10K consultancy fees</p>	<p>(i) Andy White</p> <p>(ii) Richard Barrett</p> <p>(iii) Andy White</p> <p>(iv) Andy White</p>	Cllr. Michael Talbot	<p>(i) - 31 December 2020 – Energy Audits commissioned and commenced</p> <p>- 28 February 2021 - First Energy Audit reports submitted</p> <p>- 30 April 2021 - SALIX Funding bids prepared</p> <p>(ii) Renewal date to be inserted for 2021-100% renewable energy purchased at next contract renewal</p> <p>(iii) 30 April 2021 - Options scoped out on solar Photo-voltaic options for council housing and other council buildings</p> <p>(iv) 31 December 2021 - Options appraisal completed in respect of developing a council owned solar farm in the district</p>	<p>(i) Reduction carbon emissions and energy cost savings</p> <p>(ii) Reduction in carbon emissions</p> <p>(iii) Detailed options ready for decision making</p> <p>(iv) Detailed options ready for decision making</p>
		<p>(b) Procurement</p> <p>(i) Update procurement guidance and standard contractual terms to include climate change impacts and mandatory carbon reporting, with the aim of delivering net zero emissions in procurement (Scope 3) by 2030.</p> <p>(ii) Develop a recording and monitoring process to identify embedded emissions within the procurement of goods and services.</p>	*	<p>(i) Within existing budgets</p> <p>(ii) Within existing budgets</p>	<p>(i) Richard Barrett</p> <p>(ii) Richard Barrett</p>		<p>(i) 31 October 2021 -Updated procurement guidance and contractual terms completed</p> <p>(ii) 31 October 2021 - Recording and performance monitoring framework in place</p>	<p>(i) Procurement includes robust carbon impact assessments and performance measures – reduction in Scope 3 emissions</p> <p>(ii) Ongoing monitoring of emissions created by contractors</p>
		<p>(c) Supporting staff and councillors</p> <p>(i) Deliver carbon literacy training courses and workshops, open to all staff and councillors, on climate change mitigation and other key environmental policies - for delivery in 2021.</p> <p>(ii) Develop new home working and travel for work guidance by the end of 2021, learning from the COVID-19 lockdown, which aims to dramatically reduce the requirement to commute to offices and travel for meetings and visits.</p>		<p>(i) Within existing budgets / £5K for training material</p> <p>(ii) Within existing budgets</p>	<p>Anastasia Simpson</p>		<p>(i) 31 December 2021 - Carbon literacy training delivered to staff and Cllrs</p> <p>(ii) 31 December 2021 - New home working and travel guidance in place</p>	<p>Increased staff and Member awareness of climate issues</p>

		(d) Addressing Tending-wide emissions Develop and publish a collaborative action plan and/or form an alliance with all partners that seeks to use our combined powers, duties, influence and leadership to work with others towards the net zero ambition for emissions from all of Tending.		Within existing budgets	Tim Clarke		31 March 2022 - Action plan / alliance formed	Clear policies and protocols around reducing emissions associated with travel
A6 - Effective Regulation and Enforcement		(a) To introduce a revised process for the issue, payment and appeal of Fixed Penalty Notices		To be met from within existing budgets	Russell Cole	Cllr. Giancarlo Guglielmi	30 April 2021 - Fixed Penalty Notices and associated policy available to all accredited officers. 31 July 2021 - Community Safety Accreditation Scheme (CSAS) training delivered to additional officers to increase internal capacity and refresher training provided to existing CSAS accredited staff. 31 October 2021 - Briefing note to Corporate Enforcement Group evaluating the effectiveness of the activity and reviewing options linked to streamlining the process and consideration of a more automated solution, if achievable.	Effective enforcement action resulting in reduced environmental crime and Anti-Social behaviour and safer, cleaner, more attractive town centres, communities and spaces across the district.
		(b) To manage and plan for anticipated increase in seasonal challenges across the district between May and September 2021 due to a high volume of visitors.	*	To be met from within existing budgets	Russell Cole	Cllr. Giancarlo Guglielmi	30 April 2021 - Develop a tactical "summertime" partnership plan and disseminate to internal and external stakeholders 30 June 2021 - Briefing note to Corporate Enforcement Group evaluating activities/outcomes and lessons learned over the Easter and May Bank holidays 31 October 2021 - Briefing note to Corporate Enforcement Group evaluating activities and outcomes during the peak summer period	A reduction in the issues witnessed during 2020 as a result of increased visitors to our seafronts, town centres and other public spaces
		(c) To introduce re-deployable (mobile) CCTV capacity for enforcement purposes		£50K	Russell Cole	Cllr. Giancarlo Guglielmi	30 April 2021 - Briefing note to Corporate Enforcement Group to secure agreement for the funding of equipment and setting out proposed deployment guidelines 30 September 2021 - Equipment procured and deployable in accordance with adopted deployment guidelines 31 December 2021 - Briefing note to Corporate Enforcement group evaluating incidences of crime in deployment locations and local satisfaction rates	Targeted surveillance which will assist in the detection and prevention of crime and the collection of evidence for prosecutions resulting in safer, cleaner spaces and communities for residents and visitors.

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
Building Sustainable Communities Page 41	B2 - Jaywick Sands - more and better housing; supporting the community	Deliver the Jaywick Sands Covered Market and Commercial Space The intention is to construct 13 affordable rent business units offering 9,500 sq.ft lettable area and a covered local market of 10 affordable pitches. Alongside this, the public realm in the area will be improved including the creation of a new community garden and a multipurpose hard landscaped area which can be used for outdoor markets and seasonal events.	*	£2.128M for full project comprised of: £106K from this Council (including capital and revenue costs in first year of operation) £50K from Essex CC for regen of market site and public realm £1.972M from SELEP – to be spent by March 2022	Mike Carran	Cllr. Mary Newton	30 April 2021 - Planning Application submitted 31 July 2021 – Contractor procured 31 August 2021 – Construction commences 28 February 2022 – Handover to the Council	<ul style="list-style-type: none"> • Around 40 FTE jobs will be directly created and brought into the area at c£20kpa with an additional economic impact to the local economy of £1.7m per annum • Indirect and induced impacts are estimated to comprise around 16 FTE jobs
	B6 - Effective planning policies	Implementation of Local Plan Part 1 following Inspector's approval and move to formal examination of Part 2 Formal adoption of the modified Section 1 Plan in January 2021 will enable the Council to maintain a 5 year supply of housing, progress work on the Garden Community Development Plan Document (DPD) in partnership with Colchester BC and allow the examination of Section 2 of the Local Plan (containing policies and proposals specific to Tendring) to proceed in 2021.	*	£750K (of which £150K already committed) to cover consultancy, temporary staffing and examination costs for the Local Plan and which will be utilised, in part, for work on the Garden Community DPD and the statutory stages of Neighbourhood Plan production. £175K base budget per annum to fund continued work on the Local Plan, future reviews and associated work.	Gary Guiver	Cllr. Neil Stock OBE	26 January 2021 - Adoption, by Full Council, of Section 1 of the Local Plan for North Essex following the Planning Inspector's final report and recommended modifications. 4 March 2021 – Complete examination hearings for Section 2 of the Local Plan (for Tendring) (provisional). 30 September 2021 - Receipt of Inspector's Section 2 report and consultation on modifications. 31 March 2022 – Adoption of Section 2 Local Plan.	<ul style="list-style-type: none"> • 11,000 new homes and 9,800 jobs between 2013 and 2033 including early phases of development at the Garden Community. • £99million government (HIF) investment in the A120/A133 link road and rapid transit system. • Protection against unwanted and speculative development proposals that run contrary to the Local Plan. • Establishment of the foundations for future review of Local Plan, Neighbourhood Plans and regeneration projects in Jaywick Sands, Clacton, Dovercourt and other locations. • Establishment of statutory development plan for the purposes of seeking and securing additional public and private funding.

B5 - Building and managing our own homes	Delivering 10 more Council homes	*	(a) and (b) Existing Service Budget (c) Existing Service budget and c£2M per annum	Tim Clarke, Andy White, Damian Williams	Cllr. Paul Honeywood	(a) 31 October 2021 (b) 31 December 2021 (c) As and when opportunities arise	(a) Identify a future pipeline of development sites (b) Plans prepared for suitable development sites, including property archetypes and specifications. To meet the identified housing needs in the locality of the site. (c) Suitable properties purchased and brought into the housing stock.	
	(d) Identify and approve funding arrangements to facilitate construction and acquisition	*	TBC: c£2M per annum	Richard Barrett	Cllr. Giancarlo Guglielmi	30 June 2021	Identify a budget for acquisition/development	
	(e) Establish a revised team structure for the carrying out of housing and other construction projects	*	Subject to restructure	Andy White, Damian Williams	Cllr. Paul Honeywood	31 October 2022	Establish a team for acquisition/development	
	B3 - Vibrant Town Centres	Deliver the Starlings Project This project will establish improved Public Realm and Car Park at the Starlings site on the Dovercourt High Street. Delivery will encourage and foster economic growth through enhanced, invigorated and focussed business activity and improve the appearance of one of the District's key town centre locations.	*	£1.595M for land acquisition and development. Of which approximately £600K will be for construction.	Mike Carran	Cllr. Mary Newton	28 February 2021 – Award contract	<ul style="list-style-type: none"> • Creating confidence in the development market, and encouraging private sector investment; • Giving the town's existing traders the confidence to invest in their businesses and in their property; • Creating new public realm and amenity space, providing the opportunity for greater animation thereby creating a more vibrant town centre; • Bringing back into productive use a vacant and derelict site, which currently blights the town and has a negative impact on Dovercourt High Street;
							1 July 2021 – Commence Construction	
							30 November 2021 - Completion	

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
Strong finances and governance	C1 - Balanced annual budget	<p>Deliver the savings required in this year</p> <p>To develop a framework against which savings proposals can be identified for inclusion within the long-term forecast.</p>	*	To achieve on-going savings equal to at least the £250K allowance currently included within the long term forecast.	Richard Barrett	Cllr. Giancarlo Guglielmi	31 March 2021 - To agree the framework with MT and Cabinet against which savings opportunities can be identified and explored	<ul style="list-style-type: none"> The required level of savings set out in the long term plan are successfully delivered over the remaining years of the forecast.
							31 April 2021 – Directors / Assistant Directors to have actively commenced the process of exploring savings ideas and opportunities within the framework agreed.	
							31 July 2021 – MT/ PFH's – Initial review of the proposed savings generated to date and the key milestones to enable them to be implemented.	
							31 October 2021 – The savings ideas and opportunities identified for implementation in 2022/23 be agreed by MT/ PFH's for inclusion in the budget.	
							Work to remain on going in respect of potential savings opportunities that may not be able to be implemented until 2023/24 and beyond.	

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
A growing and inclusive economy	D2 - Support existing businesses	To deliver the key actions identified as part of the Back to Business Agenda	*	£862K will cover a series of District wide projects	Mike Carran	Cllr Neil Stock OBE	29 January 2021 - Adoption of Delivery Plan	<ul style="list-style-type: none"> Positive impact on the local economy and business confidence Increase in the number of young people accessing Clacton Skate Park Increase in the number of young people accessing mental health services
		Complete and deliver a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic, to be targeted at improvements to the District's environment/quality of life and support for our residents, businesses and wider local economy.					30 March 2021 – Money distributed to mental health services to enable more young people to access professional support	
						31 August 2021 – Complete refurbishment of Clacton Skate Park		
	D4 - Promote Tendring's tourism, cultural and heritage offers	To deliver the range of activities to celebrate Clacton 150 in conjunction with partners	*	£250K, which is fully funded by the National Lottery Heritage Fund.	Mike Carran	Cllr. Alex Porter	28 February 2021 – Employ two designated members of staff to oversee this project	<ul style="list-style-type: none"> Increase the number of visitors to the District's seafronts Increase in volume and value to the local tourism economy
		2021 marks the 150 th anniversary of Clacton on Sea. The Council have been successful in applying for £250k to develop plans for a number of projects to mark this occasion and use it as a means to stimulate the local economy at the start of the key tourism season.					1 April 2021 – Install a new heritage trail from Jaywick Sands to Holland Haven	
						31 May 2021 – Organise a launch event for Clacton 150 (subject to national guidelines at that time)		
D4 - Promote Tendring's tourism, cultural and heritage offers	To deliver the range of activities to celebrate the Mayflower 400 in conjunction with partners	*	£30K for the Mayflower Illuminate Festival	Mike Carran	Cllr. Alex Porter	30 April 2021– Open the house of Christopher Jones and the Mayflower Visitor Centre (subject to national guidelines at that time)	<ul style="list-style-type: none"> 10 travel operators bringing visitors to Harwich for the Mayflower exhibitions Increase in volume and value to the local tourism economy Create relationships with travel trade to develop new markets 	
	2020 marked the 400 th anniversary of the sailing of the Mayflower to America. Harwich played a key role in this story and the Council has been working with partner destinations around the country to create a new visitor trail, to promote to the American travel trade. Due to the Covid-19 pandemic, the international tours scheduled for 2020 were postponed and will now take place in 2021 and beyond. The Harwich trail is now complete and the 3 physical attractions will open in 2021, as soon as restrictions allow.			The budget for the series of Mayflower attractions has been spent, as all the projects are now complete. There is no further budgetary provision required.				30 April 2021 - Complete the Harwich Mayflower Heritage Trail
						31 May 2021 – Organise the Harwich Illuminate Festival (subject to national guidelines at that time)		
						30 Sept 2021 – Together with partners and the travel trade, organise a structured series of tours for visitors.		

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
Community Leadership	E5 - Sport England and Active Essex- for physical activity and wellbeing	<p>Sport England Local Delivery Pilots and the delivery of a number of key schemes to improve physical activity within the District</p> <p>The Council is working with Active Essex and partners in Colchester and Basildon to build healthier, more active communities in those respective Districts, through the Sport England Local Delivery Pilots Scheme focussing on deprived areas.</p>	*	£1.6M initially allocated as available to spend within Tendring including for community hubs, a community chest, test and learn, scale and replicate and community infrastructure	John Fox	Cllr. Lynda McWilliams	30 June 2021 – Deliver the first 120 bikes roll out to the community as part of the Essex Pedal Power project in Jaywick and West Clacton which includes SELEP funding of £600K for bikes. (There is also a wider infrastructure project with £1.7M SELEP funding).	Increase cycling and active travel and providing an opportunity for residents to access employment and cheaper food at supermarkets improve their physical health and therefore reduce pressure on services
		30 June 2021 – work with Heritage Lottery Fund Clacton 150 project around a pump track feasibility study for a site in Jaywick and gamification project to get people active					Increase physical activity to improve health including mental health and increase number of people accessing the coast	
		30 September 2021 – deliver an older persons outdoor gym in Holland/Clacton area to support in maintaining mobility for older people					Provide physical opportunity for older people to help support improving strength and balance and to encourage people to access the site	

This page is intentionally left blank

Monitoring Delivery of the Corporate Plan Priority Themes and the Cabinet's Annual Key Priority Actions

The overarching strategic direction of the Council is encapsulated in the themes of the 2020/24 Corporate Plan are:

- Delivering High Quality Services
- Building Sustainable Communities for the Future
- Strong Finance and Governance
- Community Leadership through Partnerships
- A Growing and Inclusive Economy

More detail of how the framework the Council operates in and how it will seek to deliver its legal obligations and ambition of the Council for the District are set out in a range of key Strategies and Policies, including:

- Transformation Strategy
- Back to Business
- Housing Strategy
- Tending 4 Growth
- Tourism Strategy
- Heritage Strategy
- Culture Strategy
- Asset Strategy
- Corporate Enforcement Strategy
- Local Plan
- Climate Change Action Plan
- Economic Growth
- Leisure Strategy
- Equality and Diversity Policy

Together the Corporate Plan and the key Strategies and Policies of the Council provide the direction of the Council across its many service areas, namely:

- Property and Asset management
- coast protection,
- council housing and assistance to private sector,
- customer services,
- economic development and growth,
- electoral registration/elections (providing resources to the Electoral Registration Officer/Returning Officer),
- local planning, land charges and building control,
- environmental health,
- off-street car parking,
- refuse collection and recycling,
- cemeteries and crematoria,
- leisure services,
- public realm,

- port health authority,
- public conveniences,
- street cleaning, and
- tourism.

The Council is responsible for its own performance and for leading the delivery of improved outcomes for local people in the District. Performance data gives the Council the best chance of improving its services by understand its own strengths and areas for improvement and take steps to deal with any problems.

Performance information has many audiences, including senior managers, Portfolio Holders/Cabinet, Overview and Scrutiny, other partners of the Council and the wider public/businesses who receive services from the Council. Ensuring appropriate information is gathered is as important as making it available in a timely way to support consideration of it.

In so far as the Cabinet's Annual Key Priority Actions are concerned, the following approach is proposed:

1. Proposals must have a description of the action for the year in question, the milestones towards achieving the action, the intended outcome, the budget and who is the responsible senior manager and Portfolio Holder.
2. Initial draft proposals for the Annual Key Priority Actions for the following financial year will be considered at the meeting of Cabinet that also considers the Initial budget for the Council for the same year (in December).
3. The Proposals will be considered by Overview and Scrutiny Committees and views submitted on the initial draft proposals.
4. The finalised Proposals for the Annual Key Priority Actions for the following financial year will be considered at the meeting of the Cabinet that also considers the draft budget for the Council for that same year (at the end of January). This will include Quarter 3 report on performance against the Annual Key Priority Actions for the current year.
5. Following the adoption of the Annual Key Priority Actions, the performance triggers will be built into the performance monitoring system of the Council based on the milestones approved as part of those Priority Actions.
6. Officers will report to the relevant Portfolio Holder on delivery of the Priority Actions and Portfolio Holders will determine, by exception, if issues need to be reported to Cabinet throughout the year.
7. Each quarter, a summary report on delivery against all of the Cabinet's Annual Key Priority Areas for the year will be reported to Portfolio Holders and then published as part of the Council's transparency data. Overview and Scrutiny Committee members may then identify specific key actions where there is performance against relevant milestones that should be subject to further enquiry and these may then be referred to the next relevant meeting of the Committee.
8. A half yearly report on performance against the Annual Key Priority Actions will be submitted to the relevant Cabinet Meeting (in October). This not only enables the Cabinet to consider the delivery of key actions in that year but also to encourage the start of the process to set key actions for the following financial year.
9. The half yearly report will be available for Overview and Scrutiny Committees to include in their work programmes so as they can consider the likely achievement of the envisaged outcomes envisaged.
10. The Outturn position on performance against the Cabinet's Annual Key priority actions for the previous financial year will be timed to be reported to the Cabinet Meeting at which budget Outturn for that year will be reported.

In addition to the performance data on the above Annual Key Priorities, data is also provided to Government Departments on a range of services. This will be gathered corporately and reported as part of the transparency data (excluding personalised data provided – and in these cases a numerical summary will be collated). As the data concerned is already provided annually, half yearly, quarterly or more frequently to Central Government, the collation of the information will involve limited additional work. For items that are provided to Central Government more frequently than quarterly we will collate a snapshot of the data at that point in time. Other than data provided to Central Government, there is information such as the number of Ombudsman complaints (and upheld) and planning appeals (and dismissed) which will be held corporately and contribute to the overall performance of the Council. This will be published annually as part of the Council's commitment to transparency. It will also be available to be reported on when items are to be submitted on the services/functions to Cabinet or a relevant Committee.

This page is intentionally left blank

Key Decision Required:	NO	In the Forward Plan:	YES
-------------------------------	-----------	-----------------------------	------------

CABINET

18 JANUARY 2021

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.7 PROTOCOL FOR CABINET AND OVERVIEW & SCRUTINY ROLES

(Report prepared by Lisa Hastings and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the draft Protocol for Cabinet and Overview and Scrutiny roles, which has been produced following consultation undertaken with the Chairman of the relevant Committees and Portfolio Holders for recommendation onto the Overview and Scrutiny Committees and full Council for adoption and incorporation into the Council's Constitution.

EXECUTIVE SUMMARY

In May 2019, Statutory Guidance was published by the Ministry of Housing, Communities & Local Government in May 2019 on Overview and Scrutiny in Local and Combined Authorities. The Council in operating a Leader and Executive Governance Model must have regard to it when exercising their functions and should be followed unless there is a good reason not to in a particular case. The Guidance is attached as Appendix A to this Report.

Section 2 of the Government's Statutory Guidance refers to Culture and expressly states

“The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.

Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.”

The Guidance recommends an 'executive-scrutiny protocol' to help define the relationship

between the two arms of the organisation, dealing with the practical expectations of scrutiny committee members and the Executive, as well as the cultural dynamics. Councils should consider adopting a protocol, e.g. formal agreement at scrutiny committees and Cabinet, then formal integration into the Council's constitution.

The Council already has strong measures in place to demonstrate the openness of Cabinet being held to account and introduced some time ago that Group Leaders of all political groups would have the right to attend Cabinet meetings, speaking on agenda items although not being able to vote. The Terms of Reference of the Resources and Services Overview and Scrutiny Committee state that the position of Chairman and Vice-Chairman will normally be a Member of a political group not represented on the Cabinet. Informal Group Leaders meeting are also held at which the Leader or Deputy Leader can share information in advance of going to Cabinet or other topics, which proved particularly useful during the Council's response to the COVID-19 pandemic. The Chief Executive holds regular All Member Briefings, at which Portfolio Holders have presented ideas on early strategies and policies for discussion. And furthermore the Deputy Leader chairs a Constitution Review Working Group, whose membership is made up by all other political Groups of the Council

As previously requested by Cabinet, Senior Officers produced a draft Protocol for Cabinet and Overview and Scrutiny roles for consultation with Chairman of Overview and Scrutiny and Audit Committees and the Deputy Leader and Portfolio Holder for Partnerships. The Statutory Guidance has been considered in the production of the draft Protocol together with taking into account comments received through consultation.

The draft Protocol introduces a number of principles and how it applies between the roles of Cabinet and Overview and Scrutiny building upon a relationship of trust whilst both bodies are performing their statutory functions, acknowledging the inter-relationship with Audit too. It is designed to sit alongside the range of other commitments to openness and inclusiveness set out above.

The draft Protocol sets out how Policy Development Overview and Pre-Decision Scrutiny can work in addition to the traditional views of solely holding the Cabinet to account. The importance of timely overview and scrutiny in budget setting and monitoring throughout the year is highlighted to show how the process can add value, by reviewing whether the financial plans and strategies of the Council are sound and have taken into consideration all relevant factors.

Performance Measurement and reporting provides insight into whether value is being achieved and whether improvements are necessary, feasible and affordable. The purpose of reporting general performance data to an Overview & Scrutiny Committee enables scrutiny as to capturing the right level of data to support delivery of services or priorities – and to make recommendations, if necessary. In some instances further enquiry of an activity may be warranted and the Committee will factor how that work can be accommodated in the Committee's work programme.

Through its work programme the Overview and Scrutiny Committees will consider the Cabinet's adopted priorities in support of the Council's Corporate Plan, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas). The enquiries included within the work programme shall be identified to add value to the Council as a whole and the district. The allocation of enquires to specific Overview and Scrutiny Committees in accordance with their respective terms of reference.

The draft Protocol also refers to how Overview & Scrutiny recommendations to the Cabinet will be dealt with including seeking further clarity if needed.

Some additional operational matters have been included for completeness in determining the relationship covering responding to urgent items of Cabinet Business, Scrutiny Consideration of Confidential Decisions, Call-in and Councillor Call to Action which builds upon the existing requirements within the Constitution.

With due regard to the Council's Statement on Council development, training will be made available for Overview & Scrutiny Committee members, Cabinet Members and Officers in support on the Protocol and elements referenced in it including work planning, budget scrutiny, using performance data and key lines of enquiry.

In the Overview & Scrutiny Annual Report submitted to Full Council each year there will be a section demonstrating the impact of Overview & Scrutiny and effectiveness of the Protocol.

All Members will be expected to adhere to the Protocol in their respective roles, once formally adopted by Council, the Protocol will be incorporated within Part 6 of the Constitution.

RECOMMENDATION

That Cabinet:

- (1) Approves the draft Protocol for Cabinet and Overview and Scrutiny roles, as set out in Appendix B to this report;**
- (2) Recommends the Protocol to both Overview and Scrutiny Committees for agreement; and**
- (3) Recommends to Council that the Protocol is adopted for inclusion within Part 6 of the Council's Constitution.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

FINANCE, OTHER RESOURCES AND RISK

Risk

Providing clarity through clear protocols approved by both Cabinet and Overview and Scrutiny Committees and thereafter contained within the Constitution enhances positive relationships and the Council's overall governance arrangements.

LEGAL

Overview and Scrutiny Committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the Executive could hold the Executive to account for the decisions and actions that affect their communities.

Overview and Scrutiny Committees have a range of statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and Scrutiny Committees can also play a valuable role in developing policy. The requirement for local authorities in England to establish Overview and Scrutiny Committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

The Statutory Guidance has been issued under Section 9Q of the Local Government Act 2000, which requires authorities to have regard to it. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

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

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

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

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

OTHER IMPLICATIONS

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

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

Consultation has been undertaken with chairman of both Overview and Scrutiny Committees and Audit Committee together with the Portfolio Holder for Partnerships and the Portfolio Holder for Corporate Finance and Governance's Constitutional Working Party in the production of the draft Protocol.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Following the House of Commons' Communities and Local Government Select Committees Report of December 2017 into the 'Effectiveness of local authority overview and scrutiny committees', the Government published new statutory guidance in May 2019 on overview and scrutiny in local and combined authorities. The Council in operating a

Leader and Executive Governance Model must have regard to it when exercising their functions and should be followed unless there is a good reason not to in a particular case.

Section 2 of the Statutory Guidance refers to Culture within an organisation and its importance in whether its scrutiny function succeeds or fails. The Guidance suggests a number of ways Councils can establish a strong organisational culture by:

- **Recognising scrutiny's legal and democratic legitimacy**
- **Identifying a clear role and focus**
- **Ensuring early and regular engagement between the executive and scrutiny**
- **Managing disagreement**
- **Providing necessary support**
- **Ensuring impartial advice from officers**
- **Communication scrutiny's role and purpose to the wider authority**
- **Maintaining the interest of full council in the work of scrutiny committee**
- **Communicating scrutiny's role to the public**
- **Ensuring scrutiny members are supported in having an independent mindset**

The Statutory Guidance covers other areas relating to the scrutiny function although, 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 those committees and member-officer protocols etc.

The Resources and Services Overview and Scrutiny Committee received a report on the new Statutory Guidance on Scrutiny in Councils at its meeting in July 2019 and resolved that the Committee noted its contents 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.

The Community Leadership Overview and Scrutiny (CLOS) Committee received a report on the new Statutory Guidance on Scrutiny in Councils at its meeting in October 2019 and recommended that Cabinet also received the Guidance and considered the potential of developing an Executive-Scrutiny Protocol to address the way in which both will work together for the benefit of the Council as a whole while confirming the independence of both elements of the decision making process of the Council.

At its meeting in November 2019, Cabinet had before it the Corporate Finance and Governance Portfolio Holder's response to the CLOS Committee's recommendation which was as follows:-

"It is clear that the Committee were aware of the existing provisions in the constitution that provide for a robust and independent scrutiny function at this Council. The receipt of the Statutory Guidance is timely for us all to reflect on the arrangements we have and the opportunity to improve upon them in a collaborative way. This collaborative approach was one that worked really well in the review of the Constitution at the end of last year and earlier this year. In fact we will be picking up that work again soon as we undertake the review promised after 6 months of operation of the changes to the constitution and, specifically, to the full Council Procedure Rules. The invitation for Cabinet to consider a possible Executive-Scrutiny Protocol as referenced in the Ministerial Guidance is one I would want to integrate into the process around the 6 month review of the changes to the constitution. The working group will, by its nature, involve Cabinet and Scrutiny

Committee Members and so will be good forum to examine the potential advantages of a new protocol. Obviously, I would then want to broaden the discussion around any protocol with all the Members of the Overview and Scrutiny Committee Members and Cabinet colleagues before any final recommendations are submitted.”

Having considered the recommendation made by the CLOS Committee together with the Corporate Finance and Governance Portfolio Holder’s response, Cabinet endorsed the approach suggested.

The Review of the Constitution Portfolio Holder Working Party (CRWP) was re-established in January 2020 to conduct the review outlined above and to also consider other various matters that had arisen during the course of the summer and autumn of 2019. The CRWP considered a number of areas for review arising from the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities issued by the Ministry of Housing, Communities and Local Government during 2019. In respect of *creating an Executive-Scrutiny Protocol to be formally integrated into the Constitution, it was recommended that:*

the Head of Democratic Services & Elections and the Head of Legal and Governance Services & Monitoring Officer, in consultation with the Deputy Leader of the Council, the Chairmen of the overview and scrutiny committees, the Chairman of the Audit Committee and one other Portfolio Holder (to be decided by the Deputy Leader), be authorised to draft a formal Executive-Scrutiny Protocol for this Council and to submit this to the Overview and Scrutiny Committees and Cabinet for adoption.

Following the publication of the Cabinet agenda for its meeting in March 2020 (which was cancelled following the commencement of the COVID-19 pandemic) the Leader made a decision using his urgency powers to approve the above delegation.

Consultation has taken place with the Chairman of the relevant Committees and the Portfolio Holder for Partnerships, in addition to the Deputy Leader’s Portfolio Holder Constitution Review Working Party and the draft Protocol for Cabinet and Overview and Scrutiny roles is attached as Appendix B for Cabinets approval and recommendation onto the Overview and Scrutiny Committees and subsequently full Council for adoption and integration with the Constitution.

The one of the main themes through the consultation was to ensure adequate training is organised for members and officers following the adoption of the Protocol to ensure the positive relationship already in existence can be built upon further.

BACKGROUND PAPERS

None

APPENDICES

APPENDIX A	MHCLG Statutory Guidance on Overview and Scrutiny on Overview and Scrutiny in Local and Combined Authorities published May 2019
APPENDIX B	Draft Protocol for Cabinet and Overview and Scrutiny roles



Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



© Crown copyright, 2019

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/mhclg>

May 2019

ISBN: 978-1-4098-5458-6

Contents

Ministerial Foreword	4
About this Guidance	5
1. Introduction and Context	7
2. Culture	8
3. Resourcing	13
4. Selecting Committee Members	15
5. Power to Access Information	18
6. Planning Work	21
7. Evidence Sessions	25
Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol	27
Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers	28
Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee	30

Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

This page is intentionally left blank

TENDRING DISTRICT COUNCIL'S PROTOCOL FOR CABINET AND OVERVIEW & SCRUTINY ROLES

1. Introduction

- 1.1 The counterpart to operating Cabinet arrangements within a Council is the provision of Overview & Scrutiny functions. You cannot have Cabinet arrangements without its counterpart.
- 1.2 Overview & Scrutiny has the following powers in law:
 - (a) to scrutinise any decision made by the Cabinet,
 - (b) to make recommendations to the Council/Cabinet with respect to functions/responsibility of the Cabinet,
 - (c) to scrutinise decisions made by non-executive functions of the Council
 - (d) to make recommendations to the Council/Cabinet with respect to the non-executive functions/responsibilities,
 - (e) to make recommendations to the Council/Cabinet on matters which affect the Council's area or the those living there.
- 1.3 The Council's Constitution sets out how those powers are to be managed and the standards Members and Officers will adhere to. The purpose of this Protocol is not to repeat the Constitutional Articles, Rules and Procedures but to focus on how the relationship between the roles of Cabinet and Overview & Scrutiny will be exercised.
- 1.4 Officers must act with political impartiality, serving the whole council rather than particular groups or members; as such they serve the Members of the Cabinet and of the Overview & Scrutiny Committees equally.
- 1.5 In operating its Overview & Scrutiny functions, the Council will have regard to the statutory guidance for this function. This Protocol is one of the measures the Council has adopted to address the following statement in the statutory guidance:

“Effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.”

2. Application of the Protocol

- 2.1 In utilising its powers in 1.2, Overview & Scrutiny will act as a 'critical friend' to the Leader and Cabinet.
- 2.2 This Protocol applies to all members of Overview & Scrutiny Committees, any Member who may sit on a Scrutiny Task and Finish Group, the Leader of the Council and all Members of the Cabinet.
- 2.3 All Members will promote the legitimate role of Overview & Scrutiny as outlined in 1.2 above.
- 2.4 All Members must have regard to the Corporate Plan adopted by Council and its capacity and resources to deliver services efficiently, effectively, to achieve value for money and outcomes. Overview & Scrutiny Committees will be mindful of this in its work planning.

3. Trust

- 3.1 All Members should promote an atmosphere of openness at Overview & Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.

- 3.2 Overview & Scrutiny Members need to trust that Cabinet Members are being open, honest and fulsome when participating in the enquiries being undertaken.
- 3.3 Cabinet Members need to trust Overview & Scrutiny Members with information and to trust in their views.
- 3.4 While Members on the Overview & Scrutiny Committees will come from different political groups including those not aligned with a registered political party, the public must trust that they will act with an independence in determining the work programme of the Committees and in undertaking enquiries identified in the work programmes.

4. Policy Development and Pre-Decision Scrutiny

- 4.1 The value of early input from Overview & Scrutiny into policy development is recognised. Through early consultation, Overview & Scrutiny can act as a sounding board and a think tank in enquiring into issues coming up on the horizon, bringing in added value. The Leader and Cabinet Members (as well as Officers) will draw to the attention of the relevant Overview & Scrutiny committee, policies and strategies that are being developed or are due for review to enable Overview & Scrutiny to build this into their work programme and thereby have a timely input.
- 4.2 All policy development will be carried out in a way to promote inclusive dialogue and to capture views of Members' with a report submitted to the relevant Overview & Scrutiny Committee for consideration by the appropriate Member of Cabinet. The Cabinet and relevant (Assistant) Director will consider the views of Overview & Scrutiny members in the development of the policy and provide a response to the Overview & Scrutiny Committee on the recommendations. The detail of the Overview & Scrutiny involvement shall also be included within the body of the report to Cabinet. The Cabinet/Full Council will continue to be responsible for approving and adopting policy whether this accepts all, some or none of the recommendations from Overview & Scrutiny.
- 4.3 Cabinet Members may wish to request views from Overview & Scrutiny Members on an individual decision before it is taken. The Cabinet Member will be responsible for circulating the details to the relevant Committee Members, through the designated Scrutiny Officer. Utilising this as an option does not exclude the decision from being subject to call-in, however, it will give the Cabinet Member the ability to consider different views and perspectives of a decision to be taken before it is taken.
- 4.4 Like all parts of the Council, Overview & Scrutiny only has a certain capacity and cannot scrutinise everything. It is for Overview & Scrutiny to determine its work programme, in an informed way, and the views of Cabinet are always welcome. Just as Cabinet is not required to accept all recommendations from Overview & Scrutiny on enquiries undertaken, Overview & Scrutiny is not required to accept recommendations from Cabinet concerning the work programme of the Committee. Both should actively consider the other's recommendations and set out reasons for its decision. Both share the ambition of quality public services for residents in, businesses of and visitors to the Council's area.

5. Holding the Cabinet to Account

5.1 A key role of Overview & Scrutiny is in holding the Cabinet to account for decisions taken and performance of services. In holding the Cabinet to account Overview & Scrutiny Members will:

- Consider decisions taken by the Cabinet, individually and collectively and items on the Notice of Forthcoming Decisions through formal Overview & Scrutiny Committee meetings;
- Review service performance and performance against policy and targets;
- Respect the 'safe space' required by Cabinet Members and senior officers to think freely and offer frank advice to each other (and to receive the same) as they formulate substantial changes to services, responses to important pressing issues or pursue intense negotiations to resolve disputes.
- Be prepared to ask searching questions that provide a constructive challenge for the purposes of undertaking the Overview & Scrutiny function and not solely for individual information gathering purposes;
- Be positive and respectful in their interactions with Cabinet Members. This will include being clear whether the Cabinet Member is specifically invited, sending invitations in a timely way, acknowledging the attendance of the Cabinet Member at the meeting and allowing the Cabinet Member to address the Committee and respond to questions;
- Respond positively to a Cabinet Member if that Member wishes to attend a particular meeting for a given item and they have not been formally invited to confirm whether an invitation is to be extended to them to attend.
- Represent (and amplify) the voices of the public;
- Listen to the responses provided and to assist the Cabinet in identifying areas for further consideration and improvement, where necessary;
- Recognise that not all reviews require recommendations back to Cabinet, if the Overview & Scrutiny Committee were satisfied with the subject matter under consideration

5.2 In return, Cabinet Members will:

- Be willing to be open, honest and engaged in providing responses to constructive challenge and, where 'safe space' to give/receive frank advice is required, what time frame that will be needed for that 'safe space', subject to resources and Officers time;
- Value the importance of Overview & Scrutiny;
- Be supportive of the Overview & Scrutiny process and invite and seek opinion from Overview & Scrutiny Members on decisions to be taken, where appropriate;
- Provide a positive contribution to scrutiny meetings;
- Attend meetings when invited to do so to answer questions and present information:
 - ✓ By way of a direct answer
 - ✓ By reference to published publications
 - ✓ By referring a matter to an officer in attendance, if they are not able to respond

- ✓ If an answer cannot immediately be given, by providing a written answer within five working days unless it is not reasonable to do so. If considered unreasonable, an explanation as to why will be given.
 - ✓ A combination of the above options.
 - Depart the Overview & Scrutiny Committee meeting when that Committee expresses a wish to deliberate on a matter after hearing from the Cabinet Member.
- 5.3 Continuing dialogue should underpin Overview & Scrutiny enquiries. As such, pre-meetings (or other communication) between Cabinet Members and the Overview & Scrutiny Committee Chairman is encouraged about a forthcoming enquiry. Where possible, Overview & Scrutiny Committee Members will be encouraged to pass questions on the subject of the enquiry to the Cabinet Member/relevant Officer or outside representative in advance of a Committee meeting. As identified elsewhere, after the meeting and where recommendations are made to the Cabinet there should be a discussion between the Cabinet Member and the Chairman of the Overview & Scrutiny Committee.
- 5.4 The purpose of any pre-meeting (or other communication) referred to above involving a Cabinet Member is not to replace consideration of any agenda item at the published formal meeting, as it is only this setting which the formal business of the Committee can be undertaken.

6. Budget setting and monitoring - The importance of scrutiny

- 6.1 Budget scrutiny must also be carried out on a rolling programme. Quarterly throughout the year proactive scrutiny assists to inform the next financial year's budget and long term forecast, work can involve:
- Challenging how the budget has been constructed before it is agreed. In particular, probing any assumptions that lie behind the executive's budget strategy, i.e. is the approach incremental or is it starting from a base budget, what are the main savings proposals, how will any growth be funded, are the financial implications of proposals from departments or committees built into the overall budget and has an appropriate level of reserves been set?
 - Carrying out budget monitoring activity, for example in areas where expenditure against budget looks to be well above or below forecasts and where growth/savings targets and revised forecasts are involved.
 - Undertaking some evaluation of performance and value for money including how it aligns to the Council's Corporate Plan and Priorities.
 - Maintaining a 'big picture' view of the financial pressures affecting the council and continuously challenging how these might impact on existing budgets and budget setting in subsequent years.
- 6.2 It is important to ensure that this work is undertaken throughout the year and not left until the last Budget Report to Overview and Scrutiny Committee, which is for the final consultation purposes prior to Cabinet's recommendations to Full Council. There is insufficient time to properly respond to the proposals or matters raised, due to the statutory timetable to set a budget. The Overview & Scrutiny function in this important process must be timely and add value, at the point Cabinet recommends its detailed budget proposals including the setting

the level of Council Tax increase, the comments received from Overview and Scrutiny during the year will be regarded. The Council's Budget & Policy Framework Procedure Rules sets out the Process for Developing the Budget.

7. Performance Measurement and Reporting

- 7.1 Measures of performance provide insight into whether value is being achieved and whether improvements are necessary, feasible and affordable. An open sharing of performance data will take place across the Council; including between Cabinet and Overview & Scrutiny. The purpose of reporting general performance data to the Overview & Scrutiny Committee is so that it can undertake scrutiny of it in so far as:
- (a) Is the performance monitoring system capturing the right level of data to support delivery of services – and to make recommendations thereon; and
 - (b) Is there performance as identified in the monitoring data that warrants further enquiry of an activity – and to determine whether and how that enquiry should take place; including it as appropriate in the work programme for that enquiry.
- 7.2 When enquiring into an individual service or subject, Overview & Scrutiny Committee Members will consider the performance measurements available. They will naturally assess whether this aligns with your own research; particularly the experience of service-users.
- 7.3 When considering the performance against the Cabinet's approved annual priority list of actions against the Corporate Plan Themes, Overview & Scrutiny will not normally seek to use the process to question that approved list of actions during the year. There are other Council procedures that can and should be used if there is a compelling need to review those actions. Overview & Scrutiny may legitimately have a view on what the annual priority list of actions should be the following year and these can be set out in recommendations to Cabinet.
- 7.4 Where a service of the Council is being delivered by a third party/outside company or where the matter under enquiry is the responsibility of a partner organisation, they will be encouraged to respond to enquiries from Overview & Scrutiny Committees relevant to the service/enquiry. This will include their own performance data.

8. The Inter-relationship between Cabinet, Audit and Overview & Scrutiny

- 8.1 It is important that Cabinet receives clear advice within the respective responsibilities of the Overview & Scrutiny Committees and the Audit Committee. It is therefore equally important that the formal audit role of the Audit Committee is left to that Committee. Areas in which financial scrutiny can add value, complementary to the work of the Audit Committee, including the following according to the Local Government Association:
- Reviewing draft (medium-term) financial plans
 - Monitoring internal and external audit reports, in order to identify areas where further scrutiny may be beneficial

- Responding to requests from the public for greater clarity on the council's finance and spending plans
- Periodically carrying out post-implementation reviews of large (in terms of revenue or capital) projects
- Challenging decisions related to new service commitments, investments, and previously unbudgeted demands
- Scrutinising the financial implications of greater partnership working
- Keeping a regular 'watching brief' on important matters affecting general resource management.

8.2 The above matters will inform the work planning of Overview & Scrutiny of Council functions and those of partners.

8.3 Cabinet, Audit and Overview & Scrutiny Committees will be guided by advice from the Council's Section 151 Officer on the boundary of responsibility between Audit and Overview & Scrutiny.

9. Overview & Scrutiny Work planning

9.1 Around the start of each Municipal Year, the Overview & Scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Cabinet Member(s) will be inputted alongside the views received from others. The Cabinet's adopted priorities in support of the Corporate Plan will be considered, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas).

9.2 The Chairmen and Vice-Chairmen of the Overview & Scrutiny Committees will meet quarterly with representatives of the Cabinet in order to ensure ongoing opportunities for Cabinet input into Overview & Scrutiny Committee work plans, ongoing opportunities for Overview & Scrutiny to input into Cabinet policy development or to address performance issues and to build on the positive working relationship between the two functions.

9.3 Overview & Scrutiny Committees may legitimately expect to receive a written report with relevant details for each item on its work programme and, where possible, this report should always be circulated with the agenda for the meeting.

10. Overview & Scrutiny Recommendations to the Cabinet

10.1 Overview & Scrutiny Committees may make recommendations to the Cabinet on functions the Council is responsible for through a formal committee meeting or, say, by way of a Task & Finish Group's Final Report.

10.2 Upon receipt of a recommendation from Overview & Scrutiny, Cabinet Members will:

- Give due consideration to any recommendations or views expressed;
- Provide an explanation for the reasons why recommendations made by Overview & Scrutiny have or have not been pursued.

10.3 Once approved by the relevant Overview & Scrutiny Committee, the views of the Cabinet Member on any recommendations will be sought and included within the report. The Chairman of the Overview & Scrutiny Committee/Task & Finish Group will have the opportunity to meet with the relevant Cabinet

Member(s) to discuss the recommendations and the response to those recommendations. The Final Report will then be submitted to the Cabinet for consideration. Should any of the recommendations not be approved or be only partially supported, the Cabinet will provide details of the reason why. The response of Cabinet to recommendations will be reported to the next available meeting of the Overview & Scrutiny Committee.

11. Urgent Items of Cabinet Business

- 11.1 The Chairman of the appropriate Overview and Scrutiny Committee may be requested to consent to certain decision being taken by the Cabinet/a Cabinet Member if there is an urgent decision needing to be taken and, due to that urgency, the required notice cannot be given and/or the normal call-in procedures of a decision cannot be applied. The Committee Chairman will consider each request and will not unreasonably withhold consent where the purpose of granting consent is in accordance with the legislative provisions and thereby permit the urgent decision to be made. Notice of the urgency reasons and the consent of the Committee Chairman will then follow.

12. Scrutiny Consideration of Confidential Decisions

- 12.1 Overview & Scrutiny Committee Members have a right to access exempt information supporting decisions that have been taken in order to allow an effective enquiry of the decision. Should an Overview & Scrutiny Member wish to ask questions at a public Committee meeting around an decision that itself is exempt from publication or is based on information that is so exempt, the press and public may be excluded in accordance with the Council's Constitution and the Cabinet Member will be expected to answer in an open and transparent manner. The exempt information will remain confidential and all elected members and officers who receive that information shall maintain that confidentiality in line with the codes of conduct for Elected Members and Officers.

13. Call-in

- 13.1 Following the mediation process provided for in the Constitution, and on the basis of a continuing call-in situation, Cabinet Members will be expected to attend any meetings of Overview & Scrutiny committees at which a call-in request in relation to their area of responsibility is being considered. Summarising the requirements of the relevant Procedure Rules in the Constitution, if the relevant Cabinet Member cannot attend, the Leader, should attend in their absence or designate another Cabinet Member to do so. The purpose of their attendance will be to present the decision and the basis for it and to answer questions of fact. The following procedure will take place where call-ins are being considered:
- i. One of the Members who called in the decision will speak first.
 - ii. The Chair will invite the Cabinet Member (decision maker) to respond.
 - iii. The Committee will then ask questions of the decision maker, who may ask a relevant officer to supply further information if necessary.
 - iv. The Committee debates the issue and votes on the outcome.

14. Councillor Call to Action

- 14.1 Cabinet Members will be invited and expected to attend any meetings of Overview & Scrutiny Committees at which a call to action request in relation to their area of responsibility is being considered. A similar process will apply as outlined for Call-In decisions referred to earlier.
- 14.2 Overview & Scrutiny Committee members are not entitled to draft materials while policy is being developed unless the Cabinet consults the relevant Overview and Resources Committee through the formulation of policy. This is to ensure resources are used in an efficient manner. Cabinet Members and Officers are expected to ensure the Schedule of Forthcoming Decisions is up to date and accurate to assist with this for work programming purposes.

15. Ensuring Compliance with the Protocol

- 15.1 The Head of Democratic Services & Elections (in his role as the designated Scrutiny Officer) and the Assistant Director of Governance (in their role as Monitoring Officer) will be responsible for overseeing compliance with the Cabinet/Overview & Scrutiny Protocol which should be used by Members to support the wider aim of supporting and promoting a culture of overview & scrutiny. The success of the protocol will be determined by:
- Recognition of the value of overview & scrutiny;
 - A clear record of constructive challenge;
 - Valuable Overview & Scrutiny reviews that achieve outcomes;
 - An open and accountable decision making process.
- 15.2 With due regard to the Council's Statement on Council development, training will be made available for those on Overview & Scrutiny Committees and those in the Cabinet on this protocol and elements referenced in it including work planning, budget scrutiny, using performance data and key lines of enquiry.
- 15.3 In the Overview & Scrutiny Annual Report submitted to Full Council each year there will be a section demonstrating the impact of Overview & Scrutiny and effectiveness of the Protocol.
- 15.4 All Members have agreed to adhere to the Council's Policies and Procedures through the Members' Code of Conduct. Any Member who considers the principles of this Protocol had been compromised will raise the issue with the Leader or relevant Chairman of the Overview & Scrutiny to seek resolution in the first instance. Where appropriate, the Group Leader will be notified. In circumstances, where a suitable resolution has not been reached between Members, the matter can be raised with the Monitoring Officer.
- 15.5 Any concerns regarding the behaviours between Members and Officers will be dealt with in accordance with the Member Officer Relationship Protocol.

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

CABINET

29 JANUARY 2021

REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.8 LATEST FINANCIAL FORECAST / GENERAL FUND BUDGET PROPOSALS 2021/22
 (Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet’s approval of the latest financial forecast and council tax amount for 2021/22 and a delegation to the Portfolio Holder for Corporate Finance and Governance to agree the detailed budget proposals and formal draft resolutions / ‘technical’ appendices required for Full Council on 16 February 2021.

EXECUTIVE SUMMARY

- At the meeting on the 18 December 2020, Cabinet considered the Updated Financial Forecast / Budget 2021/22. The forecast at that time provided for a deficit of **£1.647m** that was to be met by drawing down money from the Forecast Risk Fund.
- The Updated Financial Forecast was subject to consultation with the Resources and Services Overview and Scrutiny Committee which met on the 14 January 2021 to consider it and their comments are set out elsewhere on the agenda.
- Since the Cabinet’s meeting on 18 December 2020, additional changes have been required, primarily as a result of new or revised information becoming available which includes the Government’s Financial Settlement announcements.
- The changes required result in reduced deficit for 2021/22 of **£1.227m**, a change of **£0.420m** compared to the **£1.647m** deficit presented to Cabinet in December. **Appendix A** provides further details across the various lines of the forecast, with the most significant change being the receipt of the revenue support grant from the Government.
- In previous years, this report set out the full detailed estimates along with the various resolutions / ‘technical’ appendices required for Full Council in February. However given the increased and on-going COVID 19 workload of a number of officer’s who play a key role in developing the budget, it has not been possible to finalise this more detailed information at this stage.
- However, the most up to date forecast, savings schedule and cost pressure summary are set out in this report, with a recommendation included below that delegates approval of the more detailed budget information and associated ‘technical’ appendices and resolutions to the Portfolio Holder for Corporate Finance and Governance.
- This budget position may change as further adjustments could be required as part of finalising the budget for presenting to Council on 16 February 2021, with a further delegation included in the recommendations to reflect this.

- Based on the final proposed budget for 2021/22, the Council Tax requirement is **£8.604m**, which is based on a £5 increase for this Council's services, with a Band D council tax of **£177.64**. These figure will remain unchanged and therefore will be reflected in the various budget resolutions / 'technical' appendices proposed to be delegated to the Portfolio Holder for Corporate Finance and Governance.
- The Council's annual budget and the district and parish elements of the council tax will be considered by Full Council on 16 February 2021 with approval of the 'full' council tax levy for the year to be considered by the Human Resources and Council Tax Committee in February 2021.
- Similarly to last year, the approval of the associated Treasury Strategy for 2021/22 for consultation with the Resources and Services Overview and Scrutiny Committee is recommended to be delegated to the Portfolio Holder for Corporate Finance and Governance.
- As agreed by Council back in November, a council tax discount policy for young people leaving care has now been finalised, which is set out in Appendix D.

RECOMMENDATION(S)

Cabinet approves:

- a) The latest financial forecast set out in Appendix A, along with the savings and cost pressures set out in Appendix B and C respectively that form the firm proposals for the 2021/22 budget and *recommends to Full Council:***
 - (i) A Band D Council Tax for district services of £177.64 for 2021/22 (a £5 increase), along with the associated council tax requirement of £8.604m.**
- b) a delegation to the Portfolio Holder for Corporate Finance and Governance, to agree the 'technical' appendices and resolutions for the budget proposals for recommending to Full Council on 16 February 2021;**
- (c) that subject to b) above, in consultation with the Leader and the Corporate Finance and Governance Portfolio Holder, the Chief Executive reports directly to Council in respect of the formal resolutions necessary to implement the Executive's budget proposals along with any late information or notifications received from the Government;**
- (d) that in respect of the Treasury Strategy 2021/22, delegation be given to the Portfolio Holder for Corporate Finance and Governance to approve the draft Strategy for consultation with the Resources and Services Overview and Scrutiny Committee; and**
- (e) the council tax discount policy for young people leaving care as set out in Appendix D and recommends this to full Council for adoption.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, businesses and visitors.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are set out in the body of the report.

Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.

Risk

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. There are a number of areas that could lead to additional expenditure being incurred, such as: -

- Economic environment / instability;
- Emergence of additional cost pressures;
- Changes to the local authority funding mechanisms such as the Government's fairer funding review that is proposed;
- New legislation placing unfunded duties on the Council or reducing the level of the Council's core funding;
- Local or national emergency;
- Income is less than that budgeted for, including business rate income retained locally.

COVID 19 has introduced a number of risks to the Council's financial position, which cut across many of the specific issues highlighted above. The underlying forecast remains based on relatively conservative estimates with no optimistic bias included. Although the potential impact from COVID 19 has been reflected in the forecast position where possible, the long-term impact and the speed and scale of the wider economic recovery remains uncertain.

One of the primary risks introduced by the COVID 19 crisis is the potential impact on key income streams for the Council such as from Council Tax, Business Rates and general fees and charges. In respect of the first two items, the estimates for 2021/22 reflect the potential impact. In respect of the third item, it is very difficult to forecast the level of impact and how far it may continue into 2021/22. Therefore it is not proposed to make changes to the underlying income budgets but underwrite this specific risk by refocusing an existing reserve for this purpose. This is felt to be a pragmatic approach given any changes in 2021/22 are likely to be temporary with income expected to return to pre-COVID 19 levels in future years. Therefore 2021/22 should be seen as a transitional year, a position that will be kept under on-going review as part of in-year financial performance reports.

The specific risk to income budgets should be seen as separate from the underlying risk to the forecast, which are underwritten via the Forecast Risk Fund. As previously discussed, the Council's ability to financially underwrite the wider forecast is an important element of the 10-year plan. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, an update against the two important aspects to how this is being managed are as follows:

- 1) **£3.253m** has already been set aside within the Forecast Risk Fund to support the budget in future years. This money is available to be drawn down if the timings within the forecast differ in reality and the net position is unfavourable compared to the forecast in any one year. Based on the current position, it is proposed to draw down **£1.227m** from this reserve in 2021/22, a reduction compared with the **£1.647m** presented to Cabinet on 18 December 2020. Although the forecast has been significantly impacted by COVID 19, as set out in **Appendix A**, annual surplus balances are still expected to remain within this reserve over the remaining life of the forecast.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will be revised on an on-going basis. If unfavourable issues arise, that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken. Actions to respond will, therefore, need to be considered but can be taken over a longer time period where possible. In such circumstance, the Council may need to consider 'topping' up the funding mentioned in 1) above if required. This may impact on the ability to invest money elsewhere but will need to demonstrate that its use is sustainable in the context of the ten-year forecast.

The long-term approach to the forecast therefore provides flexibility to respond to risks such as those presented by COVID 19. For instance, the savings target has been 'relaxed' for 2021/22. However it must be highlighted that the savings targets set out in the forecast will still need to be delivered in the longer term but they need to remain flexible and react as a counterbalance to other emerging issues and it is therefore accepted that this figure may need to be revised up or down over the life of the forecast.

It is important to continue to deliver against the forecast to build confidence in the longer-term approach. This will therefore continue to need robust input from members and officers where decisions may be required in the short term or on a cash flow basis.

Another aspect to this approach is the ability to 'flex' the delivery of services rather than cut services. As would be the case with our own personal finances, if we cannot afford something this year because of a change in our income, we can potentially put it off until next year. There is a practical sense behind this approach as we could flex the delivery of a service one year but increase it again when the forecast allows.

In addition to the above, it is important to note that the Council has already prudently set aside money for other significant risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which supports its core financial position.

LEGAL

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Business Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. The

revised arrangements mean that there are now lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council, as part of the budget process, on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

In respect of special expenses that form part of the budget setting process, expenditure is classed as a Special Expense if it satisfies the requirements of the Local Government Finance Act 1992, Section 35. The only category relevant to this Council is contained within Section 35(2)(d) relating to concurrent functions with Parish and Town Councils. Under the Local Government Finance Act 1992, the Council must identify as its Special Expense, proposed expenditure on those functions which the Council performs in part of the district but which Parish or Town Councils perform elsewhere in the District. If, in the Council's view, a special expense should properly be charged over the whole of the district's area, the Council may pass an express resolution to this effect (known as a **contrary resolution**).

In order for expenditure to be a Special Expense, there are two conditions that must be fulfilled:

1. Expenditure is estimated to be incurred by the District Council in the whole or part of its area on the provision of a function;
2. Expenditure on the provision of the same function is to be incurred by at least one parish/town council elsewhere in the district.

The proposals set out in this report are in accordance with the Council's budget and policy framework.

OTHER IMPLICATIONS

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

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

There are no other implications that significantly impact on the financial forecast. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver the necessary savings.

Special expenses are based on the principle of ensuring there is equality across the district in levying Council Tax to residents based on services and facilities provided by Town and Parish Councils in specific areas that are also provided by the District Council.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

On 18 December 2020 Cabinet considered the Updated Financial Forecast / Budget 2021/22 for consultation with the Resources and Services Overview and Scrutiny Committee. The report set out an estimated deficit of **£1.647m** in 2021/22.

The development of the forecast / budget has continued since Cabinet's meeting on 18 December 2020, primarily to reflect the latest information such as the outcome of the Local Government Finance Settlement. The most up to date position is set out in **Appendix A**, which highlights a reduced deficit position for 2021/22 of **£1.227m**.

In previous years, this report set out the full detailed estimates along with the various 'technical' appendices for recommending onto Full Council in February. However given the increased and on-going COVID 19 workload of a number of officer's who play a key role in developing the budget, it has not been possible to finalise this more detailed information at this stage.

However, the most up to date forecast, savings schedule and cost pressure summary are set out in this report, with a recommendation included above that delegates approval of the more detailed budget information and associated appendices to the Portfolio Holder for Corporate Finance and Governance. It is important to highlight that the more detailed position delegated to the Portfolio Holder will be a reflection of the updated high level forecast set out in this report.

At the time of finalising this report, work remained on-going in respect of the Council's overall salary costs along with the associated internal recharges. It is therefore possible that further changes to the budget may be required when these areas of the forecast are finalised. The delegation referred to above will therefore also enable further changes to be reflected in the budget, including the use of reserves that will then be recommended to Council on 16 February 2021 if necessary.

Regardless of the above, the proposed council tax amount for 2021/22 will not be subject to any amendment and will remain as **£177.64** as set out in this report.

For completeness, the more detailed / technical information proposed to be delegated to the Portfolio Holder for Corporate Finance and Governance for approval, will include the following:

- *Detailed General Fund revenue estimates, capital programme and reserves 2021/22*
- *Special Expenses 2021/22*
- *Requisite Budget Calculations 2021/22*
- *District Council Taxes for All Areas 2021/22*
- *Precepts on the Collection Fund – District Amounts 2021/22*
- *District Council Tax Amounts 2021/22 (excluding Council Tax amounts for Town and Parish, County, Fire and Police services)*
- *Calculation of Estimated Surplus on the Collection Funds for 2021/22*

- *Prudential Indicators 2021/22*
- *S151 Officer Statement - Robustness of Estimates and Adequacy of Reserves*

The formal approval of the 'full' council tax levy for the year including the district amount approved by Full Council in February along with the Essex County Council and Police / Fire precepts will be considered by the Human Resources and Council Tax Committee later in February 2021.

LATEST FINANCIAL FORECAST AND BUDGET PROPOSALS 2021/22

As highlighted earlier in this report, the forecast considered by Cabinet at its 18 December 2020 meeting set out a deficit of **£1.647m**.

This deficit has subsequently been revised downwards to **£1.227m**, a change of **£0.420m** as set out in **Appendix A**.

This change is made up of the following adjustments:

- **Receipt of Revenue Support Grant (RSG) – income of £0.431m has been added to the forecast. (Line 6 – Appendix A)**

The Government have maintained RSG funding for a further year with a small inflationary uplift in 2021/22.

In previous years, the Council has reduced the LCTS grant to Town and Parish Councils in line with its own reduction in Revenue Support Grant. The forecast had therefore reduced the grant payable to Town and Parish Council's to nil in 2021/22. However, given the Government have maintained the RSG for at least one more year, the principle of passing some of this funding onto Town and Parish Councils that was established in prior years is proposed to continue into 2021/22. An adjustment of **£0.037m** has therefore been reflected in the forecast, representing the total cost of the grants to Town and Parish Council's in 2021/22. **(Line 12 – Appendix A)**

- **On-going Net Savings - £0.026m (Line 15 – Appendix A)**

This adjustment reflects an increase in the annual contribution ECC makes to the Council to support the kerbside collection of food waste. The total savings included in the forecast has been subsequently increased to **£0.239m** as set out in **Appendix B**.

Although there is no net impact on the budget, as part of the annual Local Government Finance Settlement, the Government also announced:

- New Homes Bonus Grant - **£0.644m**
- General COVID Support Grant - **£1.023m**
- Homelessness Support Grant - **£0.781m**

In respect of the first two items, commitments against this funding will be considered during the year. In respect of the Homelessness support grant, as has been the case in previous years, this will be used to increase the general homelessness budgets to continue to support associated schemes and initiatives as well as meeting the demand for temporary accommodation.

In addition to the above, the Government have also indicated that they will provide funding to support the potential increased cost of providing local council tax support in 2021/22. An

indicative figure of **£0.197m** has been provided by the Government. However this has not been included in the budget at this stage as it remains subject to Government consultation. Once the outcome is known, the budget will be adjusted accordingly and updates provided as part of the in-year financial monitoring reports.

There have been no changes to the level of cost pressures included within the forecast, with items totalling **£0.516m** remaining in the forecast as set out in **Appendix C**.

Cliff Stabilisation Work

As set out in previous reports, major remedial work is required along the Holland-on-Sea seafront where areas of the cliff have slipped. Current estimates indicate these remedial works will cost £4m. Although the Council remains committed to seeking contributions from other stakeholders, given the relative urgency of the work required, it is likely that the Council will have to fund the full cost of the project itself.

No provision is currently included in the forecast either to fund the direct cost of the works or to accommodate the financing costs that would arise if the money required was raised via a loan.

If the Council entered into a loan arrangement, then it is likely that on-going revenue costs in excess of **£0.200m** would need to be added to the forecast. Corresponding savings would therefore need to be found to accommodate this cost in the long term plan. The alternative approach would be to review and reallocate money from existing budgets, which may require a change in the scale and speed that other projects and priorities can be delivered.

Work remains on-going to identify the most advantageous approach, which will be subject to a separate report that will be presented to Members shortly.

Council Tax – Discount for Young People Leaving Care

As agreed at Full Council on 24 November 2020, a policy has now been developed to enable council tax discounts to be provided to young people leaving care.

The policy is set out in **Appendix D** and enables support to be given to young people leaving care until the age of 21 and will be backdated to 1 April 2020. The policy is consistent with the policies introduced by other Essex Local Authorities.

The cost of this scheme is not expected to have a major impact on the overall council tax base, but it will be kept under review this year. It is important to highlight that the full cost of providing these discounts will not fall to the Council alone, as the major preceptors have committed to meet their share of the cost based on a pro-rata amount equal to their element of the overall council tax bill.

Council tax discounts are considered by Full Council in November each year, and subject to approval of the policy set out above, this policy will 'automatically' be included in this annual review process going forward.

Council Tax Income

As part of the Local Government Finance Settlement, the Government announced the council tax 'capping' criteria for 2021/22 and it has been confirmed that District Councils can increase their council tax by 2% or £5, whichever is the greater. An increase of £5 had already been included in the forecast, so subject to agreement by Cabinet / Council, no further changes are required.

A £5 increase results in a council tax for a Band D property of **£177.64** in 2021/22, with a Council Tax Requirement of **£8.604m**.

Business Rates Income

No changes are required to the forecast. Unless a Local Authority withdraws from the Essex business rates pool, the pool will continue in 2021/22. At present the forecast does not reflect any financial benefit from being a member of the pool, which will be revisited as part of developing the forecast in future years or reflected in the in-year budget position as necessary during 2021/22.

Capital Programme

No changes to the forecast have been required at this stage.

Reserves

No changes to the forecast have been required at this stage.

Fees and Charges

As reported to Cabinet in December, in a change from previous years, fees and charges are now agreed separately by the relevant Portfolio Holder.

However they continue to be reviewed within the framework of the financial forecast and therefore they will be considered against the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- increases where market conditions allow
- to meet specific priorities or service delivery aims / objectives

No changes to the forecast have been required at this stage.

Although they are now agreed separately, a full schedule of fees and charges will be included within the final budget proposals to Full Council on 16 February 2021.

Treasury Strategy 2021/22

In accordance with the Budget and Policy Framework the Treasury Strategy is required to be considered by the Resources and Services Overview and Scrutiny, following which it will be reviewed by Cabinet for recommending to Full Council in March. As has been the case in previous years, a recommendation is included earlier on in this report to delegate the approval of the Treasury Strategy 2021/22 to the Corporate Finance and Governance Portfolio Holder for consultation with the Resources and Services Overview and Scrutiny Committee.

BUDGET SUMMARIES

Based on all of the adjustments set out elsewhere in this report, the proposed budgets for 2021/2022 are summarised below.

General Fund Revenue Budget

Table 1

	2020/21 Original	2021/22 Original
	£m	£m
Net Cost of Services	19.337	19.494
Revenue Support for Capital Investment	0.267	0.059
Financing Items	(3.472)	(5.264)
Net Expenditure	16.133	14.289
Contribution to /(from) Uncommitted Reserve	0	0
Net Use of Earmarked Reserves	(1.551)	(0.776)
Total Net Budget	14.582	13.513
Less Funding		
Business Rates (excl. S31 Govt. Grant funding)	4.438	4.478
Revenue Support Grant	0.429	0.431
Collection Fund Balance	1.360	0
Council Tax Requirement (for Tendring District Council) (Excludes Parish Precepts)	8.534	8.604

The council tax requirement for 2021/22 is based on a Band D council tax of **£177.64**, an increase of **£5 (2.90%)** over the 2020/21 amount of **£172.64**.

General Fund Capital Programme

Table 2

	2021/22 Original Budget
	£m
EXPENDITURE	
Information and Communications Technology Core Infrastructure	0.055
Disabled Facilities Grants	0.757
Enhancement Equipment Replacement – Printing and Scanning	0.004
Total Expenditure	0.816
FINANCING	
Government Grants	0.757
Direct Revenue Contributions	0.055
Earmarked Reserves	0.004
Total Financing	0.816

UPDATES TO THE FORECAST FOR THE PERIOD 2022/23 AND BEYOND

Taking the most up to date position set out in this report, the expected annual position for each remaining year of the forecast is as follows:

Year	Net Budget Position (including adjusting for prior year use of reserves to balance the budget)
2022/23	£1.249m deficit
2023/24	£1.018m deficit
2024/25	£0.781m deficit
2025/26	£0.540m deficit
2026/27	£0.294m deficit

Although the figures set out within the table above will change as part of updating the forecast on a regular basis during 2021/22, there have been no issues arising that indicate that the long term approach is unsustainable. Against this background and as discussed previously, it may not be possible to avoid or mitigate adverse issues, such as cost pressures, over the remaining years of the forecast. However, the level of savings required will need to continue to act as the 'safety valve' with the overall position being subject to further updates as part of reporting the quarterly position going forward.

BACKGROUND PAPERS FOR THE DECISION

Working Papers in Accountancy

APPENDICES

Appendix A	Updated Financial Forecast 2021/22
Appendix B	Net On-Going Savings Items 2021/22
Appendix C	Cost Pressures Summary 2021/22
Appendix D	Care Leaver's Council Tax Discount Policy

This page is intentionally left blank

UPDATED FINANCIAL FORECAST 2021/22

Line	Prior Year Budget	Updated Forecast (13 November 2020)	Updated Forecast (18 December 2020)	Updated Forecast (29 January 2021)	Change between December and January Positions
	2020/21	2021/22	2021/22	2021/22	£m
		£m	£m	£m	£m
Underlying Funding Growth in the Budget					
1 Council Tax Increase 1.99%	(0.158)	(0.165)	(0.166)	(0.166)	0.000
2 Council Tax increase by £5 (amounts set out are over and above 1.99% above)	(0.079)	(0.077)	(0.076)	(0.076)	0.000
3 Growth in Business Rates - Inflation	(0.110)	(0.041)	(0.041)	(0.041)	0.000
4 Growth in Business Rates / Council Tax - general property growth	(0.365)	(0.187)	(0.029)	(0.029)	0.000
5 Collection Fund Surpluses b/fwd	(1.360)	0.000	0.000	0.000	0.000
	(2.072)	(0.470)	(0.312)	(0.312)	0.000
Net Cost of Services and Other Adjustments					
6 Reduction in RSG	(0.007)	0.429	0.429	(0.002)	(0.431)
7 Remove one-off items from prior year	0.013	(0.412)	(0.412)	(0.412)	0.000
8 Remove one-off items from prior year - Collection Fund Surplus	0.710	1.360	1.360	1.360	0.000
9 Inflation - Employee Costs (including annual review adjustments)	0.615	0.507	0.507	0.507	0.000
10 Inflation - Other	0.230	0.148	0.124	0.124	0.000
11 First / Second / Third year impact of PFH WP Savings	0.000	0.000	(0.045)	(0.045)	0.000
12 LCTS Grant to Parish Council's	0.000	(0.037)	(0.037)	0.000	0.037
13 Revenue Contribution to the Capital Programme	(0.045)	(0.209)	(0.209)	(0.209)	0.000
14 Specific Changes in Use of Reserves	1.103	2.265	1.995	1.995	0.000
15 On-going savings / increases in income	(0.301)	0.000	(0.213)	(0.239)	(0.026)
16 Unmitigated Cost Pressures	0.884	0.250	0.516	0.516	0.000
17 Other Adjustments	(1.157)	(2.056)	(2.056)	(2.056)	0.000
	2.045	2.245	1.959	1.539	(0.420)
Net Total	(0.027)	1.775	1.647	1.227	(0.420)
Add back General Use of Reserves in Prior Year to Balance the Budget	0.027	0.000	0.000	0.000	0.000
Net Budget Position	(0.000)	1.775	1.647	1.227	(0.420)
Use of Forecast Risk Fund to support the Net Budget Position	0.000	(1.775)	(1.647)	(1.227)	0.420

Use of Forecast Risk Fund

Estimated Outturn b/fwd from prior years	(3.253)	(3.753)	(3.753)	(3.753)	
Contribution from / (to) reserve	(0.000)	1.775	1.647	1.227	(0.420)
Planned additional contributions generated in year	(0.500)	(0.500)	(0.500)	(0.500)	0.000
Balance to Carry Forward	(3.753)	(2.478)	(2.606)	(3.026)	(0.420)

	Year	Updated Forecast (13 November 2020)	Updated Forecast (18 December 2020)	Updated Forecast (29 January 2021)	Change between December and January Positions
		£m	£m	£m	
Forecast Risk Fund - Estimated Surplus Balance at the end of the year					
	2021/22	(2.478)	(2.606)	(3.026)	(0.420)
	2022/23	(1.621)	(1.831)	(2.277)	(0.446)
	2023/24	(0.993)	(1.288)	(1.759)	(0.471)
	2024/25	(0.602)	(0.981)	(1.477)	(0.496)
	2025/26	(0.450)	(0.915)	(1.437)	(0.522)
	2026/27	(0.544)	(1.095)	(1.643)	(0.548)

This page is intentionally left blank

APPENDIX B

NET ON-GOING SAVINGS ITEMS 2021/22

	2021/22 £	Comments
Increased Income - General Property Rental Income	30,000	To reflect the outcomes from rent reviews undertaken during the year.
Increased Income - Potential Increased Recycling Credit Income	115,000	To reflect the expected continuation of increased recycling performance from the new collection service introduced last year.
Reduction in Expenditure - Public Convenience Business Rates	68,250	This reflects the reintroduction of an earlier commitment from the Government to remove the liability to pay business rates on public toilets from next year.
NEW ITEM - Inter Authority Agreement for Food Waste - Contribution from ECC	25,720	Based on current scheme performance and the terms of the IAA agreement, ECC have recently notified the Council of its estimated 2021/22 contribution, which is higher than the £340,950 included in the base budget.
Total	238,970	

This page is intentionally left blank

UPDATED COST PRESSURE SUMMARY 2021/22

Status		2021/22 £	2022/23 £	2023/24 £	2024/25 onwards £	Comments
Unavoidable Items 2021/22 Budget						
On-going impact of items agreed as part of last year's forecast.	REVENUE - Operational Services - Public Realm - Expiry of Commuted sums / no commuted sums agreed with Developer to support open space maintenance etc.	8,000	8,000	8,000	8,000	This budget is required to maintain open space etc. to existing standards.
	REVENUE - Corporate Services - IT and Corporate Resilience - Expenditure to compliment the on-going digital transformation programme	13,500	16,000	31,300	31,300	The amounts reflect a varied range of expenditure to support the continued digitalisation programme such as equipment to enable officers to work from home (H&S requirement), hosting costs, mobile telephony costs, website / intranet hosting costs and cyber security costs.
	REVENUE - Operational Services - Public Realm - Fleet contract hire / lease costs	5,000	4,000	6,000	6,000	To maintain the transport fleet to current standards ensuring departments can continue to provide good customer service and supporting the Council's reputation.
	REVENUE - Corporate Services - Finance Other Corporate Costs - New 5 year banking contract entered into in 2019/20	7,000	7,000	7,000	7,000	Reflects new banking contract prices which included a one-off reduction in the first year so cost pressure required from 2021/22.

Items currently included within the forecast	REVENUE - Corporate Services - Local Council Tax Support Scheme - reduced Government support	14,190	14,190	14,190	14,190	Reflects the reduction in Government Grant Funding in 2020/21, which is assumed to be on an on-going basis. Figures for 2021/22 have yet to be announced so this cost pressure could increase before the budget is finalised in February 2021.
	REVENUE - Corporate Services - Finance, Revenues and Benefits - Reduced income from the Council Tax Sharing Agreement with the major preceptors	88,500	88,500	88,500	88,500	Although collection performance is expected to recover from the COVID 19 crisis over 2021/22, this reflects a period where income may remain behind pre-COVID levels in the interim period.
	REVENUE - Corporate Services - Members Allowances - To reflect the decision at Full Council in September	47,000	53,500	60,000	66,500	This includes the one-off increase in the base budget in 2020/21 and an inflationary allowance each year in-line with the same estimated uplift for Officers
	REVENUE - Corporate Services - Members Other Costs - Member Training	5,000	5,000	5,000	5,000	To provide an ongoing base budget to provide training to members following the depletion of a one-off cost pressure from previous years.
	REVENUE - Corporate Services - Members Other Costs - Microphone System	5,000	5,000	5,000	5,000	This reflects the estimated ongoing maintenance costs associated with the new microphone system that was agreed as part of the financial performance report at the end of the second quarter of 2020/21

	REVENUE - Operational Services - Reduction in external contributions	12,730	12,730	12,730	12,730	This reflects the end of a funding agreement with a Parish / Town Council. There are currently reduced opportunities to make a corresponding adjustment to expenditure budgets but this position will need to be considered as part of any future review of the provision of CCTV.
	REVENUE - Corporate Services - Bar Code, Credit & Debit Card Charges - increase in merchant acquirer costs	40,000	40,000	40,000	40,000	This reflects the increase in card payments as part of the wider service transformation initiatives.
	REVENUE - Corporate Services - Interest & Investment Income - Reduced income from low interest environment and expected reduction in cash balances	270,040	270,040	270,040	270,040	This reflects an expected period of low interest rates along with a reduction in the money that can be invested due to the planned increase in activity to deliver a range of projects across the Council going into 2021. The figure is net of a small reduction in MRP and Interest paid on outstanding loans. This adjustment excludes income from investment property which is not expected to reduce.
	Total of Unavoidable Items Included in the 2021/22 Budget	515,960	49,190	66,490	66,490	

TOTAL OF ALL COST PRESSURES ABOVE	647,460	180,690	197,990	197,990	
TOTAL OF COST PRESSURES INCLUDED IN THE 2021/22 BUDGET (Total of all cost pressures less mitigated items)	515,960	49,190	66,490	66,490	

This page is intentionally left blank

Care Leaver's Council Tax Discount Policy

Introduction

This policy utilises the discretionary power available to billing authorities arising from S13A(1)(c) of the Local Government Finance Act 1992 to reduce, or further reduce, the amount of council tax a care leaver is liable to pay with effect from 1 April 2020.

Definitions

For the purpose of this policy, a 'care leaver' is defined as:

A person aged up to 21, who has either

- (a) been looked after by Essex County Council 'Essex' for at least 13 weeks since the age of 14; and who was looked after by the local authority at school-leaving age or after that date; or
- (b) who is entitled to leaving care support from Essex.

The Children Act 1989 defines the categories of children entitled to leaving care support as:

'Eligible children' are those young people aged 16-17 who are still in care and have been 'looked after' for a total of 13 weeks from the age of 14 and including their 16th birthday;

'Relevant children' are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17;

'Former relevant children' are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

Policy statement

For the purpose of calculating the amount of discretionary council tax reduction to apply, care leavers and those in their household are required to take steps to minimise their liability for council tax by claiming discounts, exemptions and council tax reduction.

After all discounts, exemptions and council tax reduction have been claimed the Council will reduce the council tax liability so that the liability of the household is the same that it would have been had the care leaver been a 'disregarded persons' (such as students) as detailed in s11 and Schedule 1 of the Local Government Finance Act 1992

For example:

A care leaver joining an existing household with a single person discount in place will be given sufficient discretionary relief to ensure that the council tax liability does not increase as a result of their presence.

A household where only care leavers are liable to pay council tax will be given sufficient discretionary relief to extinguish the council tax liability completely.

A care leaver in a property, which would otherwise be exempt from council tax, will be given sufficient discretionary relief to ensure that no council tax continues to be payable.

This page is intentionally left blank

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

CABINET

29 JANUARY 2021

JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.9 HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2021/2022

(Report prepared by Richard Barrett and Richard Hall)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet's approval of the final HRA budget proposals 2021/22 (including fees and charges, capital programme and movement in HRA Balances) for recommendation to Council on 16 February 2021.

EXECUTIVE SUMMARY

- At the meeting on the 18 December 2020, Cabinet considered the initial Housing Revenue Account Budget Proposals 2021/22. The budget proposals at that time provided for a small deficit of **£0.012m** that was to be met by drawing down money from general balances.
- The initial budget proposals were subject to consultation with the Resources and Services Overview and Scrutiny Committee, which met on the 14 January 2021 to consider them and their comments are set out elsewhere on the agenda.
- Since the Cabinet's meeting on 18 December 2020, only one change has been made that relates to an adjustment to the cost of a new IT system where the previous forecast included a one-off amount on top of the on-going annual maintenance cost. As the one-off cost is to be met from the current year's budget, this has been removed from the latest 2021/22 forecast.
- The change above has resulted in a small surplus for 2021/22 of **£0.012m**, a change of **£0.024m** compared to the **£0.012m** deficit presented to Cabinet in December 2020. **Appendix A** sets out the revised position that reflects this change.
- This position remains subject to further adjustments that may be required as part of finalising the budget for presenting to Council on 16 February 2021, with a delegation included in the recommendations to respond to this possibility.
- The revised forecast surplus of **£0.012m** in 2021/22 has been contributed to general balances.
- The proposed HRA Capital Programme for 2021/22 is set out in **Appendix C**, which continues to provide for a range of projects, including new build and initiative schemes.
- The average weekly rent remains unchanged to the figure reported in December at **£84.10**, an increase of 1.5% over the comparable figure of **£82.42** for 2020/21.

- The HRA general balance is forecast to total **£5.282m** at the end of 2021/22, which retains a strong financial position against which the Housing Strategy and associated HRA 30 year Business Plan can be delivered / developed.
- HRA debt continues to reduce year on year as principal is repaid with a total debt position at the end of 2021/22 forecast to be **£36.777m** (A reduction of **£1.664m** compared with the figure at the end of this year).

RECOMMENDATION(S)

- (a) That if the financial position changes prior to Council considering the HRA budget on 16 February 2021, Cabinet agrees a delegation to the Chief Executive to adjust the forecast / budget, including the use of reserves, in consultation with the Housing Portfolio Holder.

That subject to a) above, Cabinet approves and recommends to Full Council on 16 February 2021:

- (b) A 1.5% increase in dwelling rents in 2021/22 along with the detailed HRA Budget proposals for 2021/22 as set out in Appendices A to D.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The HRA budget and Business Plan plays a significant role in the delivery of affordable and decent housing in the district and the Council's responsibilities as a landlord has direct implications for the Council's ability to deliver on its objectives and priorities.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are set out in this report and its appendices.

Although the availability of financial resources is a key component in the delivery of HRA services, there will also be a need for appropriate input of other resources such as staffing, assets, IT etc.

Risk

There are inherent risks associated with the forecast such as:

- Changes in income achieved and future rent setting policy
- Emergence of additional areas of spend
- Emergence of new or revised guidance
- New legislation / burdens
- Changing stock condition requirements
- Adverse changes in interest rates
- National welfare reforms

In view of the above it is important that a sufficient level of balances / reserves is available to support the HRA. HRA Balances are currently forecast to be **£5.282m** at the end of 2021/22, which although required to support the business plan and HRA investment in future years,

provides a 'buffer' to the 30 year Business Plan if, for example, some of the items highlighted above emerge or are required to deal with changing financial and service demand issues.

Reflecting on the Housing Strategy, a 30 year HRA Business Plan is maintained that continues to demonstrate the sustainability and resilience of the HRA within a self-financing environment and the ability to provide opportunities for housing investment and associated housing services in the future, although it is acknowledged that the longer term view always remains subject to the Government's housing policies.

To date the HRA has been largely unaffected financially from the impact of the COVID 19 crisis. Although there are some secondary impacts as set out in the report to Cabinet in December (increased voids), it is not expected that this situation will significantly change over the remainder of this financial year and into 2021/22. However, the position will be kept under on-going review and the financial sustainability of the HRA remains underwritten by the current level of general balances, which are forecast to be **£5.282m** at the end of 2021/22 as mentioned above.

LEGAL

It is a statutory requirement on a local authority to determine its Housing Revenue Account budget before the upcoming financial year and to ensure that its implementation will not result in an overall debit balance on the Account.

The self-financing regime for the Housing Revenue Account that came into effect from April 2012 was enabled by the Localism Act 2011.

The Regulator of Social Housing and its predecessor bodies have, at the Direction of Government, issued requirements and guidance to registered providers of social housing (which includes Local Authorities) in respect of rents. This has included the maximum levels of rent they can charge and annual increases in rents.

In 2016, Parliament passed the Welfare Reform and Work Act which, together with Regulations made under it, created a legislation-based regime of rent reduction across the sector by 1% per year until 2020. Therefore, over this 4-year period, providers have been required to reduce rents by 1% per year across its housing stock.

In October 2017, the Government announced that at the end of the 4 year rent reduction period it intended to return to annual rent increases of up to CPI + 1%, implemented through the regulator's Rent Standard rather than through legislation.

The Secretary of State for Housing, Communities and Local Government published on 26 February 2019 a 'Direction to the Regulator' to set a Rent Standard that will apply from 1 April 2020. That Direction was published alongside the Government's Policy Statement on Rents (the Policy Statement) and the regulator is required to have regard to this when setting its Rent Standard.

The regulator may under section 194(2A) of the Housing and Regeneration Act 2008 set standards for registered providers requiring them to comply with specified rules about their levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).

The Regulator of Social Housing has confirmed rents can be increased by up to CPI+1% per year for a period of 5 years starting from 1 April 2020. The rent standard does not apply to properties let to high-income social tenants, so rather than this being a mandatory requirement that the Government had previously looked to implement, it is now a voluntary decision taken at

a local level. However, given the very challenging administrative issues associated with charging higher rents to high-income tenants, it is not proposed to introduce this at the present time. However, it is acknowledged that this flexibility may be subject to review in future years, for example, as part of developing future policy decisions within the HRA.

The Housing and Planning Act 2016 introduced a number of changes that had an impact on social housing, which via associated regulations are reflected in the HRA estimates as necessary.

The HRA 30 Year Business Plan was agreed as part of the self-financing reforms and associated borrowing agreed by Full Council in February 2012 and the budget proposed for 2021/22 remains broadly in-line with the plan after taking into account relevant external factors and changes introduced by the Government since that date.

OTHER IMPLICATIONS

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

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

In carrying out its functions as a social landlord, the Council has regard to the need to reduce the potential for criminal activity by improving the security of dwellings as part of maintenance and repair programmes and for combating anti-social behaviour through effective management procedures.

Although there are no direct equality and diversity issues, the overall HRA and associated financial planning processes aim to recognise and include such issues where appropriate and relevant.

PART 3 – SUPPORTING INFORMATION

LATEST HRA BUDGET PROPOSALS 2021/22

On 18 December 2020, Cabinet considered the initial Housing Revenue Account Budget Proposals 2021/22 for consultation with the Resources and Services Overview and Scrutiny Committee. The report set out an estimated deficit of **£0.012m** in 2021/22, which was proposed to be met by drawing money down from general balances.

The development of the forecast / budget has continued since Cabinet's meeting on 18 December 2020, to reflect the most up to date information.

This above position has subsequently been revised to a surplus of **£0.012m**, a net reduction of **£0.024m**. This change is due to a reduction in the budget for a new IT system. The initial forecast included a one-off amount associated with implementation of the new system, which was in addition to the annual on-going maintenance cost. This one-off amount has now been removed as it is being correctly paid from the current year's budget. It is proposed to contribute this small surplus to HRA general balances.

All other figures reported to Cabinet in December and considered by the Resources and Services Overview and Scrutiny Committee remain unchanged with some key headlines as follows:

- Rents are proposed to be increased by 1.5% (CPI + 1%) resulting in an average weekly rent of **£84.10** in 2021/22

- **£6.166m** remains within the budget proposals for the major refurbishment and repairs to the housing stock.
- Current estimates put the total HRA reserves at **£9.597m** by the end of 2021/22, with the general balances element within this amount being **£5.282m**.
- With forecast repayments of principal of **£1.664m** in 2021/22, the level of HRA debt at the end of 2021/22 is forecast to be **£36.777m**.

As set out in the report to Cabinet in December, one area that is important to note as it may have a bearing on the overall financial position of the HRA in future years is the regulatory regime emerging from the Hackett review, which followed the Grenfell fire incident. The Council remains alert to any changes that may be required in managing its housing stock, which will be reflected in the 30-year business plan as necessary.

The HRA budget proposals for 2021/22 set out a robust position and along with estimated balances of **£5.282m**, it presents a strong financial position against which the Housing Strategy and associated HRA 30 year Business Plan can be delivered / developed.

At the time of finalising this report, work remained on-going in respect of the Council's overall salary costs along with associated internal recharges. It is therefore possible that further changes to the budget may be required when these areas of the forecast are finalised. A delegation is therefore included in the recommendations above, to enable further changes to be reflected in the budget, including the use of reserves that will then be recommended to Council on 16 February 2021.

BUDGET SUMMARIES

Based on all of the adjustments set out elsewhere in this report, the proposed HRA budget for 2021/2022 is summarised below.

HRA Revenue Budget

Table 1

	2020/21 Original Budget £m	2021/22 Original Budget £m
Direct Expenditure	6.585	6.550
Direct Income	(13.713)	(13.690)
Indirect Income / Expenditure including Financing Costs	6.847	7.128
NET (SURPLUS) / DEFICIT	(0.281)	(0.012)
Contribution to / (from) Reserves	0	0.012
Contribution to the Capital Programme	0.281	0.281

HRA Capital Programme

Table 2

	2021/22 Original Budget
	£m
EXPENDITURE	3.457
FINANCING	
Major Repairs Reserve	3.176
Direct Revenue Contribution	0.281
Total Financing	3.457

BACKGROUND PAPERS FOR THE DECISION

Working Papers in Accountancy

APPENDICES

Appendix A	HRA Budget Proposals 2021/22
Appendix B	HRA Proposed Service Charges / Fees and Charges 2021/22
Appendix C	HRA Capital Programme
Appendix D	HRA Reserves 2021/22

Revenue Estimates 2021/22

Housing Revenue Account (HRA)

<u>Analysis by Type of Spend</u>	2020/21 Original Estimate	2021/22 Original Estimate
	£	£
Direct Expenditure		
Employee Expenses	1,132,930	1,185,990
Premises Related Expenditure	3,524,190	3,511,410
Transport Related Expenditure	20,370	23,870
Supplies & Services	531,040	487,910
Third Party Payments	1,030	1,030
Transfer Payments	17,000	17,000
Interest Payments	1,358,430	1,322,220
Total Direct Expenditure	6,584,990	6,549,430
Direct Income		
Government Grants	0	0
Other Grants, Reimbursements and Contributions	(8,000)	(8,440)
Sales, Fees and Charges	(536,200)	(566,040)
Rents Receivable	(13,117,260)	(13,101,800)
Interest Receivable	(51,600)	(13,350)
Total Direct Income	(13,713,060)	(13,689,630)
Net Direct Costs	(7,128,070)	(7,115,250)
Indirect Income/Expenditure		
FRS17/IAS19 Pension Costs	(500,810)	(500,810)
Service Unit and Central Costs	2,441,600	2,441,600
Capital Financing Costs	5,187,280	5,187,280
Total Indirect Income/Expenditure	7,128,070	7,128,070
Contributions to/(from) reserves		
Contributions to/(from) Reserves	0	12,130
Net Contribution to/(from) Reserves	0	12,130
Total for HRA	0	0

Housing Revenue Account (HRA)

<u>Analysis by Section/Function</u>	2020/21 Original Estimate £	2021/22 Original Estimate £
HRA - MIRS Items to be excluded from HRA balance		
Indirect Income/Expenditure	469,490	469,490
Net Total	469,490	469,490
HRA - MIRS HRA - Contributions Payable to the Pension Scheme		
Direct Expenditure	427,820	427,820
Net Total	427,820	427,820
HRA - MIRS Total IAS 19 Adjustments		
Indirect Income/Expenditure	(569,580)	(569,580)
Net Total	(569,580)	(569,580)
HRA - MIRS Minimum Revenue Provision		
Indirect Income/Expenditure	1,664,300	1,664,300
Net Total	1,664,300	1,664,300
Total for Finance - Financing Items	1,992,030	1,992,030
HRA - Policy & Management		
Direct Expenditure	58,000	58,000
Direct Income	(2,200)	(2,200)
Indirect Income/Expenditure	328,570	328,570
Net Total	384,370	384,370
HRA - Unapportionable Central Overheads Contribution		
Indirect Income/Expenditure	275,720	275,720
Net Total	275,720	275,720
Total for Corporate Director and Administration Operational Services	660,090	660,090
HRA - Tenant Relations		
Direct Expenditure	0	64,550
Net Total	0	64,550
HRA - Right to Buy Administration		
Direct Expenditure	20,000	39,080
Direct Income	(26,000)	(26,000)
Indirect Income/Expenditure	60,350	60,350
Net Total	54,350	73,430
HRA - Lease Holders Charges		
Direct Income	(84,000)	(84,000)
Indirect Income/Expenditure	33,650	33,650
Net Total	(50,350)	(50,350)
Total for Customer and Commercial Services	4,000	87,630

APPENDIX A

HRA - Tenancy Management & Rent Collection		
Direct Expenditure	680,790	665,300
Direct Income	(8,440)	(8,440)
Indirect Income/Expenditure	617,410	617,410
Net Total	1,289,760	1,274,270
HRA - Pumping Stations		
Direct Expenditure	5,700	5,660
Direct Income	(2,620)	(2,620)
Indirect Income/Expenditure	4,790	4,790
Net Total	7,870	7,830
HRA - Sewerage Expenses		
Direct Expenditure	15,430	18,900
Direct Income	(17,050)	(20,670)
Indirect Income/Expenditure	7,300	7,300
Net Total	5,680	5,530
HRA - Communal Central Heating		
Direct Expenditure	82,410	95,980
Direct Income	(66,320)	(66,320)
Indirect Income/Expenditure	2,680	2,680
Net Total	18,770	18,720
HRA - Sheltered Units		
Direct Expenditure	337,460	343,310
Direct Income	(171,290)	(171,290)
Indirect Income/Expenditure	142,010	142,010
Net Total	308,180	314,030
HRA - Colne Housing Soc Shel Units		
Direct Expenditure	6,000	6,000
Net Total	6,000	6,000
HRA - Estate Sweeping		
Direct Expenditure	66,000	66,000
Net Total	66,000	66,000
HRA - Communal Cleaning		
Direct Expenditure	85,250	85,250
Direct Income	(31,520)	(31,520)
Indirect Income/Expenditure	4,640	4,640
Net Total	58,370	58,370
HRA - Communal Electricity		
Direct Expenditure	98,560	94,280
Direct Income	(70,000)	(83,620)
Indirect Income/Expenditure	9,870	9,870
Net Total	38,430	34,150
HRA - Estate Lighting		
Direct Expenditure	9,320	9,320
Net Total	9,320	9,320

APPENDIX A

HRA - Maintenance Of Grounds		
Direct Expenditure	12,620	12,620
Direct Income	(64,760)	(77,800)
Indirect Income/Expenditure	209,480	209,480
Net Total	157,340	144,300
HRA - Tenants Rentals		
Direct Income	(13,089,180)	(13,073,720)
Net Total	(13,089,180)	(13,073,720)
HRA - Rents & Other Charges		
Direct Expenditure	130,090	130,090
Net Total	130,090	130,090
HRA - Rent Income		
Direct Income	(28,080)	(28,080)
Net Total	(28,080)	(28,080)
HRA - Interest Receivable		
Direct Income	(51,600)	(13,350)
Net Total	(51,600)	(13,350)
HRA - Rent Arrears Provision		
Direct Expenditure	156,500	55,440
Net Total	156,500	55,440
HRA - Interest Charges		
Direct Expenditure	1,358,430	1,322,220
Net Total	1,358,430	1,322,220
HRA - Capital Charges		
Indirect Income/Expenditure	3,053,490	3,053,490
Net Total	3,053,490	3,053,490
HRA - Use of Balances		
Contributions to/(from) reserves	0	12,130
Net Total	0	12,130
Total for Housing and Environmental Health	(6,504,630)	(6,603,260)
HRA - Repair & Maintenance		
Direct Expenditure	3,034,610	3,049,610
Direct Income	0	0
Indirect Income/Expenditure	813,900	813,900
Net Total	3,848,510	3,863,510
Total for Building and Engineering	3,848,510	3,863,510
Total for HRA	0	0

Housing Portfolio - HRA

Scale of Charges 2021/22

		(A) 2020/21	(B) 2020/21	(C) 2021/22	(D) 2021/22	VAT Ind
	Date last revised	Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	
Effective from		01/04/2020 £	01/04/2020 £	01/04/2021 £	01/04/2021 £	
<u>GARAGE RENTS AND ACCOMMODATION CHARGES</u>						
Guest room accommodation at sheltered units per night:						
With en-suite facilities (St Marys Court, Groom House, Greenfields, Ironside Walk, Belmans Court)	Apr-18	21.33	25.60	25.00	30.00	V
Without en-suite facilities (Vyntoner House, Kate Daniels House, Mead House, Crooked Elms)	Apr-18	17.08	20.50	20.00	25.00	V
Garage rents HRA (not subject to VAT unless separately let to non-council tenants)	Apr-18	9.08	9.08	9.22	9.22	*
<u>QUESTIONNAIRES</u>						
Second mortgage enquiries (per enquiry)	Apr-18	158.33	190.00	158.33	190.00	V
Solicitors enquiries on resale of council flats	Apr-18	158.33	190.00	158.33	190.00	V
<u>SERVICE CHARGES (per week)</u>						
Sewerage charges (not subject to VAT) (See Note 1):						
Treatment Works:						
Goose Green, Tendring	Apr-18	8.26	8.26	8.26	8.26	Z
Coronation Villas, Beaumont	Apr-18	8.21	8.21	8.21	8.21	Z
Whitehall Lane, Thorpe	Apr-18	5.55	5.55	5.55	5.55	Z
Shop Road, Little Bromley	Apr-16	9.00	9.00	9.00	9.00	Z
Horsley Cross, Mistley	Apr-08	9.00	9.00	9.00	9.00	Z
Bio Systems	Apr-18	7.73	7.73	7.73	7.73	Z
Septic Tanks	Apr-18	2.94	2.94	2.94	2.94	Z
Pumping Stations (not subject to VAT)	Apr-18	5.36	5.36	5.36	5.36	Z
Sewerage charge cap where tenant in receipt of benefit	Apr-08	5.00	5.00	5.00	5.00	Z
Communal central heating charges (not subject to VAT) (see note 1):						
Heating and hot water:						
Single units	Apr-18	7.16	7.16	7.16	7.16	N
Double units	Apr-18	8.25	8.25	8.25	8.25	N
Belmans Court	Apr-18	1.67	1.67	1.67	1.67	N
Other Service Charges (not subject to VAT):						
Sheltered Housing:						
Grounds Maintenance	Apr-18	1.29	1.29	1.55	1.55	X
Communal Electricity	Apr-18	2.30	2.30	2.70	2.70	N
Non Sheltered Housing						
Grounds Maintenance	Apr-18	0.97	0.97	1.17	1.17	N
Communal Electricity	Apr-18	0.89	0.89	1.03	1.03	N

Communal Cleaning (not subject to VAT) (See Note 1):

Langham Drive, Clacton	Apr-18	2.79	2.79	2.79	2.79	N
Nayland Drive, Clacton	Apr-18	2.77	2.77	2.77	2.77	N
Boxted Ave (3 Storey) , Clacton	Apr-18	2.73	2.73	2.73	2.73	N
Boxted Ave (2 Storey) , Clacton	Apr-18	1.55	1.55	1.55	1.55	N
Polstead Way, Clacton	Apr-18	1.55	1.55	1.55	1.55	N
Porter Way, Clacton	Apr-18	1.31	1.31	1.31	1.31	N
Tanner Close, Clacton	Apr-18	1.23	1.23	1.23	1.23	N
Mason Road, Clacton	Apr-18	1.40	1.40	1.40	1.40	N
Maldon Way, Clacton	Apr-20	1.40	1.40	1.40	1.40	N
Groom Park, Clacton	Apr-18	1.45	1.45	1.45	1.45	N
Leas Road , Clacton	Apr-18	1.45	1.45	1.45	1.45	N
Rivers House, Walton	Apr-18	1.23	1.23	1.23	1.23	N
Rochford House, Walton	Apr-18	1.23	1.23	1.23	1.23	N
D'arcy House , Walton	Apr-18	1.23	1.23	1.23	1.23	N
Churchill Court, Dovercourt	Apr-18	1.59	1.59	1.59	1.59	N
Cliff Court, Dovercourt	Apr-18	1.86	1.86	1.86	1.86	N
Nichols Close, Lawford	Apr-20	2.46	2.46	2.46	2.46	N
Grove Avenue Walton	Apr-18	0.77	0.77	0.77	0.77	N

SHELTERED UNITS SERVICE CHARGES (Not subject to VAT) (see Note 2):

Housing Related Support Charge	Apr-17	6.34	6.34	6.34	6.34	X
Landlord Costs	Apr-15	13.60	13.60	13.60	13.60	X
Careline Alarm	Apr-17	2.00	2.00	2.00	2.00	X

Notes

- (1) These charges are based on the principle of full cost recovery.
- (2) Only applies to tenants who are not in receipt of Housing Benefit

* Garage Rent - VAT:

Parking:		Storage:	
Council Tenant	N	Homeless persons goods	N
Non-Council Tenant	V	Premises suitable for parking	V
		Premises unsuitable for parking	X

HRA Capital Programme

	2020/21 Base	2021/22 Budget £	2022/23 Budget £	2023/24 Budget £	2024/25 Budget £
EXPENDITURE					
Improvements, enhancement & adaptation of the Council's housing stock	2,696,410	2,696,410	2,696,410	2,696,410	2,696,410
Disabled adaptations for Council Tenants	400,000	400,000	400,000	400,000	400,000
Information Technology upgrade and replacement	20,000	20,000	20,000	20,000	20,000
New Build Initiatives and Acquisitions	280,820	280,820	0	0	0
Cash Incentive Scheme	60,000	60,000	60,000	60,000	60,000
	3,457,230	3,457,230	3,176,410	3,176,410	3,176,410
FINANCING					
Major Repairs Reserve	3,176,410	3,176,410	3,176,410	3,176,410	3,176,410
Direct Revenue Financing of Capital	280,820	280,820	0	0	0
	3,457,230	3,457,230	3,176,410	3,176,410	3,176,410

HRA RESERVES

APPENDIX D

	Balance 31 March 2020	Contribution from Reserves 2020/21	Contribution to Reserves 2020/21	Est. Balance 31 March 2021	Contribution from Reserves 2021/22	Contribution to Reserves 2021/22	Est. Balance 31 March 2022
	£	£	£	£	£	£	£
HRA Reserves							
HRA General Balance	5,270,240	0	0	5,270,240		12,130	5,282,370
HRA Commitments	1,693,570	(1,693,570)	0	0	0	0	0
Major Repairs Reserve	4,334,690	(3,196,410)	3,176,410	4,314,690	(3,176,410)	3,176,410	4,314,690
Total Reserves	11,298,500	(4,889,980)	3,176,410	9,584,930	(3,176,410)	3,188,540	9,597,060

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank