



## CABINET

**DATE:** Friday, 29 May 2020  
**TIME:** 10.30 am  
**VENUE:** Meeting will be held in accordance with the provisions of SI 2020/392. Link to live stream is found here:  
<https://www.tendringdc.gov.uk/livemeetings>

### MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor Broderick	- Independent Living Portfolio Holder
Councillor C Guglielmi	- Deputy Leader of the Council; 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

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

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

DATE OF PUBLICATION: WEDNESDAY, 20 MAY, 2020

## **AGENDA**

### **1 Apologies for Absence**

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

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

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 21 February 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 were none on this occasion.

### **7 Matters Referred to the Cabinet by a Committee**

There are none on this occasion.

### **8 Leader of the Council's Items**

There are none on this occasion.

### **9 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.1 - "Remote Meetings" and Changes to the Council's Constitution (Pages 9 - 98)**

To seek Cabinet's endorsement of the changes required to the Council's Constitution in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392.

### **10 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.2 - Financial Performance Report - Impact of Covid-19 (Estimated In-Year Performance against the Budget as at the end of June 2020 and Potential Impact on the Long Term Financial Forecast) (Pages 99 - 114)**

To provide an early update on the financial impact of COVID 19 on the Council's in-year position and looking ahead to 2021/22 as part of the long term forecast.

**11 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.3 - Performance Report January - March 2020 Outturn (Quarter Four) (Pages 115 - 164)**

To present the performance management reports for January – March 2020 Outturn (Quarter Four).

**12 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.4 - Homelessness Reduction & Rough Sleeping Strategy 2020-2024 (Pages 165 - 198)**

To adopt a new Homelessness Reduction & Rough Sleeping Strategy 2020-2024 for the District.

**13 Management Team Items**

There are none on this occasion.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Cabinet is to be held at 10.30 am on Friday, 26 June 2020. The administrative arrangements will be determined in due course.*

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 21ST FEBRUARY, 2020 AT 10.30 AM  
ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

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

**Group Leaders Present by Invitation:**

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independents 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:** None

**In Attendance:** Ian Davidson (Chief Executive), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and William Lodge (Communications Manager)

**111. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Joy Broderick (Independent Living Portfolio Holder).

**112. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the meeting of the Cabinet held on Friday 24 January 2020 be approved as a correct record and be signed by the Chairman.

**113. DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

**114. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

The Leader of the Council (Councillor Stock OBE) informed Cabinet that he had, on Wednesday 19 February 2020, attended a meeting held at The Kingscliff Hotel, Holland-on-Sea, with representatives from Public Health England, Health Watch, other local

NHS bodies, Essex County Council and with Professor Marmot, Institute of Health Inequality also in attendance which had discussed the very high levels of health inequality in parts of Clacton-on-Sea and its environs and what economic investments solutions could be found to alleviate such inequalities.

The Chief Executive (Ian Davidson) also outlined the useful outcomes and pending actions from that meeting, which had been an “eye opener” for many of the attendees and that supporting evidence of this issue would be submitted to an All Party Parliamentary Group (APPG) meeting to be held in the House of Lords in Parliament during March 2020.

**115. ANNOUNCEMENTS BY CABINET MEMBERS**

There were none on this occasion.

**116. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

There were none on this occasion.

**117. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.1 - HOMELESSNESS REDUCTION AND ROUGH SLEEPING STRATEGY**

The Cabinet was informed that, at its meeting held on 13 January 2020 (Minute 85 referred) the Community Leadership Overview and Scrutiny Committee had had before it the Council’s draft Homelessness Reduction and Rough Sleeping Strategy 2019 – 2024 and accompanying Briefing Note.

At that meeting Members were informed that the draft Homelessness Reduction and Rough Sleeping Strategy 2019-2024 had been approved by the Housing Portfolio Holder to go out to public consultation and that the consultation period had been running since 6 January 2020 for six weeks. As part of the consultation process, it had been suggested that the draft strategy be presented to the Community Leadership Overview & Scrutiny Committee (CLOS).

Members were further informed that Section 1 Homelessness Act 2002 required the Council to carry out a review of homelessness in the District and to formulate and publish a homelessness strategy based upon the conclusions in that review and predicted future levels of homelessness in the District. The Council was required to comply with the provisions of the Housing Act 1996 (as amended by the Localism Act 2011 and subsequently the Homelessness Reduction Act 2017) in assessing, preventing and tackling homelessness in the District.

The Homelessness Reduction & Rough Sleeping Strategy had been drafted following the introduction of the Homelessness Reduction Act 2017. That Act had initiated the most significant change to homelessness administration and legislation since the first homelessness legislation was passed in 1977. The Strategy had been developed to reduce homelessness and rough sleeping in the District at a time when homelessness was increasing locally and nationally with associated social and financial costs.

The strategy set out the national and local strategic setting for homelessness and the causes and demographics of homelessness and rough sleeping in the District. It also

set out the challenges the Council faced in tackling homelessness and rough sleeping locally and how homelessness was an issue that needed to be tackled in partnership with other agencies. The Council, as a community leader, could facilitate earlier prevention and better partnership working.

The strategy identified four key strategic priorities to reduce homelessness and rough sleeping in the District as follows:

- Earlier Intervention and Education
- Better Partnership and Holistic Working
- Increasing the Supply of Suitable Accommodation
- Exploring New Ways to Prevent and Tackle Rough Sleeping.

Once the consultation period expired, the Council would produce an action plan to deliver the priorities identified in the strategy.

Following the information provided, Members were given the opportunity to ask questions which were responded to by Peter Russell (Executive Projects Manager (Housing)), Tim R Clarke (Head of Housing and Environmental Health) and Councillor Honeywood. Officers agreed to re-examine the section of the Strategy referencing the levels of deprivation in the area. A typographical error on page 27 of the report was also highlighted to officers.

Following discussion the Committee had recommended to Cabinet that the various housing delivery methods available to the Council be looked into and that a detailed presentation be provided to all Councillors by Housing Officers and the Portfolio Holder for Housing in order to discuss the range of options available.

Cabinet had before it the Housing Portfolio Holder's response to the CLOS Committee's recommendation which was as follows:-

*"I would like to thank the members of the committee for considering the content of the draft Homelessness and Rough Sleeping Strategy. If we are to have a positive impact on reducing the number of people threatened with homelessness we must influence an increase in the number of truly affordable homes that are available in the district. To this end Cabinet has agreed in principle to a house building and acquisitions programme with the ambition to bring 200 additional homes into our own housing stock.*

*There are a number of ways in which the Council can finance and deliver these additional homes and a report on each proposed scheme will be brought to Cabinet for final approval. Given the complex nature of some delivery methods I do not see merit in providing a presentation to all Councillors at this stage, especially when some of these methods may well not prove to be viable for technical or legal reasons.*

*I, along with officers from the Housing and Finance teams, am considering which options are the most advantageous to the Council and our residents and it may well be that a combination of delivery methods are used to achieve the 200 home target. Once an option has been assessed as viable and robust I will provide full details to Cabinet for consideration."*

Having considered the recommendation made by the CLOS Committee and the response of the Housing Portfolio Holder thereto:-

It was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:-

**RESOLVED**, that Cabinet notes the Community Leadership Overview and Scrutiny Committee's recommendation and endorses the response of the Housing Portfolio Holder thereto.

**118. LEADER OF THE COUNCIL'S ITEMS**

There were none on this occasion.

**119. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - PERFORMANCE REPORT: OCTOBER - DECEMBER 2019 (QUARTER 3)**

The Cabinet gave consideration to a report of the Corporate Finance and Governance Portfolio Holder (A.2) which presented it with the deliverables and measurable outcomes for the Cabinet's agreed Priorities and Projects 2019/20, as well as reporting the current position as at Quarter Three (October – December 2019).

Members recalled that the Performance Reports (*Resources & Services and Community Leadership*) set out the detailed actions and targets for the delivery of the Council's priorities throughout the year by including both the Council's emerging Corporate Plan 2020/24 and Priorities and Projects for 2019/20.

In respect of the Quarter 3 position (*as reported in the Resources and Services Performance Report*) Members were informed that of the 22 indicators and projects where performance was measured, 21 (95%) were on, or above, their expected target and 1 indicator (5%) was not currently in line with expected performance. The indicators and projects highlighted in the *Community Leadership Performance Report* were deemed 'non measurable' as the Council's role was that of 'influence' only.

Cabinet was advised that the respective reports were due to be presented to the Resources and Services Overview and Scrutiny Committee on 17 February 2020 and to the Community Leadership Overview and Scrutiny Committee on 6 April 2020.

Transforming Tending Project

Cabinet also received an update within the Portfolio Holder's report on the current progress of the transformation project in Clacton-on-Sea which touched on the following areas:-

- (1) Pier Avenue & Barnes House Offices;
- (2) Northbourne Depot;
- (3) Westleigh House demolition;
- (4) Town Hall Phase 2 structural works;
- (5) IT Network and Firmsteps Interface; and
- (6) Scanning and Digitalisation.

Having considered all of the information provided in the report and its appendices:-

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

**RESOLVED** that the current position for each performance measure as at Quarter Three (October – December 2019) be noted.

**120. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.3 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE THIRD QUARTER 2019/20 AND LONG TERM FINANCIAL FORECAST UPDATE**

The Cabinet gave consideration to a comprehensive report of the Corporate Finance and Governance Portfolio Holder (A.3) which provided it with an overview of the Council's financial position against the budget as at the end of December 2019 and also presented it with an updated long term forecast.

In respect of the in-year financial position as at the end of December 2019:

It was reported that the position to the end of December 2019, as set out in more detail within the appendices, showed that, overall, the General Fund Revenue Account was underspent against the profiled budget by £2.864m. As had been the case in previous quarters, the variance to date primarily reflected the timing of expenditure and income although any significant issues arising to date had been highlighted and comments provided as necessary within the Portfolio Holder's report.

Cabinet was made aware that, in respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the report, there were no major issues that had been identified to date.

Members were informed that any emerging issues would be monitored and updates provided in future reports which would include their consideration as part of updating the on-going long term financial forecast.

Cabinet was advised that some necessary changes to the budget had been identified which were set out in Appendix H to the Portfolio Holder's report, with an associated recommendation included within the report. The net impact of all of the budget adjustments was a surplus of £0.446m.

Members were further advised that, in addition to the adjustments included within Appendix H, it was also proposed to fund the cost of the changes to the Members' Scheme of Allowances that had been approved at Full Council on 21 January 2020. The total cost was £0.041m in 2019/20 and it was proposed to fund this from the net surplus of £0.446m reported above.

It was reported that, after taking the above into account, the net budget surplus at the end of December 2019 had been revised to £0.405m, which was proposed to be contributed to the Forecast Risk Fund.

Cabinet was informed that, subject to the recommendations set out in the report, as at the end of the third quarter a total of £0.335m would have been contributed to the fund over the course of the whole year. This was £0.165m short of the required target of £0.500m set out in the long term forecast, which hopefully was a gap that could be closed over the remaining quarter of the year.

As in previous years, it was recognised that a number of smaller variances within services emerged over the course of the year that would not necessarily be specifically highlighted or discussed within the in-year finance reports. It was still therefore possible that a range of smaller variances might remain at the end of the year and would contribute to the overall outturn position. Also a number of budgets that related to schemes / initiatives or earmarked for specific purposes might not be fully spent by the end of the year and might be subject to end of year processes such as carry forward requests and therefore remain committed. However, at this stage and after taking into account the current position and information available it was anticipated that any adverse issues would be offset by favourable variances elsewhere within the overall budget at the end of the year.

In respect of the updated long term financial forecast:

It was reported that the long term financial forecast had been reviewed based on the position considered by Full Council at its meeting held on 11 February 2020 and was attached as Appendix J to the portfolio Holder's report. Although the figures set out within that appendix would change as part of updating the forecast on a regular basis during 2020/21, there had been no issues that had significantly increased the risks in future years with the forecast position remaining broadly in-line with original expectations.

Members were made aware that a review of the risks associated with the long term approach to the forecast was also subject to on-going review and was separately reported within Appendix K to the report.

As mentioned during the year, it was important to continue to deliver against the new longer term approach to the budget as it continued to provide a credible alternative to the more traditional short term approach which would require significant additional savings to be identified much earlier in the financial cycle.

Members were advised that the long term forecast and on-going base budget continued to reflect support to external organisations, such as those who would benefit from the CAROS scheme. As included in the report's recommendations, this commitment would remain in place but might need to be revisited in the later years of the forecast as was the case with all other budget lines.

The forecast remained an on-going task going into 2021/22 and beyond with work therefore remaining on-going across the 5 key work strands of:

- 1) Increases to underlying income;
- 2) Controlling expenditure / inflationary increases;
- 3) The identification of savings / efficiencies;
- 4) Delivering a positive outturn position each year; and
- 5) The mitigation of cost pressures wherever possible.

Having considered all of the information and advice contained within the report and its appendices:-

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

**RESOLVED** that –

- (a) in respect of the financial performance against the budget at the end of December 2019:
- (1) the current position be noted;
  - (2) the proposed adjustments to the budget, that include a contribution to the Forecast Risk Fund of £0.446m, as set out in Appendix H to item A.3 of the Report of the Corporate Finance and Governance Portfolio Holder, be agreed; and
  - (3) the use of £0.041m of the contribution to the Forecast Risk Fund of £0.446m to fund the cost in 2019/20 of the changes to the Members' Scheme of Allowances agreed by Full Council on 21 January 2020 be agreed.
- (b) in respect of the Updated Long Term Forecast:
- (1) the updated forecast be agreed, which includes the commitment to on-going support to external organisations within the principles set out in the Portfolio Holder's report; and
  - (2) the Resources and Services Overview and Scrutiny Committee be consulted on the updated long term forecast.

**NOTE:** Pursuant to the provisions of Article 7.08 1.5 (ii) of the Council's Constitution, the Leader of the Labour Group (Councillor I J Henderson) requested that it be recorded in the Minutes that his Group were opposed to the use of £0.041m of the contribution to the Forecast Risk Fund of £0.446m to fund the cost in 2019/20 of the changes to the Members' Scheme of Allowances agreed by Full Council on 21 January 2020.

**121. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**122. EXCLUSION OF PRESS AND PUBLIC**

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

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 13 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.

**123. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 24 JANUARY 2020**

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

**RESOLVED** that the Exempt Minute of the meeting of the Cabinet held on 24 January 2020 be approved as a correct record and be signed by the Chairman.

The Meeting was declared closed at 11.27 am

**Chairman**

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<b>Key Decision Required:</b>	<b>NO</b>	<b>In the Forward Plan:</b>	<b>NO</b>
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## CABINET

29 MAY 2020

### REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

#### A.1 **“REMOTE MEETINGS” AND CHANGES TO THE COUNCIL’S CONSTITUTION**

(Report prepared by Lisa Hastings, Monitoring Officer and Ian Ford, Committee Services Manager)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

This report asks Cabinet to endorse the changes required to the Council’s Constitution in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (‘the Regulations’).

Though these Constitution changes automatically came into immediate effect following the new legislation and can be made under the Monitoring Officer’s delegation these amendments will also be referred onto Full Council following a light touch review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

##### **EXECUTIVE SUMMARY**

The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other Council rules governing meetings and remain valid until 7<sup>th</sup> May 2021. This means that, wherever there is a conflict, within the Constitution, or with any procedures or rules implemented under Business Continuity Arrangements, these remote meetings regulations take precedence.

The effect of the Regulations on the Authority’s Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially.

A Remote Meetings Protocol and Procedure Rules document was produced on 17<sup>th</sup> April by Lawyers in Local Government (LLG) and the Association of Democratic Services (ADSO) for the purpose of assisting authorities to highlight the changes required to Council’s Constitutions in consequence of the Regulations. Rather than adopting the Protocol without amendment, the Monitoring Officer and Democratic Services, have worked through this national guidance and best practice in order to highlight the changes required for Tendring District Council.

The changes cover a number of miscellaneous amendments to the Council Procedure Rules and the Access to Information Procedure Rules, and Articles 3 and 7 which are all required in order to comply with the new legislation and to ensure the Constitution is effective, efficient and consistent at an operational level.

The key changes to each of these documents are highlighted within the body of this Report. The Monitoring Officer can make these changes to the Constitution in accordance with the delegated authority provided to her within Article 15. However, it is still considered prudent for the Portfolio Holder's Constitution Review Working Party to undertake a light touch review prior to submitting the changes to Full Council for ratification, in order to enable the working practices and the guidance issued for remote meetings to be considered in a little more depth.

## **RECOMMENDATION**

### **That Cabinet:**

- 1. notes that changes to the Council's Constitution are required as a direct consequence of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020;**
- 2. endorses the changes as identified by the Monitoring Officer and as set out in this report and Appendices A-E attached hereto;**
- 3. endorses that all changes took immediate effect to comply with the Regulations;**
- 4. endorses that all Councillors conduct all Council business through their Tendring District Council online accounts using the corporate IT kit supplied to them for the smooth facilitating and running of remote meetings;**
- 5. adopts the Remote Meeting Guidance for Members and Officers attached as Appendix F and grants a delegated authority to the Head of Democratic Services and Elections to make minor changes to such Guidance, in consultation with the Portfolio Holder for Corporate Finance and Governance;**
- 6. requests that the Portfolio Holder's Constitution Review Working Party undertake a light-touch review of any changes to be made to the Constitution and the application of the Remote Meeting Guidance and reflects upon working practices for remote meetings and then submits its recommendations direct to Full Council for ratification; and**
- 7. recommends that Appendix G, as attached to this report, be submitted to Full Council as a replacement to Appendix E to the March 2020 Constitution review report, which was then subsequently approved by the Leader of the Council (on behalf of the Cabinet) for submission to Full Council.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

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

### **FINANCE, OTHER RESOURCES AND RISK**

**Risk**

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

## **LEGAL**

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

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

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

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 the relevant best practice and guidance.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force from 4<sup>th</sup> April 2020 until 7<sup>th</sup> May 2021. The Regulations, and therefore the necessary standing orders, have an automatic amending effect on the Council's existing rules and can be applied immediately in order to run Council, Committee and Cabinet meetings remotely. Nonetheless it is good practice, even with express mandatory standing orders, to have these adopted formally by the full authority at the first opportunity to do so. In the interim Cabinet can endorse the changes prior to full adoption by Council at its next meeting.

The changes to the Council Procedure Rules (Section 1) shown attached as **Appendix A** are on the current Council Procedure Rules as set out in the Constitution and not those recommended by the Leader of the Council (on behalf of the Cabinet) to Council for approval, which are still due to be considered at its next meeting.

Remote Meeting Guidance has also been produced which provides practical guidance for the chairing of, attendance and participation as an elected member at, and officer procedures for remote meetings. It is suggested that the Guidance is kept under review as the Council's experience with remote meetings develops.

## **OTHER IMPLICATIONS**

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

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

There are no other implications identified as a consequence of the proposals at this stage.

As with all decisions of the Council the requirements of the new legislation and implementation will be monitored overtime. The decision to use Microsoft Skype for Business, and working towards Microsoft Teams in the future, as the digital delivery solution for remote meetings, acknowledged that there is a requirement to avoid discrimination against a person with protected characteristics as a consequence of those characteristics. The Council will through its working practices and procedures look at specific reasonable measures to avoid that discrimination.

### **PART 3 – SUPPORTING INFORMATION**

#### **CURRENT POSITION**

Part 2 of the Regulations makes provision for remote access to meetings of local authorities by members of a local authority and by the press and public. Regulation 4 enables local authorities to hold and alter the frequency and occurrence of meetings without requirement for further notice.

Regulation 5 makes provision for members of local authorities to attend meetings remotely. Consequently, a meeting of a local authority is no longer limited to a meeting of persons all of whom are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. Any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

A member is deemed to be in remote attendance at a meeting if the following conditions are satisfied:

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Part 3 of the Regulations modify existing legislative requirements for local authority meetings. Regulation 6 disapplies provisions requiring local authorities to hold annual meetings.

Regulations 13 to 17 modify legislation relating to public and press access to information relating to decisions made by local authorities to enable such access to be available through remote means.

A Council, Committee or Cabinet meeting “open to the public” now includes access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming. Where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person. Being “present” at a meeting includes access through remote means.

Following the Regulations coming into force, various areas of the Constitution have been

reviewed and the following changes are recommended:

### **COUNCIL PROCEDURE RULES – PART 4: SECTION 1 (FULL COUNCIL):**

- **Annual Meeting - Council Procedure Rule 1A:**

Insert a new Council Procedure Rule 1A acknowledging that the Council is not required to hold an Annual Meeting during what would have been the normal 2020/21 municipal year and this is now a matter of choice.

Whether to continue to hold an Annual Meeting is a political decision and can either be called, delayed for several months or perhaps foregone entirely this year with a new date inserted within the programme of meetings for the next municipal year. Therefore, the prospect that Members may call for an earlier Annual Meeting should be recognised and catered for through the possibility of a vote at an Ordinary or Extraordinary meeting.

It should be noted that, where an Annual Meeting is delayed, all appointments from the 2019 Annual Meeting continue (Regulation 4(2)).

- **Time and Place of Meetings – Council Procedure Rule 5:**

Insert additional wording to reflect that the Regulations permit the time, place and manner of the meeting to be varied including holding the meeting or meetings by remote means.

- **Notice of and Summons to Meeting - Council Procedure Rule 6:**

Insert new additional Council Procedure Rules 6A and 6B to reflect that the Regulations permit the formal Notice of Meetings to be made remotely, specifying where and how the meeting will be held and how remote access to the Meeting will be provided.

The requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting needs to be available on the Council's website. Members will be notified of a remote meeting by email and all agenda papers will be available on the Council's website and via the agenda software or other electronic means as appropriate. Paper agendas will be sent only to the members of the decision making body.

The 'place' at which the meeting is held may be at a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Council Chamber with a proportion of the membership and any participating public additionally attending remotely.

- **Quorum & Members in Remote Attendance - Council Procedure Rule 8:**

To insert new additional Council Procedure Rule 8A setting out:

- the conditions to fulfil when a member will be in remote attendance, is present and thereby attending the meeting including for the purposes of the meeting's

quorum; and

- what options are available to the Chairman if a Member is deemed to have left the meeting if the conditions in the first part are not being met.

- Remote Attendance by Members of the Public – Council Procedure Rule 10:

To insert new additional Council Procedure Rule 10A setting out:

- the conditions to fulfil for a member of the public entitled to attend the meeting to be in remote attendance; and
- what options are available to the Chairman if a member of the public is deemed to have left the meeting following the conditions in the first part not being met.

These conditions and options will also apply to external participation in committees and sub-committees, such as Planning Committee, Planning Policy and Local Plan Committee and the Premises/Personal Licences Sub-Committee.

- Remote Voting – Council Procedure Rule 19:

To insert new additional Council Procedure Rule 19A which sets out how votes will be taken during a remote meeting, in the absence of a recorded named vote being requested.

- Members excluded from the meeting – Council Procedure Rule 23:

To insert a new Council Procedure Rule 23A to make provisions for severing the means of remote attendance and access.

- Application to Committees and Sub-Committees - Council Procedure Rule 32:

Extending the application of the Council Procedure Rules to Committees and Sub-Committees following the above changes.

*The changes to the Council Procedure Rules (Section 1) are shown attached as **Appendix A**. Please note that the changes are shown on the current Council Procedure Rules as set out in the Constitution and not those recommended by the Leader of the Council (on behalf of the Cabinet) to Council for approval, which are still due to be considered.*

#### **COUNCIL PROCEDURE RULES – PART 4: SECTION 2 (COMMITTEES):**

- Meetings of Committees - Council Procedure Rule 35:

Insert additional wording to reflect that the Regulations permit the time, place and manner of the meeting to be varied including holding the meeting or meetings by remote means.

*Changes to Section 2 of the Council Procedure Rules are shown attached as **Appendix B**.*

#### **ACCESS TO INFORMATION PROCEDURE RULES – PART 5:**

- Remote Access to Meetings – Rule 3A:

Insert a new Rule 3A to make provisions to enable remote access to meetings with

reference to 'place' and 'open to the public'.

Remote access for members of the public and Members who are not attending to participate in the meeting together with press facilities, will need to be provided through webcasting, live audio streaming, or other means.

It is important to note that the public accessing the meeting by remote means, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding.

- Access to Information – Rule 5A:

Insert a new Rule 5A confirming that reference to certain documents which are statutorily required to be “*open to inspection*” includes for access to information purposes as being published in the Council’s website.

*Changes to the Access to Information Procedure Rules are shown attached as **Appendix C**.*

### **ARTICLE 3 – CITIZENS & THE COUNCIL: PART 2**

- Citizen’s rights:

To include reference to members of the public having the right to access a remote meeting, with details being provided within the formal public notice of the meeting available on the Council’s website.

In addition, where the member of the public has a right to participate in a meeting, confirming details on how to join the meeting for a specific agenda item will be provided.

*Changes to Article 3 – Citizen’s and the Council are shown attached as **Appendix D**.*

### **THE CABINET (ALSO REFERRED TO AS THE EXECUTIVE)(ARTICLE 7)(PART 2):**

- 7.08 Cabinet Procedure Rules – 1.1 Cabinet Meetings

To insert new wording stating that the location of a Cabinet meeting will include holding the meeting or meetings by remote means in order to comply with the provisions of the new Regulations. Any meeting of Cabinet will be held in accordance with the Access to Information Procedure Rules, which have been amended to include how remote access to meetings is given and that certain documents which are statutorily required to be “*open to inspection*” includes for access to information purposes as being published in the Council’s website.

*Changes to Article 7 – The Cabinet (also referred to as The Executive) are shown attached as **Appendix E**.*

### **REMOTE MEETING GUIDANCE FOR MEMBERS AND OFFICERS:**

Practical Guidance has been drafted to provide procedural assistance to Members and Officers for conducting and participating in remote meetings, involving digital technology. The Guidance is not a restatement of law, however, it does emphasise, the following

conditions for 'remote' meetings, as set out in the Regulations, that Members must be able:

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,*
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and*
- (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.*

The practical points set out in the Guidance are aimed at achieving those conditions and otherwise supporting the consideration of business of the Council at remote meetings and thereby contribute to good decision making.

The practical points are respectively aimed at:

- The Chairman – of the Meeting (and should also be read by the Vice-Chairman)
- The Other Committee Members
- The Committee Officer(s)
- Other Officers participating

There are also some associated ground rules for participants in remote meetings.

The Council has formally decided, through the decision of the Portfolio Holder for Corporate Finance and Governance, that it will use Microsoft Skype for Business as its platform for remote meetings and where possible elected members should use their Surface Pro issued to them by the IT department. It is important that this is adhered to in endeavouring to ensure the smooth facilitating and running of the remote meeting.

Cabinet is requested to adopt the Guidance for Members and Officers but acknowledging that it will be kept under review as the Council's experiences in remote meetings develops. Delegated authority is sought for the Head of Democratic Services and Elections to make minor changes to the Guidance in consultation with the Portfolio Holder for Corporate Finance and Governance.

## **HEALTH AND SAFETY CONSIDERATIONS**

It is important to note that where the Council decides to hold any meetings physically within its Council buildings it has a duty of care to visitors and to its employees.

The Regulations allow Council, Committee or Cabinet meetings to be "open to the public" remotely through various means. Importantly, a meeting can still be accessible to the public whether or not members of the public are able to attend the meeting in person. During the current pandemic and following the Government's direction and guidance on social distancing, full Health and Safety risk assessments will be required for the various Council meetings to establish what the safest option is. These assessments will take into a range of factors and considerations and will be determined in accordance with the Council's Corporate Health and Safety Procedures. The relevant Council, Committees and Cabinet chairmen will be consulted prior to the operational decision being made by the



Chief Executive.

**SCHEME OF DELEGATION (NON-EXECUTIVE FUNCTIONS) – COMMITTEES ETC. (PART 3):**

- Planning Policy & Local Plan Committee (Part 3.12 – 3.14)

The previous Constitution Review Report that was published for the agenda of Cabinet for its meeting in March 2020 (which was cancelled in response to COVID-19 though the recommendations contained therein were subsequently approved by the Leader of the Council acting on behalf of the Cabinet) highlighted in Appendix E thereto the distinction between the functions of the Executive, which still has responsibility for strategic planning outside of the Local Plan process and other matters in accordance with the Functions and Responsibilities Regulations. Unfortunately, a minor correction is now required because express reference to Supplementary Planning Documents (SPDs) in paragraph 8, 15 and 16 was not amended. In accordance with the Functions and Responsibilities Regulations the Planning Policy and Local Plan Committee can only recommend SPDs onto Cabinet for approval. This has now been corrected and included within Appendix G.

*Proposed changes to the Planning Policy & Local Plan Committee's terms of reference are shown attached as **Appendix G**.*

**BACKGROUND PAPERS**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 available at <http://www.legislation.gov.uk/uksi/2020/392/contents/made>.

Remote Meetings Protocol and Procedure Rules document produced by Lawyers in Local Government (LLG) and Association of Democratic Services Officers (ADSO).

Review of the Constitution Cabinet Report and Appendix E published for the March 2020 agenda shown on the Council's website.

**APPENDICES**

**A.Z**

<b>APPENDIX A</b>	<b>Part 4</b>	<b>Council Procedure Rules – Section One</b>
<b>APPENDIX B</b>	<b>Part 4</b>	<b>Council Procedure Rules – Section Two</b>
<b>APPENDIX C</b>	<b>Part 5</b>	<b>Access to Information Procedure Rules</b>
<b>APPENDIX D</b>	<b>Part 2</b>	<b>Article 3 – Citizen's and the Council</b>
<b>APPENDIX E</b>	<b>Part 3</b>	<b>Article 7 – the Executive (Cabinet)</b>
<b>APPENDIX F</b>		<b>Remote Meetings Guidance for Members and Officers</b>
<b>APPENDIX G</b>	<b>Part 3</b>	<b>Terms of Reference for the Planning Policy and Local Plan Committee</b>

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**COUNCIL PROCEDURE RULES****SECTION 1 – COUNCIL MEETINGS****1. ANNUAL MEETING OF THE COUNCIL****1.1 Timing and Business**

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

The annual meeting will:

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

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

## 1.2 Selection of Councillors on Committees

At the annual meeting, the Council will:

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

## 1A. **NO REQUIREMENT TO HOLD AN ANNUAL MEETING OF THE COUNCIL**

**The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:**

**(a) where called by the Chairman; or**

**(b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.**

## 2. **BUDGET AND COUNCIL TAX SETTING**

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

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

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

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

### **3. ORDINARY MEETING**

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

- (i) To receive apologies for absence:
- (ii) To elect a person to preside if the Chairman and Vice Chairman are not present;
- (iii) To deal with any business required by Statute to be dealt with before any other business;
- (iv) To approve the minutes of the last meeting (or in the case of the first ordinary meeting of the municipal year, to approve the minutes of the Annual meeting and the preceding meeting);

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- (v) To receive any announcements from the Chairman and the Chief Executive and any statements from the Leader and Members of the Cabinet;
  - (vi) To deal with any Petitions;
  - (vii) In accordance with Rule 10, to receive questions from, and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
  - (viii) To receive questions from Members in accordance with Rule 11.2;
  - (ix) To receive a report from the Leader on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and Overview and Scrutiny Procedure Rule 18(i);
  - (x) To deal with any business from the last Council meeting;
  - (xi) To receive the minutes of Committees (with the exception of the Licensing and Registration and Planning Committees) and to receive questions and answers from Councillors on any of those items;
  - (xii) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - (xiii) To consider motions (in the order in which notice has been received);
  - (xiv) To consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, other reports from the Cabinet, reports of the Overview and Scrutiny Committees, or other Committees for debate and reports from Officers for consideration; and
  - (xv) Urgent matters for Debate

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

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

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#### 4. **EXTRAORDINARY MEETINGS**

##### 4.1 **Calling Extraordinary Meetings**

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

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

##### 4.2 **Order of Business**

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

#### 5. **TIME AND PLACE OF MEETINGS**

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

Meetings will normally be held at 7.30 p.m. in the Princes Theatre, Town Hall, Clacton-on-Sea and the Council may, from time to time, vary the place, date or hour of a meeting or meetings. **Such variation will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.** Where it is not practicable for the Council to meet to agree a variation, such variation shall be determined by the Chairman (or failing him the Vice-Chairman) of the Council.

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**6. NOTICE OF AND SUMMONS TO MEETING**

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

**6A. ACCESS TO INFORMATION**

**For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:**

**(a) “open to inspection” shall include for these and all other purposes as being published on the website of the Council; and**

**(b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.**

**6B. REMOTE ACCESS TO MEETINGS**

**(a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:**

**(i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and**

**(ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and**

**(b) If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.**



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**7. CHAIRING OF MEETINGS**

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

**8. QUORUM**

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

**8A. MEMBERS IN REMOTE ATTENDANCE**

**(a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:**

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.**
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and**
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.**

**(b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate;**

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;**
- (ii) count the number of Members in attendance for the purposes of the quorum; or**
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.**

**9. DURATION OF MEETING**

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

**10. QUESTIONS BY THE PUBLIC**

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

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

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

**10.2 Order of Questions**

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

**10.3 Notice of Questions**

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

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**10.4 Number of Questions**

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

**10.5 Reasons for Rejection of Questions**

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

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

**10.6 Record of Questions**

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

**10.7 Asking the Question at the Meeting**

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

**10.8 Written Answers**

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

**10.9 Reference of Question to the Cabinet or a Committee**

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

#### **10.10 Withdrawal of Question**

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

#### **10A. REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC**

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:**
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;**
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and**
  - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.**
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Rule 10A(a) above are not met. In such circumstance the Chairman may, as he or she deems appropriate:**
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Rule 10A(a) above to be re-established;**
  - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or**
  - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.**

**For the avoidance of any doubt this Rule also applies, with any necessary modifications to any scheme for public participation in respect of planning, licensing and other committees and/or sub-committees.**

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**11. QUESTIONS BY MEMBERS****11.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports or References from the Cabinet or Minutes of Committees**

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

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

Supplementary Questions will not be permitted under this rule.

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

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask:-

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee;

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

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

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

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

**11.3 Notice of Questions**

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

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

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**11.4 Number of Questions**

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

**11.5 Reasons for rejection of Questions**

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

**11.6 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where a reply cannot conveniently be given orally, a written answer given later to all Members.

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

**11.7 Supplementary Questions**

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

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

**11.8 Time Limits for Asking/Answering Questions**

The time limit for asking each question is two minutes and the time limit for each reply is three minutes.

**11.9 Withdrawal of Question**

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

**12. MOTIONS ON NOTICE**

**12.1 Scope**

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

**12.2 Notices of Motion**

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

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council.

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

**12.3 Motion Set out in Agenda**

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

At the meeting the Chairman will invite the Member who submitted the motion to formally move it. Thereupon the Chairman will then ask for a seconder for the motion. If there is no seconder then the motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next business on the agenda.

If the motion is seconded then it will be dealt with in accordance with Rule 12.4 (within the maximum 30 minute time limit allocated for each motion).

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

#### **12.4 Consideration of Motions**

The mover and seconder of the motion will be permitted to explain the purpose of the motion and, if they so wish, give reasons why they feel it would be appropriate for the motion to be dealt with at the meeting. They will each have a maximum of three minutes to do so.

The Leader of the Council or the relevant Portfolio Holder or the relevant Chairman of a Committee will then be permitted to respond and they will either agree with the motion being dealt with at the meeting or they will put forward reasons why it would be more appropriate for the motion to stand referred to the appropriate body for further consideration. They will have a maximum of three minutes to do so.

After hearing the representations referred to above together with any necessary professional advice from the Chief Executive and/or the Monitoring Officer and/or the Section 151 Officer, the Chairman will then make a ruling on whether the motion should be dealt with at the meeting or stand referred to the appropriate body.

In making their ruling the Chairman must have regard to the principles of decision making set out in Article 13.02 of the Council's Constitution and the provisions of the Executive Function Regulations. The Chairman must also provide to the meeting a short oral explanation of the reasons for their decision.

If the Chairman decides to refer the motion to the appropriate body then the provisions of Rule 12.5 will apply.

If the Chairman decides to allow the motion to be dealt with at the meeting, then in considering the motion the provisions, as applicable, or Rules 16, 19, 23, 24, 25, 28 and 29 will apply.

All speakers on the motion will be allowed three minutes.

A maximum of 30 minutes for debate will be allowed for each motion dealt with at the meeting.



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**12.5 Referral of Motions**

Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion and reason as to whether such motion should be supported in its original format.

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

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

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

**12.6 Referred Motions – Right of Mover to Attend Meeting**

If a motion has, in accordance with the provisions of Rule 12.4, been formally referred to the Cabinet or relevant Committee(s), the mover (or some other Member on their behalf) shall attend the first practicable meeting of the Cabinet or relevant Committee(s) immediately following the Council meeting at which the motion was moved to answer any questions and/or points of clarification, if requested.

**13. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

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

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

#### 14. **MOTIONS NOT PERMITTED**

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

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

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**15. MOTIONS OR QUESTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

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

**16. RULES OF DEBATE****16.1 No Speeches until Motion Seconded**

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

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

**16.2 Right to Require Motion or Amendment in Writing**

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

**16.3 Content and Length of Speeches**

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. No speech (including those to move motions) shall exceed three minutes except with the consent of the Council. This does not apply to the statement by the Leader on the State of the District and the Leader's presentation of the budget.

**16.4 When a Member May Speak Again**

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move or second a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);
- (d) in exercise of a right of reply;
- (e) on a point of procedure; and/or

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- (f) by way of personal explanation.

### 16.5 Amendments to Motions

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

### 16.6 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the seconder.

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- (b) A Member may alter a motion that he has moved without notice with the consent of the seconder.
  - (c) Only alterations that could be made as an amendment may be made.

#### **16.7 Withdrawal of Motion**

A Member may withdraw a motion that he has moved with the consent of the seconder unless it is the subject of an amendment. No Member may speak on the motion after the mover has withdrawn it.

#### **16.8 Right of Reply**

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

#### **16.9 Motions Which May be Moved During Debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time for speeches;
- (h) to give any consent required by these procedure rules;
- (i) to suspend one or more of the procedure rules;
- (j) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

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- (k) that a Member named under Rule 23.3 below (Disorderly Conduct), not to be heard further or to exclude them from the meeting under Rule 23.4.

#### 16.10 Closure Motion

- (a) A Member may move, without comment, the following motions at the conclusion of a speech of another Member;
- (i) That the Council proceed to the next business;
  - (ii) That the question now be put;
  - (iii) That the debate now be adjourned; or
  - (iv) That the Council does now adjourn; or
  - (v) That the matter be referred to the Cabinet or a Committee(s) in accordance with the responsibility of functions and the defined terms of reference.
- (b) On the seconding of which the Chairman shall, unless in their opinion the matter before the meeting has been insufficiently discussed, proceed as follows:
- (i) On a motion to proceed to the next business or to refer the matter to the Cabinet or a Committee(s): they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business or to refer the matter;
  - (ii) On a motion that the question now be put: they shall put to the vote the motion that the question now be put, and if it is passed then give the mover of the original motion their right of reply under Rule 16.8 above before putting their motion to the vote;
  - (iii) On a motion to adjourn the debate or the meeting: they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

#### 16.11 Point of Procedure

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

#### 16.12 Personal Explanation

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

#### 17. STATE OF TENDRING STATEMENT

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

## **18. PREVIOUS DECISIONS AND MOTIONS**

### **18.1 Motion to Rescind a Previous Decision**

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

### **18.2 Motion Similar to One Previously Rejected**

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

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

## **19. VOTING**

### **19.1 Majority**

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

### **19.2 Chairman's Casting Vote**

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

### **19.3 Show of Hands**

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

### **19.4 Recorded Vote**

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

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

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**19.5 Right to Require Individual Vote to be Recorded**

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

**19.6 Voting on Appointments**

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

**19A. REMOTE VOTING**

**Unless a recorded vote is demanded, (which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman), the Chairman will take the vote:**

- (a) by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or unavailable;**
- (b) by the affirmation of the meeting if there is no dissent (by assent); or**
- (c) the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.**

**If a connection to a Member is lost during a regulatory meeting (e.g. a meeting relating to planning, licensing or code of conduct matters), the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected (should they subsequently be re-connected) will not be able to vote on the matter under discussion as they would not have heard all of the facts.**

**20. MINUTES****20.1 Signing the Minutes**

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

**20.2 Form of Minutes**

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

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

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**21. RECORD OF ATTENDANCE**

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

**22. EXCLUSION OF PUBLIC**

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

**23. MEMBERS' CONDUCT****23.1 Standing to Speak**

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

**23.2 Chairman Standing**

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

**23.3 Member Not to be Heard Further**

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

**23.4 Member to Leave the Meeting**

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

**23.5 General Disturbance**

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

**23A MEMBERS EXCLUDED FROM THE MEETING**

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**Where a Member is required to leave the meeting, such as by reason of a Disclosable Pecuniary Interest or as a result of Rule 23.4 the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.**

## **24. DISTURBANCE BY PUBLIC**

### **24.1 Removal of a Member of the Public**

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

### **24.2 Clearance of Part of Meeting Room**

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

## **25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **25.1 Suspension**

All of these Council Procedure Rules except Rules 19.5 and 20.1 may be suspended by motion on notice, or without notice, if at least 36 Members of the Council are present and 25 Members vote in favour of suspension. Suspension can only be for the duration of the meeting.

### **25.2 Amendment**

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

## **26. RESIGNATION OF CHAIRMANSHIP ETC**

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

## **27. CASUAL VACANCIES ETC**

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

## **28. STATUTORY OFFICERS' ADVICE**

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

**29. INTERPRETATION OF PROCEDURE RULES**

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

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

**30. PETITIONS**

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

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

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

**31. MINOR AMENDMENTS OF GUIDANCE**

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

**32. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

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

None of these rules apply to meetings of the Cabinet.

Rules 6-9 (**including 6A, 6B and 8A, 10A**), 11.3-11.5, 11.7 – 11.9, 16 (excluding 16.4), 19 (excluding 19.4 and 19.6 **but including 19A**), 20 – 24 (excluding 23.1 **but including 23A**), 26, 28, 29 and 31 including those in Part 2 below apply with any necessary modification to meetings of Committees and Sub-Committees. Rule 40 applies only to the Local Plan Committee and the Planning Committee.

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## COUNCIL PROCEDURE RULES

PART 2 – COMMITTEE MEETINGS**33. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES/VACANCIES IN CHAIRMANSHIP****33.1 General**

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

**33.2 Eligibility**

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

Overview and Scrutiny Committees

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

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

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

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

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

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#### Standards Committee

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

#### Premises/Personal Licences Sub-Committee

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

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

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

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

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

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

### **33.4 Resignation of Chairmanship**

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

### **33.5 Casual Vacancies**

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

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**34. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES****34.1 General**

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules 33.3 and 33.4. In the case of the Overview and Scrutiny Committees, such Substitute Members may not be Members of the Cabinet. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

**34.2 Eligibility**

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

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

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

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

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

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

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### 34.5 Substitute Members of the Premises/Personal Licences Sub-Committees

Substitutes for Members of the Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute need not be a Member of the same political group and the provisions of Rule 34.2 shall not apply.

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

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

## 35. MEETINGS OF COMMITTEES

### 35.1 Ordinary Meetings

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

The Chairman (or failing him the Vice-Chairman) of a Committee may, from time to time, vary the place, date or hour of a meeting or meetings of that Committee. **Such variation will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.**

### 35.2 Special Meetings

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

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



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**36. ATTENDANCE AT MEETINGS**

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

- 36.1** Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. This does not include attendance at Portfolio Holder Working Parties. A Member of the Council shall not take part in any discussion at a meeting of a Committee or Sub-Committee of which he is not a Member, unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the Committee under the provisions of Rule 12.6, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate Chairman prior to the relevant meeting if he wishes to speak at that meeting. Where a Member has, pursuant to notice duly given under Rule 12.6, moved a motion which has been referred to a Committee, he shall be given an opportunity of explaining that motion.

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

**37. SUB-COMMITTEES AND WORKING PARTIES**

The Council will decide the establishment, terms of reference, delegated powers, number of Members and the allocation of seats to political groups for all new Sub-Committees.

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

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

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

**38. QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES**

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

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**39. SITE VISITS, SPECIFIC BRIEFING OR TRAINING**

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

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

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

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

**ACCESS TO INFORMATION PROCEDURE RULES**

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

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

**1. SCOPE**

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

Rule 12 relates to recording of Decisions by Officers.

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

**2. ADDITIONAL RIGHTS TO INFORMATION**

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

**3. RIGHTS TO ATTEND MEETINGS**

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

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

Any person exercising such rights must not disrupt the proceedings. Examples of what will be regarded as disruptive include, but are not limited to, moving outside the area designated for the public, making excessive noise, intrusive lighting/flash or asking a Councillor to repeat a

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

**3A. REMOTE ACCESS TO MEETINGS**

**(a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:**

**(i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and**

**(ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and**

**(b) If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.**

**4. NOTICES OF MEETING**

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

**5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

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

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

**5A. ACCESS TO INFORMATION**

**For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:**

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and**
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.**

**6. SUPPLY OF COPIES**

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

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

**7. ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (a) the minutes of the meeting which will include a record of decisions taken, together with reasons. However where the meetings discussed exempt or confidential information the minutes open to the public will only include a record of the proceedings and the decision. The Council aims to publish minutes of meetings within 5 working days following the meeting;
- (b) records of executive decisions taken by individual Cabinet Members or Officers, including the reasons for the decision and any alternative options considered and rejected. They will be published and made available as soon as reasonably practicable after they have been taken;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

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**8. BACKGROUND PAPERS**

**8.1 List of Background Papers**

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

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

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

**8.2 Public Inspection of Background Papers**

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

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

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

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

## 9. SUMMARY OF PUBLIC'S RIGHTS

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

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential Information – Requirement to Exclude Public

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

### 10.2 Meaning of Confidential Information

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

### 10.3 Exempt Information – Discretion to Exclude Public

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

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

### 10.4 Meaning of Exempt Information

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

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

<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p> <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>6. Information which reveals that the authority proposes:-</p> <p>(a) To give under any enactment or notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment.</p> <p>7. Information relating to any action or any action proposed to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information is not exempt information if it is required to be registered under:-</p> <p>(a) The Companies Act 1985;</p> <p>(b) The Friendly Societies Act 1974;</p> <p>(c) The Friendly Societies Act 1992;</p> <p>(d) The Industrial and Provident Societies Acts 1965 to 1978;</p> <p>(e) The Building Societies Act 1986; or</p> <p>(f) The Charities Act 1993.</p> <p>“Financial and business affairs” includes contemplated, as well as past or current activities.</p> <p>Employee means a person employed under a contract of service. “Labour relations matters” means any matters specified in section 218(1)(a) to (g) of the Trade Union and Labour Relations (Consolidation) Act 1992. These matters also apply to office holders as to employees.</p>
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Notes:

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

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

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

## **12. RECORDING OF DECISIONS BY OFFICERS**

### **12.1 Written Record**

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

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

### **12.2 Prescribed Format**

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

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

### **12.3 Public Inspection of Decision and Background Papers**

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

#### **APPLICATION OF RULES TO THE CABINET**

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

### **13. PROCEDURE BEFORE TAKING KEY DECISIONS OR DECISIONS THAT WOULD INVOLVE THE DISCLOSURE OF CONFIDENTIAL OR EXEMPT INFORMATION**

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

- (a) that a key decision is to be made, and details of the matter excluding (if applicable) any details that would reveal confidential or exempt information; or
- (b) that a decision that would involve the disclosure or likely disclosure of confidential information is to be made and details of the matter excluding any details that would reveal such confidential or exempt information;
- (c) the decision-maker's name and title, if an individual, or if it is a body, its name and full membership;
- (d) the date on which, or period during which, the decision is to be made;
- (e) a list of the documents already submitted to the decision-maker for consideration in relation to the matter and details of how to obtain copies; and
- (f) a statement that documents relevant to the decision may be submitted to the decision-maker and details of how to receive copies.

### 13.2 DEFINITIONS

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

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

### 14. GENERAL EXCEPTION

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

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

### 15. SPECIAL URGENCY

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

### 16. REPORTS TO COUNCIL

#### 16.1 When an Overview and Scrutiny Committee can require a Report

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

- (a) published in accordance with Rule 13.1; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement under Rule 15;

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

**16.2 Reports on Special Urgency Decisions**

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

**17. RECORD OF DECISIONS**

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

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

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

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

**18. PROCEDURES PRIOR TO A PRIVATE MEETING**

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

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

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

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

## **19. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET**

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

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

## **20. RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS**

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

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

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

### **Limits on Rights**

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

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

## **21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **21.1 Material Relating to Previous Business**

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

### **21.2 Material Relating to Key Decisions**

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

### **21.3 Nature of Rights**

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

## **ARTICLE 3 – CITIZENS AND THE COUNCIL**

### **3.01 Citizens' Rights**

The rights to information are explained in more detail in the Access to Information Rules in Part 5 of this Constitution. Other rights include:

**(a) Voting and petitions:**

People on the Electoral Register for the District have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

**(b) Information**

The public have a right to:

- (i) Attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed (Committees for this purpose do not include Working Groups and/or Task and Finish Review Groups);
- (ii) Attend meetings of the Cabinet when key decisions are being considered;
- (iii) Find out from the Council's website what key decisions will be taken by Cabinet and when;
- (iv) See reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) In accordance with the published timescales inspect the Council's accounts and make their views known to the external auditor.

**(c) Remote Attendance by Members of the Public**

The public notice of the date and time of a Council, Committee or Cabinet meeting will include details of whether the meeting is being held as a remote meeting, and if so details will be included and available on the Council's website on how to access the meeting.

**(d) Participation**

- (i) The public have a right to participate by submitting written questions to Full Council meetings and contribute to investigations by the Overview and Scrutiny Committees. The public can also participate at meetings of the Local Plan Committee and the Planning Committee in accordance with the relevant Public Speaking Schemes.

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- (ii) A member of the public's right to attend a Council or Committee meeting in order to exercise a right to speak includes remote meetings in the circumstances as set out in Council Procedure Rule 10A within Part 4 of the Constitution. Details on how to join the meeting for the purposes of participation on a particular agenda item will be provided.

(e) **Complaints**

The public have a right to complain to:

- (i) A Ward Councillor;
- (ii) The Council itself under its Complaints Scheme, details of which are available on the Council's website;
- (iii) The Local Government and Social Care Ombudsman, after using the Council's own Complaints Scheme;
- (iv) The Monitoring Officer about a breach of the Council's Code of Conduct (which sets out the standards of behaviour expected of a Councillor and is contained within Part 6 of this Constitution). The Complaints Procedure is available on the Council's website.

**3.02 Citizens' Responsibilities**

At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.



**ARTICLE 7 – THE CABINET (ALSO REFERRED TO AS THE EXECUTIVE)**

**7.01 Role and Responsibilities:**

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

**7.02 Forms and Composition:**

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

**7.03 Leader of the Council:**

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

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

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

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

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

**7.04 Deputy Leader of the Council**

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

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

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

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

**7.05 Other Cabinet Members (also known as Portfolio Holders)**

Other Cabinet members shall hold office until:

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

**7.06 Proceedings of the Cabinet**

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

**7.07 Responsibility for Executive Functions**

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

The Executive functions may be discharged by:

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

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

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

## 7.08 Cabinet Procedure Rules

### 1. MEETINGS

#### 1.1 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices (the Town Hall) or another location to be agreed by the Leader. **Such other location will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.**

#### 1.2 Meetings of the ~~Council~~ Cabinet

Meetings of the Cabinet and their committees must be held in public **in accordance with the Access to Information Procedure Rules** except where confidential or exempt information is to be discussed.

#### 1.3 Quorum

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

#### 1.4 Chairmanship

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

#### 1.5 Who may Attend?

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

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

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

## **2. AGENDA**

### **2.1 Members' Written Questions**

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

### **2.2 Order of Business**

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

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

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

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

### 3. CONSULTATION

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

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

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

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

### 4. CONDUCT

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(Peach)

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

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

**(b) Clearance of part of meeting room**

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

**5. PROCEDURES FOR PRIVATE MEETINGS OF THE CABINET**

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

**6. DECISIONS**

**6.1 Overlap of Interests**

(a) In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall advise of the relevant Portfolio Holder to make the decision.

(b) Where any, or all, members of the Cabinet have an interest this should be dealt with in accordance with the Council's Code of Conduct for Members as set out in Part 5 of this Constitution.

**6.2 How are Decisions to be taken by the Cabinet?**

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

After any meeting of the Cabinet, whether held in public or private, or with regards to decisions taken by individual members of the Cabinet, within their delegated powers, the Chief Executive, or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting or by individual members of the Cabinet. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record of decisions made at meetings will take the form of the minutes of the meeting.

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

**7. PROCEDURES FOR PORTFOLIO HOLDER WORKING PARTIES**

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

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

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

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

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

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

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# **Guidance on Remote Formal Meetings of Councillors**

**Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE**

**May 2020**

# Remote Meeting Guidance

The production of this Guidance follows the removal of the previous requirement for meetings of Local Authorities, such as Tendring District Council, to be held at a physical place. With the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) it is now possible for Local Authorities to hold meetings using digital technology and thereby Members do not need to be physically in the same place to make decisions on behalf of the Council. These are referred to here as ‘remote’ meetings and it is important to recognise that they are still formal meetings of the Council and during which, the usual high standards of conduct should be observed.

The Council’s Rules and Procedures as set out in the Constitution are being amended to reflect the legislation applying to remote meetings.

The Guidance is not a restatement of law. However, it does emphasise, as the 2020 Regulations emphasise, the following conditions for ‘remote’ meetings that Members must be able:

*“(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,*

*(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and*

*(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.”*

The practical points set out in this document are aimed at achieving those conditions and otherwise supporting the consideration of business of the Council at remote meetings and thereby contribute to good decision making.

The practical points are respectively aimed at:

- The Chairman – of the Meeting (and should also be read by the Vice-Chairman)
- The Other ‘Committee’ Members
- Other Councillors ‘attending’ – those who are not members of the ‘Committee’

Separate guidance exists for Committee Officers attending for the purpose of facilitating the remote meeting and for recording the business decisions as well as guidance for other officers ‘attending’.

There are also some associated ground rules for participants in remote meetings.

The Council has formally decided that it will use Microsoft Skype for Business as its platform for remote meetings and where possible elected members should use their Surface Pro issued to them by the IT department, it is important that

this is adhered to endeavoring to ensure the smooth facilitating and running of the remote meeting.

Note: references in this guide to 'Committee' should be read as applying as appropriate to Cabinet, Panels, Sub-Committees, Working Parties etc where the meeting concerned is of those bodies.

# Notes for the Chairman

Your role in leading a remote meeting is ultimately the same as your role during a face to face meeting. However, the techniques needed to keep everyone engaged, allow a good debate and determine the view of the meeting on each item of business may be different to those which you use for a face to face meeting. The points below can assist with the smooth running of the meeting:

**You are also invited to read the “Suggested ground rules for participants in remote meetings” document that is provided at Appendix A.**

## Access arrangements

- Make sure you have been given the correct dial in details, start time and any alternative telephone number and conference ID code. We will send these to you as a Calendar invitation and separately as an email. It is intended that the meeting will have audio and video functions and to achieve this access for you should be using the full Skype for Business platform. For legal compliance the crucial element is that you can be heard and you can hear your colleague Councillors in the meeting (and officers and other parties to the meeting).

## Know the technology

- Make sure you know how to use the technology and ask for assistance before the meeting if you are not familiar with the Skype for Business software.
- Consider how you are connecting to the internet. If others in your home/office etc are using the same wifi that could impact on the quality of the connection for your meeting. If you can arrange that your device for the meeting is the only one using the home/office wifi it could make a significant difference to your experience of it.
- All Members, Officers and anyone else having an active part in the meeting will be asked to log in the day before the meeting in a two hour window just to check that they have the right details and can talk through with the Committee Officer the arrangements for the meeting.
- Make sure you have enough devices/screens to run the meeting and read the papers at the same time.
- Make the best use of the technology – for example you may be able to see who is speaking, who is not on mute and so on. There is a messaging facility (instant messaging or IM) so that participants can alert you to the fact that they wish to speak, or that you can use to ask someone to mute their microphone.

## Meeting management

- While the meeting will be open to the public, public access will be via a live stream on social media. The stream will also be recorded and made available as soon as practicable after the meeting to be viewed/listened to.
- The Committee Officer will host and control the call so that you don't have to deal with that aspect of the technology as well. For a larger or more complex meeting (e.g. Council) the Committee Officer will have a colleague to do this, so that they can concentrate on providing advice and taking the minutes.
- Make sure you have a list of all those due to attend the meeting and when they will arrive and leave. This will be provided to you by the Committee Officer before the meeting.

- On screen your fellow Councillors will have an icon/their video feed in individual boxes with their names showing if they are using the full Skype for Business platform. Officers of the Council will likewise have an icon and they are advised to turn their video feed and microphone off while not contributing. The same advice is given to Councillors who are not Members of the 'Committee'. This is designed to assist the public differentiate the decision makers from others in attendance. Other contributors and those who cannot use the Skype for Business platform will appear with a telephone icon, the word guest and their telephone number (or anonymous if their telephone ID is withheld). Those not using the full Skype for Business platform won't be able to see the detail of who is attending the call (unless they are watching the live stream on social media). The detail of names/telephone numbers will not appear on the live stream either. This is so we do not inadvertently disclose personal details via the live stream/recording that we should not disclose.
- Consider having a paper copy of the agenda to hand and referring to the rest of the (Committee) meeting pack online.
- Join the call 10-15 minutes before the start time to check everyone else joins in an orderly way, in case there are any issues. Use this time to remind everyone that the meeting will be live streamed and recorded by the Committee Officer. This should also be repeated at the very start of the meeting. It is important that you ask the Committee Officer to confirm the live streaming of the meeting is working.
- An example welcome text is set out at Appendix B to this guidance. You are invited to adjust it to your own requirements. However, it is important that the critical elements identified in it around Members being able to contribute to and hear (and preferably see) what is taking place and the public can also hear (and preferably see) the meeting are in place at the start and throughout the meeting.
- Following an initial welcome to the formal meeting and reference to the meeting being live streamed/recorded, welcome everyone and run a roll call/introduction in alphabetic order (starting with Members, then Officers and then other contributors). This allows everyone to be aware of who is present and that they can both hear and be heard. Repeat this if you adjourn and reconvene.
- You should remind participants that all contributions must be made "through the Chair". This may limit free-flowing conversation but is likely to keep things more focused.
- You should also address members of the public who may be observing and highlight to them the process. Where there are members of the public having a contributory role in the meeting you should set out the rules on their participation. Confirm to them that you will invite them to contribute at the appropriate time(s).
- You will also need to remind Members of the need to introduce themselves at the start of every contribution. This will be particularly important if the Member concerned is not using the full Skype for Business platform and likewise members of the public using the same audio only route to contribute.
- If there is someone who is being disruptive, you should ask them to stop and only contribute as the rules and your management of the meeting provides for. If they fail to adhere to this warning, and perhaps a reminder warning, you may ask the Committee Officer to remove them from the meeting. The Committee Officer should confirm this has been done. If the individual has an ability to rejoin the meeting, you may need to adjourn while all participants except for the individual excluded is sent

new details as to how to access a new teleconference. This could necessitate an adjournment to another day.

- Be clear at the beginning about how long you expect the meeting to last and how you would like participants to communicate with you if they need to leave the meeting at any point before the end. For longer meetings it will be necessary to have an agreed break and it is suggested you should not run for more than 2 hours continually without one. The adjournment/ break might be for 30 minutes (for example) with participants rejoining from say the 20 minute point so that you can start on time and address connection issues beforehand.
- Be clear about which agenda item you are on at any one time. You will have been given a list of which Officers will introduce which items. They should be asked to make their contribution as relevant to that item. Officers are asked to turn their video off if they are not directly contributing to the meeting at that point in proceedings. All Officers are asked to mute their microphones too except when contributing.
- Some of the Committees have set procedures to be followed such as Licensing Hearings and the Public Speaking Scheme for Planning and the Planning Policy and Local Plan Committees, these still apply and will need to be adhered to. For individual items where there are Members of the Public or other contributors, be prepared to allow a minute or so before starting the item to allow the Committee Officer to call the Member of the public so that they can 'attend' for their contribution. This enables the management of contributions to be managed appropriately.
- Invite questions at an appropriate time after any item. Go through each Member by name to ask them if they have a question. Following the initial round of questions do the same again. You may need to remind participants to mute and unmute their microphones. Go through each Member in turn and ask if they have a comment to make. Remind them of the need for clarity and brevity.
- Make sure everyone has had a chance to speak, by checking at the end of each item if anyone has any final points. If someone has not said anything you might ask them by name, to ensure they have not dropped off the call or assist them if they have not had a chance to speak.
- Ask the legal advisor to the meeting, if present, whether they have anything to say on the issue before moving to determining the item.
- At the end of the item, sum up your understanding of the conclusion / decision reached (in the form of a motion, which will either be the recommendation as printed within the agenda, as amended through debate or an alternative motion being proposed) and ensure this is a motion of the (Committee) meeting before you move on to the next item. Ask someone to move/second that understanding and then ask each Member in turn to indicate if they support that understanding (motion). Obviously, if someone else has moved a motion before that you will seek the views of all Members present in the meeting whether they accept it or whether there is an amendment.
- Remember to thank anyone who has reported to the meeting and indicate that they can leave the meeting. It can be easy to forget this if you can't see them.
- It will be particularly important to keep the discussion focused and not to let people become distracted with unimportant peripheral points. You will need to control this firmly but diplomatically.
- It will be important to curtail the length of the meeting so that people remain engaged. Having a timed agenda can assist with this. If the business has not been finished within a reasonable timeframe and you feel participants are no longer concentrating it may be better to reconvene the meeting after a short break or at another time and date.

For this reason, it will be key when planning the agenda to ensure the most urgent and important items are dealt with first, leaving those which are less so to the end of the meeting.

- At the end of the meeting, close it and thank everyone for their participation.
- If you need to exclude the public to, say, receive legal advice or consider other information exempt from publication this is likely to be achieved by simply turning off the live stream. Following the appropriate resolution being passed, direct the Committee Officer to do this and ask them to confirm when they are sure it has been done. Any members of the public who have a contributory role in the meeting and who have dialed in must also be excluded. Again, ask the Committee Officer to check that there are no Members of the public connected to the teleconference and ensure that, if there are, they are removed. It is also important to ensure that there is no one present within your own surroundings, as the exclusion of the public also applies to individuals who may be occupying the same space you are in during your participation in the remote meeting. Proceed only when the Committee Officer confirms this. For certain types of tribunal style hearings other Members may also need to vacate the teleconference (e.g. Personnel Appeal and licensing hearings).

#### **Technical problems**

- If the call is disrupted by technical issues, such as poor audio or video quality due to a lack of good internet connectivity it may be necessary to call for a short adjournment of the meeting and use the alternative dial in details. Likewise, if there is a failure in the live stream for public meetings.
- If there is background noise, you may be able to privately message (using an instant message (IM)) the person whose microphone is not on mute or you can make a general request for people to recheck that they are on mute. It is important for everyone to be able to hear each other.

#### **LEGAL NOTE:**

A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.



# Notes for 'Committee' Members

You are also invited to read the “Suggested ground rules for participants in remote meetings” document that is provided at Appendix A.

## Access arrangements

- Make sure you have been given the correct dial in details, start time and the alternative telephone number and conference ID code. We will send these to you as a Calendar invitation and separately as an email. It is intended that the meeting will have audio and video functions and to achieve this access for you should be using the full Skype for Business platform. For legal compliance the crucial element is that you can be heard and you can hear your colleague Councillors in the meeting (and officers and other parties to the meeting).

## Know the technology

- Make sure you know how to use the technology and ask for assistance before the meeting if you are not familiar with the app being used.
- Consider how you are connecting to the internet. If others in your home/office etc are using the same wifi that could impact on the quality of the connection for your meeting. If you can arrange that your device for the meeting is the only one using the home/office wifi it could make a significant difference to your experience of it.
- All Members, Officers and anyone else having an active part in the meeting will be asked to log in the day before the meeting in a two hour window just to check that they have the right details and can talk through with the Committee Officer the arrangements for the meeting.
- Make sure you have enough devices/screens to participate in the meeting and read the papers at the same time.
- Make the best use of the technology – if you are having difficulty being heard/seen you can send an IM (instant message) through Skype to the Committee Officer (details will be in the modern.gov email with the details of the meeting).

## Meeting management

- Members are reminded that remote meetings are formal meetings of the Council and the usual high standards of conduct must be observed.
- While the meeting will be open to the public, public access will be via the live stream of proceedings organised by the Committee Officer. As such please publicise their contact details if individuals want to watch/listen in to the meeting. Please do not pass on the Conference ID details or the Calendar invite/email with the log in details.
- Join the call 10-15 minutes before the start time to check your connections in advance of the start time of the meeting. If you need to leave by a certain time let the Chairman know this.
- At the start of the meeting, you will be invited to introduce yourself. This allows everyone to be aware of who is present. You will then be invited to mute your microphone until the time you wish to say something. Before each contribution you should say your name. Having contributed to the meeting you should mute your microphone again. You are recommended to keep your video on throughout. If you are not using the full Skype for Business platform this will not be possible.
- Officers in attendance (and Councillors who are not Members of the Committee) will be asked to turn their video feed off other than when they are contributing.



- A regular points in proceedings the Chairman will ask each Member of the 'Committee' whether they have any declarations of interest, questions, comments and whether they are for, against or abstain on a given motion/amendment. Where possible, please contribute at those opportunities. If there is a need to contribute/ask a question outside of those times please do so by requesting the Chairman to speak.
- If you need to leave the meeting at any point before the end please alert the Chairman. If this is not possible send an IM (instant message) through Skype to the Committee Officer (details will be in the modern.gov email with the details of the meeting). If you have left the meeting at any point during the debate, it may be considered you are unable to vote on the item, especially for regulatory matters such as licensing or planning.
- If the meeting is to last more than 2 hours the Chairman is invited to seek an adjournment. On this basis, at the reconvened meeting a roll call will again be taken.
- Be clear about which agenda item you are on at any one time. If you are unsure ask the Chairman.
- The Chairman will invite questions at an appropriate time after any item has been presented. He may also ask 'Committee' Members to indicate to him if they wish to speak on the particular item and remind them of the need for clarity and brevity.
- During remote meetings it is even more important to keep the discussion focused and not to become distracted with unimportant peripheral points.

### Technical problems

- The Chairman may seek a short adjournment if the call is disrupted by technical issues, such as poor audio or video quality due to a lack of good internet connectivity.
- Throughout the meeting it is important for you to be able to hear all participants. It is imperative that you alert the Chairman/Committee Officer if you do not hear anything that is said.

### **LEGAL NOTE:**

A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

# Notes for Other Councillors

**You are also invited to read the “Suggested ground rules for participants in remote meetings” document that is provided at Appendix A.**

- If you do not have any intention of making a contribution to the meeting, you are encouraged to observe formal meetings of Councillors using the live stream of it (for public meetings). Please check the agenda sheet/web page for the meeting to obtain the link details for the live stream.
- If you are to make a contribution to the meeting under a provision of the Constitution/participation scheme the Committee Officer will offer to call you just before your contribution will be due. Before that (and afterwards) you may watch the live stream. It is preferable to have two telephone numbers for you so that we can do everything we can to provide for your contribution at the appropriate point in the meeting.
- If you wish you may join the meeting from the very beginning if it. Again, liaise with the Committee Officer so that they can discuss how they invite you to attend just before the start of it.
- Make sure you know how to use the technology and how to join the meeting. If you are not clear, ask the Committee Officer beforehand. Feel free to ask the Committee Officer for a trial run of your preferred connection on the day before.
- Consider how you are connecting to the internet. If others in your home/office etc are using the same wifi that could impact on the quality of the connection for your meeting. If you can arrange that your device for the meeting is the only one using the home/office wifi it could make a significant difference to your experience of it.
- All Councillors who are not Members of the ‘Committee’ and should turn their video and microphone off when they are not contributing. Introduce yourself each time you make a contribution. Turn the video and microphone on when you contribute and off again afterwards.
- Be absolutely clear what you want the meeting participants to know and how much time you have.
- Before the meeting, provide to the Committee Officer any written material or photographs etc which you intend to present at the meeting so that they can be circulated by email or put onto the (‘Committee’) meeting portal. This will ensure everyone can see them, even if there is an unexpected glitch with the technology.
- Follow any ground rules for the meeting.
- Make sure you only speak for your allotted time slot.
- When you have finished hand back to the Chairman. If questions of you are permitted or if you have an opportunity for a supplementary question/statement the Chairman will advise you.
- Once your item is finished and if you do not have a planned contribution for another item, you are encouraged to leave the meeting and you may watch proceedings on the live stream.

## Appendix A

### Suggested “ground rules” for participants in remote meetings

- If possible, attend the meeting in a quiet space (such as a home office), away from other family members and pets. Let the other members of your household know that you need to be on the call without interruptions and when you are likely to be finished. If you have children, it is best to arrange for childcare for the duration of the meeting if children are too young to be left unattended or play quietly for that long and you are attending the meeting from home.
- Be well prepared, assemble all you need in good time, including any papers for the meeting, pens and paper to write on, devices to read the papers on and to join the call, your glasses and any refreshments you may need. Remember that others can hear you on the call and noises of eating and drinking will be off putting. Try to stick to drinks only and go on mute when you consume them. Remember to use the bathroom before the meeting - much better than having to leave the call part way through. Comfort breaks should be offered if the meeting is a long one.
- Make sure all the devices you need for the meeting are fully charged or connected to power from the start of the call if there is any doubt that their remaining battery life is enough for the expected duration of the call.
- Put your mobile phone (and any other devices which are close by) onto silent mode, or switch them off if you don't need them.
- You may find it easier to concentrate if you use headphones or a headset as these will cut out any background noise in your location.
- Join the call in plenty of time, try joining or dialling in at least 10-15 minutes before the start so that if you have any connection issues you have time to resolve them.
- Make sure your microphone is working but keep it on mute throughout the meeting, except when you wish to make a comment or ask a question.
- Speak clearly and with sufficient volume into the microphone – you need to be heard but there should not be a need to raise your voice unduly.
- Remember to mute your microphone again after speaking.
- Participating successfully in a remote meeting can be difficult. Try not to speak across others or interrupt and where possible wait to be invited to speak by the Chair. If you do start to speak at the same time as someone else, pause and offer them the opportunity to go first. The person chairing the meeting should come back to you. If not try again once the other person has finished.

#### **And additionally for video teleconferences:**

- If you are using a video link remember that everyone will be able to see what you are wearing and make sure it is appropriate. Neutral colours and backgrounds work well.
- Check the view people will get from your camera and remove anything in the way or which might cause a distraction.
- Ensure your location is well lit, natural light is regarded as best but may vary during the day and may not be bright enough in the evening. So a

good artificial light (preferably not immediately behind you) is recommended.

- Look at the camera if you are on a video call. If you can be seen by everyone else all of the time, keep this in mind for the duration of the meeting.
- If connection issues are affecting your experience of the meeting you can turn off your video to see if that improves things. It would be advisable to let the others in the meeting know this is the case.

## Appendix B

### Example welcome text for the Chairman of the Meeting

Welcome everyone to this meeting, my name is Councillor [.....]. I am the Chairman for this meeting. I will shortly invite my fellow Councillors on the Committee to confirm they can hear the meeting and preferably see it too. I will then ask the appropriate Committee Officer to confirm that the live stream of this meeting is active. The purpose of both of these actions is to ensure that we meet the legal requirements for remote meetings of Councils.

Following this, I will move through the agenda for the meeting. This agenda is available on line at the Council's website following the links to 'Council and Democracy', 'Committees' and then the [.....] Committee. A link to the live stream of the meeting is also available from there and in the next few days there will be a copy of the recording of the meeting.

My fellow Councillors on the Committee are being asked to keep their video feed on during the entire meeting. Officers of the Council and Councillors who are not on the Committee are respectfully asked to keep their video feed off while they are not contributing to the meeting. Everyone is asked to mute their microphone unless they are contributing. When contributing everyone is asked to say their name so that those listening in can follow who has said what.

At relevant times during the meeting I will check that Members of the Committee can hear the meeting, and preferably see it too. I would ask that where possible Members of the Committee contribute at those times so that we only have one person talking at a time. If a Member of the Committee does need to contribute at other times, for instance to declare an interest not already declared, then they should alert me as Chairman by interrupting briefly and then allowing me to invite them to make their point. Something like 'Chairman, it's Councillor XXX, I wish to make a point' will be sufficient.

As we move between items on the agenda, if there are members of the public who are to be invited to speak on the next item, I will pause after the end of the one item and before starting the next one. I will ask the Committee Officer to confirm if we have the members of the public invited in so that, when ready, they can make their contribution. Once this is confirmed I will start the item concerned. The same will apply to Councillors who are not members of the Committee and who are to contribute.

For the purposes of managing the meeting I will ask the Committee Officer to confirm that all members of the public who no longer have a contribution still to make under our public participation schemes have either left the meeting or will be removed. I will await that confirmation before moving on. They may continue to watch the live stream of the proceedings.

At the end of each item I will either move a motion and ask for it to be seconded or I will ask someone to propose and second a motion if one has not already been proposed. I will then ask each Councillor on the Committee in turn to identify how they vote on that motion. The Minutes will only record the overall

decision of the Committee unless a recorded vote is requested in accordance with the normal rules.

So, in thanking you for your patience as I went through these arrangements for the meeting, I now intend to start by inviting my fellow Councillors on the Committee to confirm in turn they can hear the meeting and preferably see it too. Councillor [.....], Councillor [.....], Councillor [.....], etc.

*Waiting for responses at each point*

Now, the Committee Officer please confirm that the live stream of this meeting is active.

*Waiting for the response.*

Now we are at the first item on the agenda 'Apologies for absence and Substitutions'. Can the Committee Officer please read out the details please?

*Waiting for the response.*

*And then proceed as indicated through the agenda*



# **Guidance for Officers on Remote Formal Meetings of Councillors**

**Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE**

**May 2020**

# Remote Meeting Guidance

The production of this Guidance follows the removal of the previous requirement for meetings of Local Authorities, such as Tendring District Council, to be held at a physical place. With the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) it is now possible for Local Authorities to hold meetings using digital technology and thereby Members do not need to be physically in the same place to make decisions on behalf of the Council. These are referred to here as ‘remote’ meetings and it is important to recognise that they are still formal meetings of the Council and during which, the usual high standards of conduct should be observed.

The Council’s Rules and Procedures as set out in the Constitution are being amended to reflect the legislation applying to remote meetings.

The Guidance is not a restatement of law. However, it does emphasise, as the 2020 Regulations emphasise, the following conditions for ‘remote’ meetings that Members must be able:

*“(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,*

*(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and*

*(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.”*

The practical points set out in this document are aimed at achieving those conditions and otherwise supporting the consideration of business of the Council at remote meetings and thereby contribute to good decision making.

The practical points are respectively aimed at:

- Committee Officers
- Other Officers

Separate guidance exists for Committee Chairmen, Committee Members and other Councillors ‘attending’ formal meetings of Committees.

There are also some associated ground rules for participants in remote meetings.

The Council has formally decided that it will use Microsoft Skype for Business as its platform for remote meetings and where possible officers should use their work laptop/Surface Pro. It is important that this is adhered to endeavoring to ensure the smooth facilitating and running of the remote meeting.

Note: references in this guide to ‘Committee’ should be read as applying as appropriate to Cabinet, Panels, Sub-Committees, Working Parties etc where the meeting concerned is of those bodies.



# Notes for the Committee Officer

- Check that the Calendar invite went out with the Skype link (and external telephone number and conference ID) and was repeated in the separate email about the meeting (including the link to the documents to be considered). Make sure other contributors to the meeting outside of the Council have the external dial in/Conference ID details as required. Make sure that the meeting set up permits those in the organization to join automatically and those outside of the organization are held in a lobby for you to bring them in when the meeting starts/at the appropriate point. Members of the public will not normally be sent the connection details for the meeting. They will instead be sent the link to the live stream for them to listen/watch and be asked for contact details so that they can be invited to join at the appropriate point.
- Consider how you are connecting to the internet. If others in your home/office etc are using the same wifi that could impact on the quality of the connection for your meeting. If you can arrange that your device for the meeting is the only one using the home/office wifi it could make a significant difference to your experience of it.
- Join the call 20-15 minutes before the start time to check everyone else joins in an orderly way, in case there are any issues. Make sure you know how each individual should be accessing the meeting, how to record it and how to remove any individuals identified by the Chairman as disruptive and who (s)he wants removed.
- Make sure the live stream is working and ready for the start of the meeting. If there is a problem with the live stream you will need to alert the Committee Chairman.
- As with all officers, you should turn your video and microphone off when you are not contributing. Remember to introduce yourself each time you make a contribution. Turn them on when you do and off again afterwards.
- Make sure you have the agenda, papers and correspondence with Members etc. on hand to refer to. Also have a copy of the Constitution in either paper or electronic format with you to refer to and thereby offer advice as appropriate.
- Check with the Chairman when those in the lobby area are to be given access to the meeting. Then let them in and confirm this has happened to the Chairman.
- Check that the Chairman has said the meeting will be live streamed and recorded. Then start the live feed and press the record button as referenced on the separate guide for recording and accessing those recordings. You will host and control the meeting.
- Make sure everyone (including you) understands how to use the technology and remember to offer the two hour slot the day before as a practice session (and then crucially to be available during that 2 hour slot). You can continue to work while the session is on as long as you acknowledge the Members and others as they connect in. In particular, ensure everyone knows how to mute and unmute their microphones and how to send a message if they need to.
- Have IT support on standby for the duration of the meeting to assist with any issues with the technology and make sure you have their mobile phone number.
- Check that each participant will have access to enough screens or devices to access the (Committee) meeting and see any video input from the call if needed. It may be necessary to supply co-optees (e.g. independent persons at Standards Committee remote meetings) with devices/headsets

and so on if they don't have their own. These will be on loan while they hold that position (or for a shorter time).

- Make sure other officers know how they will be told to dial in or join the meeting and message them at the appropriate time if it is your job to do so, or remind anyone else who should be doing that.
- Agree with the Chairman beforehand how you will communicate with them during the meeting, if you need to. Instant messaging (IM) may be the fastest and most reliable method.
- Agree the ground rules with the Chairman and circulate them ahead of the meeting.
- Send the Chairman a list of all contributors in alphabetic order based on Members, Officers and then Other contributors. This list should identify who should be called to present which item (and if two officers are to present on the same item who is to be called first). For other contributors it is really helpful to have the telephone number they will be calling from so that you can identify whether they are on the line or not. An alternative number will help with any connection issues.
- Agree with the Chairman the optimum meeting length and bear in mind a remote meeting may take longer than a face to face one run in the same way. Talk to the Chairman about scheduled comfort breaks if appropriate.
- Make sure Members know they can send you an instant message (IM) if they need to during the meeting. Be aware that this is separate from the IM facility for the meeting itself which is visible to all participants. Set up an IM group for all officers attending the meeting. This avoids multiple IMs between officers running during the meeting and issues being lost.
- As well as taking notes during the meeting be aware of what is going on in the discussion and with the technology and offer support if required. For public meetings, from time to time check on the live stream to ensure it is working. If it isn't you will need to advise the Chairman.
- On each item, the Chairman will seek to ascertain the views of Members. For some items this may just be by checking that everyone is in agreement, nobody against or abstaining. More likely though is that he will need to ask each Member to say if they are approving an understanding/decision/motion in turn. Only if the Member asks for their vote to be recorded should this be the case. Nothing in this removes the right in meetings to implement a recorded vote and in those cases a full record will be inserted in the Minutes.
- If there is someone who is being disruptive, the Chairman should ask them to stop. If they fail to adhere to this warning, and perhaps a reminder warning, the Chairman may ask you to remove the disruptive person from the meeting. You should confirm this has been done. If the individual has an ability to rejoin the meeting, you may be asked to set up a new teleconference and send to all participants except for the individual excluded the new details. This could necessitate an adjournment to another day. If so publication of the revised arrangements should not be forgotten.
- Make sure other officers leave after their particular item, unless they have been invited by the Chairman to remain.
- The meeting will normally be open to the public. For most this will be through the live streaming you will have activated. For those members of the public who have a contribution to the meeting (e.g. public questions, right to speak, submission of petitions), they will be asked to provide you with contact details to use to invite them into the meeting. Identify what item they are interested in and their contact details (including the telephone number they will be using to dial in). Make sure they understand the limitations on their role. They will not be able to see the detail as to who else is present and participating unless they are watching the live feed for the meeting. So make sure they are aware

of this. They should be asked to leave the conference call after their contribution.

- If a member of the public having a right to make a contribution to the meeting cannot actually attend in person they could submit their contribution to you to be circulated, played or otherwise made available to the Committee at the relevant point in the meeting. It is always useful to have any prepared contribution sent to you for the purposes of constructing the record of the meeting (particularly if some of what they say is distorted on the call).

# Notes for Other Officers

**You are also invited to read the “Suggested ground rules for participants in remote meetings” document that is provided at Appendix A.**

- Make sure you know how to use the technology and how to join the meeting. If you are not clear, ask beforehand.
- Consider how you are connecting to the internet. If others in your home/office etc are using the same wifi that could impact on the quality of the connection for your meeting. If you can arrange that your device for the meeting is the only one using the home/office wifi it could make a significant difference to your experience of it.
- All officers should turn your video and microphone off when they are not contributing. Introduce yourself each time you make a contribution. Turn the video and microphone on when you contribute and off again afterwards.
- Be absolutely clear what the meeting participants need to know, what you want to say, and what you want from the meeting
- Provide all materials (including slides) which you intend to present at the meeting to the Committee Officer beforehand so that they can be circulated by email or put onto the (Committee) meeting portal. This will ensure everyone can see them, even if there is an unexpected glitch with the technology. Where possible convert documents to pdfs as these take up less bandwidth to present and for participants to receive.
- You should have been given an indication of the approximate time when you will be required to join the meeting. You should also have been told how long you are expected to present and allow time for questions. If you haven't been, then ask beforehand.
- You should have been told about how you will know exactly when to join, usually by a call or message when the meeting has reached your item on the agenda.
- Don't join the meeting before you are invited to, meetings rarely run exactly to time. For public meetings you can watch the proceedings on the live stream and enter the meeting in good time for when you are required.
- Follow any ground rules for the meeting.
- If there is more than one person presenting, agree beforehand who is going to do what so the presentation runs smoothly and seamlessly. Be clear when you are handing over to each other.
- If you are referring to a (Committee) meeting paper or slide deck, regularly refer to where you are in the document or deck, so that others can easily follow, mentioning the page/ slide number when you move on. It may be possible for you to share your paper or slides within the app, although the (Committee) meeting may prefer to see you and have the slides separately.
- Make sure you only speak for your allotted time slot.
- When you have finished hand back to the Chairman, who may invite questions from the (Committee) meeting.
- Once your item is finished and if you are not needed for any others you should be asked by the Chairman to leave the meeting. If not, then you should indicate that you are about to leave the meeting if you are no longer required. You should ensure you close the app or hang up the call when you leave the meeting

## Appendix A

### Suggested “ground rules” for participants in remote meetings

- If possible, attend the meeting in a quiet space (such as a home office), away from other family members and pets. Let the other members of your household know that you need to be on the call without interruptions and when you are likely to be finished. If you have children, it is best to arrange for childcare for the duration of the meeting if children are too young to be left unattended or play quietly for that long and you are attending the meeting from home.
- Be well prepared, assemble all you need in good time, including any papers for the meeting, pens and paper to write on, devices to read the papers on and to join the call, your glasses and any refreshments you may need. Remember that others can hear you on the call and noises of eating and drinking will be off putting. Try to stick to drinks only and go on mute when you consume them. Remember to use the bathroom before the meeting - much better than having to leave the call part way through. Comfort breaks should be offered if the meeting is a long one.
- Make sure all the devices you need for the meeting are fully charged or connected to power from the start of the call if there is any doubt that their remaining battery life is enough for the expected duration of the call.
- Put your mobile phone (and any other devices which are close by) onto silent mode, or switch them off if you don't need them.
- You may find it easier to concentrate if you use headphones or a headset as these will cut out any background noise in your location.
- Join the call in plenty of time, try joining or dialling in at least 10-15 minutes before the start so that if you have any connection issues you have time to resolve them.
- Make sure your microphone is working but keep it on mute throughout the meeting, except when you wish to make a comment or ask a question.
- Speak clearly and with sufficient volume into the microphone – you need to be heard but there should not be a need to raise your voice unduly.
- Remember to mute your microphone again after speaking.
- Participating successfully in a remote meeting can be difficult. Try not to speak across others or interrupt and where possible wait to be invited to speak by the Chair. If you do start to speak at the same time as someone else, pause and offer them the opportunity to go first. The person chairing the meeting should come back to you. If not try again once the other person has finished.

**And additionally for video teleconferences:**

- If you are using a video link remember that everyone will be able to see what you are wearing and make sure it is appropriate. Neutral colours and backgrounds work well.
- Check the view people will get from your camera and remove anything in the way or which might cause a distraction.
- Ensure your location is well lit, natural light is regarded as best but may vary during the day and may not be bright enough in the evening. So a good artificial light (preferably not immediately behind you) is recommended.
- Look at the camera if you are on a video call. If you can be seen by everyone else all of the time, keep this in mind for the duration of the meeting.
- If connection issues are affecting your experience of the meeting you can keep your video off to see if that improves things. It would be advisable to let the others in the meeting know this is the case given the earlier advice.

**Part 3 Delegated Powers - Schedule 2 Responsibility for Council (Non-Executive) Functions**

<p><b>Planning Policy and Local Plan Committee</b></p>	<p>To exercise the Council’s functions relating to overseeing the preparation of the Local Plan* and ensuring it meets the “tests of soundness” from national and planning policy.</p> <p>The exercise of the Council’s functions, powers and duties in relation to the following:</p> <ol style="list-style-type: none"> <li>1. To oversee the preparation of the new Tendring District Local Plan* to ensure that it meets the “tests of soundness” set out in the National Planning Policy Framework.</li> <li>2. To ensure that the Local Plan* is “positively prepared”, based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.</li> <li>3. To ensure the Local Plan* is “justified”, promoting the most appropriate strategy for growth, when considered against reasonable alternatives, based on proportionate evidence.</li> <li>4. To ensure that the Local Plan* is “effective”, being deliverable over the plan period and based on effective joint working on cross- boundary strategic priorities.</li> </ol>	
	<ol style="list-style-type: none"> <li>5. To ensure that the Local Plan* is “consistent with national policy” enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.</li> <li>6. To ensure that the Council effectively complies with the statutory duty to co-operate.</li> </ol>	



	<p>7. To consider and recommend the content of the Local Plan*, in consultation with the Cabinet, for consideration and formal approval by Full Council for either public consultation (preferred options or pre-submission versions), submissions to the Secretary of State (to be examined by a Planning Inspector), or final adoption (following receipt of the Planning Inspector's report).</p> <p>8. To <del>formally approve</del> <b>recommend</b> Supplementary Planning Documents (SPDs) and other planning documents <b>to Cabinet</b> for public consultation and final adoption.</p> <p>9. To approve the preparation, commissioning and subsequent publication of studies, surveys and other technical documents that form part of the "evidence base" needed to justify the content of the Local Plan*, Supplementary Planning Documents (SPDs) and other planning documents.</p> <p>10. To scrutinise, note and understand the recommendations and conclusions of the "evidence base" to ensure that it provides a robust platform upon which to base policies and proposals in the Local Plan*, SPDs and other planning documents.</p> <p>11. To approve the publication of the Annual Monitoring Report (AMR) each year and to consider whether or not it highlights development trends that may or may not require changes to policies or proposals in the Local Plan*, SPDs or other planning documents.</p> <p>12. To consider representations submitted in response to public consultation exercises on the Local Plan*, SPDs or other planning documents and consider the need for any changes.</p>	
	<p>to these documents in response to any issues that they raise.</p> <p><del>13. To consider and agree responses to consultation exercises on national, regional and sub-regional planning policy issues and on other authorities' planning documents.</del></p>	



	<p>14. Approve the work programme required for the Committee to undertake its functions effectively and in a timely manner.</p> <p>15. Refer to Cabinet any recommendations in respect of the Council's overall strategy, policies and guidance, where functions are <b>referred to the responsibility of the Cabinet, such as Supplementary Planning Documents.</b></p> <p>16. Approve <b>for recommendation of</b> non-statutory planning policy and guidance to be considered by the Council, the Planning Committee, <b>Cabinet (for executive functions)</b>, officers in the discharge of its statutory planning functions, including (but not limited to) avoiding detriment to local neighbourhoods (as long as they are not contrary to the National Planning Policy Framework) .</p> <p><i>*The Local Plan can consist of one or more "Development Plan Documents" which could include one document for the majority of the Tendring District and a separate document, if necessary, prepared jointly with Colchester Borough Council, for any major development crossing the Tendring/Colchester border</i></p>	
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<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

29 MAY 2020

### REPORT OF CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

#### A.2 FINANCIAL PERFORMANCE REPORT – IMPACT OF COVID 19

(ESTIMATED IN-YEAR PERFORMANCE AGAINST THE BUDGET AS AT END OF JUNE 2020/21 AND POTENTIAL IMPACT ON THE LONG TERM FINANCIAL FORECAST)

(Report prepared by Richard Barrett)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To provide an early update on the financial impact of COVID 19 on the Council's in-year financial position and looking ahead to 2021/22 as part of the long term forecast.

##### **EXECUTIVE SUMMARY**

- This reports sets out the estimated impact of the current COVID 19 crisis on the Council's in-year budget position and the long term forecast and the report is split in to these two sections respectively.
- A number of income streams have been significantly affected by the COVID 19 crisis with the main areas of impact being in sports and leisure facilities and car parks. Although other income streams are also currently running behind profile, they are likely to be areas that recover back over the rest of the year, so at this stage it is deferred income rather than 'lost' income.
- The collection performance for council tax and business rates was broadly in line with the position at the end of April last year but this will need to be closely monitored over the coming months as it is recognised that there may be a time lag in terms of when the financial consequences facing households and local businesses starts to potentially have an impact on their ability to pay.
- **Appendix C** brings together the estimated additional costs as well as 'lost' income for the period to the end of June. The overall estimated net impact is **£1,427,500**.
- In recognising the financial pressures faced by Local Authorities, the Government have provided additional funding, which for Tendring District Council totals **£1,557,527**. This currently more than offsets the net additional costs highlighted above, but a cautious approach is required going into the second quarter of the year as the scale and pace of the how the economy is going to recover is unknown at the present time.
- As part of providing the additional funding of **£1,557,527** mentioned above, the Government have asked District Council's to consider exploring opportunities to use some of this funding to support Town and Parish Councils who may also be responding directly to COVID 19 issues in their own areas. A delegation is set out below to determine how this can be successfully facilitated.

- During April and May, the Council established a team to administer the Government's business rates support grant scheme with over 80% of eligible businesses now having received support.
- The Government has recently announced an extension to the current business rate grant scheme and Officers are working in collaboration with other Essex Authorities to design a scheme that balances the need to be as simple to administer as possible with getting the money out to businesses as quickly as possible. Payments to businesses are hoped to be made as early as possible in June.
- At the present time it is difficult to estimate the impact of the COVID 19 crisis on the Council's long term forecast. However high level commentary has been provided on the significant elements of the long term plan.
- Although dependent on the scale and speed of the economic recovery nationally as well as locally, it is currently hoped that any financial impact can be accommodated within the existing long term plan, as it was designed to offer flexibility to changes over time.
- As previously discussed in earlier financial reports, the savings target within the long term forecast remains as the 'safety valve' that may need to be revised as a clearer picture of the impact from COVID 19 emerges.
- However, overall the Council is in a strong financial position to respond to the challenges ahead, supported by the forecast risk fund, business rates resilience reserve and uncommitted reserves.

#### **RECOMMENDATION(S)**

**That Cabinet:**

- a) notes the current estimated in-year position to the end of June 2020 and the potential impact on the long term forecast; and**
- b) agrees to explore opportunities of using some of the £1.5m funding that the Council has received from the Government, to support Town and Parish Council to directly respond to COVID 19 issues within their respective areas, and delegates the determination of the necessary arrangements to the Portfolio Holder for Finance and Corporate Governance in consultation with the Chief Executive.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

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

## FINANCE, OTHER RESOURCES AND RISK

### Finance and other resources

The financial implications are considered in the body of the report.

### Risk

In respect of the Councils' current financial position, a number of emerging issues will be subject to change as the year progresses. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements and Financial Strategy Processes.

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

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

However the forecast continues to be based on relatively conservative estimates with no optimistic bias.

Another potentially more important action to manage and mitigate risk is the Council's ability to financially underwrite the risks to the budget / forecast. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, there are two important aspects to how this will be managed.

- 1) To date it is estimated that **£3.253m** will have been set aside by the end of 2019/20 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.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will continue to 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 over the life of the forecast 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.

It is important to deliver against the forecast in the early years to continue 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 significant risks in the forecast such as **£1.758m** (Business Rates Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the year and period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves which supports its core financial position.

#### **LEGAL**

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

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 set out in this report delivers against 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.

#### **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 or in-year budget position. However, the ability of the Council to appropriately address these issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

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

### **PART 3 – SUPPORTING INFORMATION**

#### **SECTION 1 – IN YEAR FINANCIAL PERFORMANCE – ESTIMATED FINANCIAL IMPACT FROM COVID 19 IN THE FIRST QUARTER OF 2020/21**

This section of the report broadly follows the same purpose and context as the usual quarterly financial performance reports but the format has been changed to only provide a focus on the direct impact that the current COVID 19 crisis is having on the Council's financial position.

Further updates will be provided over the coming months with the format taking on the more familiar look when the actual position for quarter one is presented to Members in August 2020.

There have been various strands of work that have been undertaken, locally and nationally, along with numerous updates and guidance from the Government since the country entered a period of 'lock down' from late March 2020. This report seeks to provide a high level view of the impact that the COVID 19 crisis is having on the Council's financial position so it does not attempt to summarise or pull together all of the information that has been available to date or provide commentary on wider service delivery / performance management issues, although they will be touched upon where relevant in the report.

In providing this high level narrative on the Council's financial position, information has been set out across the following headings:

- 1) A summary of the position at the end of April for significant income streams
- 2) Impact on the Local Council Tax Support Scheme (LCTSS) and Council Tax and Business Rate Collection performance
- 3) The direct financial impact, including expenditure and income, as at the end of April, with estimates for May and June.
- 4) Cash flow implications

### **The position at the end of April for significant income streams**

Further details are set out in **Appendix A**.

As at the end of April 2020, the income collected is **£384,907** lower than for the same period last year, with the biggest impact being seen in car parks and sport and leisure facilities.

When reviewing the overall income position, there are 3 distinct headings that the various income strands fall within as follows:

- 1) Areas where there is a stronger link to the timing of the service being delivered and the point income is derived from fees and charges. The situation with parking and leisure facilities would fall within this heading. In such cases the income is deemed to be 'lost' and therefore unrecoverable over the rest of the year.
- 2) Areas where the income is deemed to be deferred as it is linked to an activity that has not happened yet but is still likely to happen so it will be collectable at some time in the future, possibly over the remainder of the financial year. Planning and Building Control would fall within this heading as would cemeteries and the crematorium, albeit for different reasons.
- 3) The third heading is really an extension of point 2) where the income is deemed to be deferred but is likely to span more than one financial year. A good example of this would be career track income where there have been delays to new starters on the career track programme. As the career track scheme follows a three year programme, income will still be receivable but it will have to be accounted for in different years to align with the course start and end dates.

For the purposes of this report only the income that falls within category 1) above has been taken into account within the additional analysis set out in **Appendix C**. Income derived from category 2) and 3) will remain under review and will be revisited within future quarterly financial performance reports.

Although it is worth taking a cautious stance at this stage, April has seen a significant increase in the number of customers signing up to the garden waste scheme. Recycling rates have also seen an upturn, both of which will hopefully continue and therefore contribute to the financial position over the rest of the financial year. No amounts from these two activities have been included in the financial analysis at this stage but will be revisited later in the year.

### **LCTSS, Council Tax and Business Rates**

Further details are set out in **Appendix B**.

Given the scale of income the council raises from council tax and business rates, this area of the budget presents one of the greater risks associated with the economic downturn currently being experienced. However to date the position is relatively positive across both council tax and business rates.

In respect of council tax collection, as at the end of April, **11.29%** of the total annual budgeted amount has been collected. However it is recognised that future collection performance remains subject to economic conditions and there may be a time lag in the ability of people to pay their monthly instalments, if for example, they are adversely impacted by the COVID 19 crisis for an extended period of time.

The Government are directly supporting tax payers during these difficult times and have paid local authorities a share of a central hardship fund which enables reductions of up to £150 to be made to council tax bills for those in receipt of local council tax support. The Council has received **£1,374,442** as its share of the fund. The total cost of providing a reduction of £150 to council tax bills is estimated to be **£950,000** based on current caseload numbers. The balance of this funding therefore remains available to consider providing further support to council tax payers. However it is also recognised that if claims for local council tax support increase over the coming months, this funding will be required to fund the 'base' scheme of £150 for those taxpayers becoming eligible. This will need to be kept under review as the timing of how and when this funding is allocated needs to be balanced with the financial situation being faced by local taxpayers.

In respect of claims for local council tax support, **Appendix B**, highlights that the total cost of the scheme to date is lower than budgeted for, with only a marginal increase in claims made by working age claimants during April.

**Appendix B** also highlights (within the columns shaded grey) that the total debit collectable is higher than the figure budgeted to be collected. This is usually the case as the budget reflects a number of cautious assumptions but it does provide a positive background to the potential impact on collection performance as more money is actually collectable than originally estimated.

The picture for business rates is similar to that for council tax, although a little further behind the collection performance compared with the same period last year. As highlighted in **Appendix B**, at the end of April we had collected 10.39% of the total annual amount budgeted for of **£14,271,198** - at the same point last year, we had collected 11.44%. It is also worth drawing attention to the fact that the total amount collectible has now significantly reduced compared to last year given the level of business rate reliefs that the Government have put in place – a new scheme for this year relates to the hospitality, retail and leisure sectors to support them during the COVID 19 crisis. This will have a positive impact on collection performance as the cost of any reliefs awarded (currently estimated at over **£15m**) will be reimbursed by the Government rather than have to be collected from ratepayers.

As mentioned above, the figures shaded in grey within the Appendix set out the total collectible business rates debit rather than the budgeted amount. As is the case with council tax, this is higher so provides some headroom if collection performance is adversely affected in the coming months.

As previously mentioned, the position for both council tax and business rates is relatively positive but it is recognised that this could change over the remainder of the year as discussed further on in this report.

Although not expected to have a direct financial impact on the Council, a significant element of activity undertaken in April / May relates to the payment of business rate grants in accordance with the scheme set out by the Government, supported by a dedicated team established for this specific purpose.

At the time of finalising this report, the Council had paid out 82% of grants to eligible businesses. It is interesting to note that Tendring has a significant number of eligible businesses when compared with elsewhere in the country (in top 3<sup>rd</sup> nationally). Many of these are small



businesses which is fair to say are harder to reach in the current circumstances. However a number of activities remain in progress to ensure the money reaches all of those remaining 18% of eligible businesses and include:

- 1) Sending out letters to business premises
- 2) Using local newspaper adverts
- 3) Using trade press / publications
- 4) Dedicating resources to identify contact details wherever possible and making phone calls directly to ratepayers
- 5) Using social media
- 6) Utilising the Council's website
- 7) Using radio advertising
- 8) ECC led county wide advertising
- 9) Communication support from the Council's Business and Regeneration Team
- 10) Redeploying the Council's Fraud and Compliance Team to visit premises and make contact on the ground wherever possible.

The Government have set out their expectation in terms of the robust administration of the scheme including strong recovery action where it is identified from post payment checks that money has been paid out incorrectly. The Government have also stated that they will underwrite the financial risks associated with the scheme where Local Authorities can demonstrate they have done all that was reasonably possible to protect the funding that has been made available. Having said that there remains a small but probably unlikely risk that they will not reimburse the full cost of the scheme if they think the Council has not done enough, but it is not anticipated that they will take a disproportionately hard line on the overall reconciliation process.

Government guidance was received on 13 May 2020 setting out details of an extended business rates grants scheme. Although the Government have made it clear that it is a discretionary scheme, they have set out a number of high level principles which include:

- It is aimed at micro and small businesses
- Local Authorities are asked to prioritise the following types of businesses:
  - a) Small businesses in shared offices or other flexible workspaces.
  - b) Regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment;
  - c) Bed & Breakfasts which pay Council Tax instead of business rates; and
  - d) Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.
- Grants to be £25k, £10k or any amount under £10k.
- Supported businesses need to be able to demonstrate high on-going fixed property related costs and that they have suffered significant reductions in income due to COVID19.

Based on the above, the scheme looks likely to be more complex than the original one but officers are working with colleagues across Essex to explore the opportunities for a county wide scheme whilst retaining some local discretion. It has also been made more complicated by the introduction of a funding cap, which has been set by the Government as 5% of the total cost of the original scheme. The design of the scheme therefore needs to meet all of the high level criteria whilst being accommodated with a set funding limit which is inherently challenging. However the complexity of the scheme needs to be balanced whilst maintaining the primary aim of getting the money out to eligible businesses as quickly as possible. The Government have made it clear that they expect this money to start to be paid out by early June.

At the present time the work set out above remains on-going and it is planned to provide an update to Members by the date of Cabinet's meeting. However given the time constraints involved, it is expected that an urgent decision will be sought from the Leader to agree the final scheme in advance of Cabinet's meeting.

### **Direct Financial Impact from COVID 19**

Taking all the above onto account, the estimated impact of the COVID 19 crisis over April to June is summarised in **Appendix C**. Further details are set out below and it is important to highlight that the figures for May and June are based on very early estimates of the likely position.

Although the Council has suffered from a loss of income, expenditure is expected to be broadly in line with the budget given that much of it relates to relatively fixed costs such as property and salaries.

In terms of salary costs, the Government have announced a furlough scheme where 80% of employee costs can be reclaimed. However the Government have made it clear that they do not expect Local Authorities to access unless there are exceptional circumstances. To date the Council has not considered applying to this scheme as many officers are effectively re-deployable to support various strands of work in response to the current crisis along with it being recognised as potentially giving an adverse message to all those working for the Council during these difficult times.

It is estimated that the total additional expenditure that will be incurred in the first 3 months of the year in response to the COVID 19 crisis is **£189,000**. In addition to the above, there are additional areas of expenditure such as those responding to increased fly-tipping following the closure of ECC operated waste and recycling facilities. To date these costs are being managed within existing budgets.

As highlighted earlier, the biggest financial impact has come from the loss of income from facilities that have had to be closed. As set out in **Appendix A**, the most significant impact has been at sport and leisure facilities and car parks. The total loss of income is estimated to be **£1,238,500** for the period to the end of June. Although the Government have now implemented their 3 point recovery plan which could see income being generated again from car parks, **Appendix C** reflects a cautious view on this.

Although the Council holds insurance for business interruption cover, there remains significant doubt whether any losses incurred to date will be insurable given the unprecedented pandemic situation we are faced with.

As previously discussed above, income from planning, building control and at cemeteries and the crematorium may recover back over the course of the year so they have not been included at this stage.

Taking expenditure and income together, the net cost of responding to the COVID 19 crisis is estimated to be **£1,427,500** to the end of June.

The Government have recognised the issue being faced by Local Authorities and have provided two blocks of funding as set out in the table at the bottom of **Appendix C**. The total funding received to date is **£1,557,527** which more than offsets the net costs incurred above.

However it would be too optimistic to think that the budgetary position will revert back to normal from July onwards and it is likely that this balance of funding will be required heading into the

second quarter of the year as estimates change. The Government have also indicated that District Council's should explore opportunities to pass some of this funding onto Town and Parish Councils where they are directly responding to the COVID 19 crisis. A delegation is set out in the recommendations above to determine how this may be facilitated.

It is also recognised that returning to 'business as usual' will generate additional costs. Measures to reopen facilities as allowed for within the Government's 3 step plan will not only be complex but will also likely require modifications to be made to not only working practices but also to the buildings and facilities themselves. Although work remains in progress to plan for this eventuality, it is too early to estimate the full costs, especially as plans will need to react to Government guidance that is expected to emerge over the coming weeks. It is also recognised that facilities may not be able to operate at normal capacity for some time, which will have a knock on impact on the ability generate the income levels currently included in the budget.

Delays to projects such as those within the capital programme may also have an adverse financial impact. A good example is the office transformation programme where it is likely that there will be a delay in vacating the council offices in Weeley. Such events will either add cost to the budget and/or delay the delivery of savings.

These issue will be kept under on-going review with updates provided to Members over the course of the year and as part of future financial performance reports.

Although the Government may extend their financial support to Local Authorities, the Council does hold uncommitted reserves of **£4,000,000** which take into account the need to react to emergency situations such as the one currently being faced. Therefore there may be a requirement to draw money down from this reserve going into July and beyond or to review existing budgets to identify if money can be re-prioritised to meet any additional financial pressures. It is important to highlight that any money called down from reserves to respond to short term pressures will need to be repaid in the medium / longer term to meet future emergencies and unforeseen events which are based around a risk assessed position.

In terms of the economic outlook and the speed at which the Council's financial position starts to resemble the one set out in the budget and financial forecast, this will primary be dependent on the 'shape' of the wider economic recovery.

There are various economic views, with terms given such as 'V shaped' and 'U shaped' economic recoveries. As the names suggest, a 'V shaped' recovery is where economic activity recovers as quickly as it declined with a 'U shaped' recovery having a longer lead in time before there are signs of a recovery. Some views indicate the issue we are facing is only temporary and there is no underlying or systemic issue such as the one faced in the financial crash back in 2008, which would suggest a 'V shaped' recovery is more likely.

In terms of the Government's overall approach, it can be recognised as seeking to deliver a 'V shaped' recovery given the measures they have put in place to support businesses and household incomes and delivering support mechanisms to see businesses through difficult but temporary conditions.

If the country does see a 'V shaped' recovery then hopefully any recovery period will be shorter and perhaps remove any long lasting financial impact going into 2021/22 and beyond.

### **Cash Flow Implications**

Another issue that many local authorities are facing is managing a positive cash flow position and having access to enough cash to be able to pay their bills etc.

The Government have taken a number of actions to support Councils where necessary, including deferring the payment of their share of business rate income, which is usually paid to them monthly.

However to date, through robust treasuring management practices, the Council has not experienced any major cash flow issues. Although subject to change over the rest of the year, at the present time no major issues are expected, especially if income collection performance from council tax and business rates does not deteriorate significantly over the coming months.

### **Other Issues Including the Housing Revenue Account (HRA)**

In respect of the HRA, there are no major issues to highlight at the present time. Income collection remains positive and similarly to other income streams mentioned above, any rental payments not paid in the first part of the year should be recoverable over the course of the financial year, with payment arrangements made where necessary.

General landlord services are being provided as far as reasonably possible, although there may be delays to some non-urgent repair and maintenance work which will be undertaken as soon as possible later in the year.

Given the timing of this report, it is worth highlighting the two following NON-COVID 19 related issues, given their potential impact on the Council's financial position:

**1) Potential Cremator Replacement – potential cost £1.5m+**

Following the recent collapse of the company who supplied and maintained the Council's cremators, the risk of the cremators failing and therefore becoming un-operational have increased. Although the service can be delivered at the present time, the Service is exploring the options available to the Council as part of usual business continuity plans. A further update will be provided to Members in due course.

**2) Cliff stabilisation works – potential cost £4.0m+**

There have been two recent significant cliff failures along the Holland-on-Sea stretch of coastline. The relevant Service is currently undertaking investigations in terms of the potential remedial works required. Although the necessary health and safety actions have been undertaken, the options identified will be reported to Members as soon as possible.

## **SECTION 2 – UPDATED LONG TERM FORECAST**

As stated when developing the new long term plan back in 2017, one of the key aims of moving to a ten year forecasting cycle was to give flexibility in responding to emerging issues over longer time periods rather than the more traditional short term outlook.

As already highlighted, there are different economic views of the longer term impact of the COVID 19 crisis. Although it is not clear what 'shape' the economic recovery will be, as previously mentioned, the actions of the Government to date can be recognised as attempting to deliver a more 'V shaped' approach.

If that view turns out to be correct, then it may be possible to largely contain the financial impact of the COVID 19 crisis to the 2020/21 financial year. However that may be a too optimistic view to take so at this stage of the financial cycle it would be prudent to assume that there is likely to be longer term financial consequences. Although it is too early to forecast the scale and timing of

such impacts, a brief commentary on potential consequences against significant elements of the forecast are as follows:

- **Growth in Income from Council Tax and Business Rates** – Opportunities to increase the income from property growth may be limited or delayed until later years of the forecast. Also there may be short term reductions in collectable income and collection fund surplus may be lower each year than currently anticipated.
- **Changes in the Use of Reserves** – as highlighted above, if money has to be drawn down from the uncommitted reserve of £4m, they will need to be paid back at some point in the future. The longer term approach to the budget does provide flexibility around the timing of such contributions but it would put additional pressure on the revenue forecast in the short term.
- **Cost Pressures** – There may be additional pressures emerging such as changes to working practices, buildings and facilities in the longer term. It is also recognised that there may be unexpected legacy costs associated with recent experiences.
- **Savings Targets** - The above items may place additional pressure on the next few years of the forecast and require additional savings to be identified to balance them out. However taking an optimistic viewpoint, there may also be positive legacy impacts that present savings opportunities such as working from home / working smarter.

In addition to the above, the Government have announced that the fair funding review scheduled for this year has now been delayed. This means that the move to a 75% business rate retention model will now not be implemented until 2021/22 at the earliest. This could provide a positive financial boost as the Government committed to maintain the revenue support grant in 2020/21, which could be something they honour again in 2021/22 due to the delay.

As discussed before, the long term forecast remains 'live' and will be updated over the remainder of the year to take account of issues that emerge or where additional certainty emerges around specific issues and challenges.

A further update is planned to be presented to Members in August when the actual financial position for the first quarter will be presented along with an updated forecast.

The long term financial forecast also relies upon savings totalling **£500,000** being identified in year and as part of the overall outturn position at the end of the year. At the end of the third quarter of 2019/20 there was a shortfall of **£165,000** in terms of the total contribution required. Although work remains in progress to identify the final outturn position for the year, early indications are that this shortfall will be met and the required contribution to the forecast risk fund can therefore be made.

In addition to the more operational cost pressures highlighted above, the Council recognises its position as being a community leader and has a major role to play in supporting economic activity in the district to recover once the country returns to 'business as usual'. Work will be progressed to identify how the Council can make a positive contribution to the approach, with one example being how the Council can ensure that as much of the money that it spends is spent with businesses and organisations within the Tendring District. There may be some financial consequences to this approach but it is essential that this is considered and reflected as necessary in the budget, long term forecast and governance arrangements going forward.

As mentioned in earlier reports, it is proposed to review the long term forecast in 2023 which would see 3 to 4 years to go until the end of the original 10 year plan. This will provide an opportune time

to review the Council's financial position going forward and reflect on any longer term impacts from the current COVID 19 crisis.

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDICES**

**Appendix A** – Summary of Significant Income Streams (from Fees and Charges) at the end of April 2020

**Appendix B** – LCTSS and Council Tax / Business Rates Collection Performance Appendix

**Appendix C** - Direct Financial Impacts – In year position for April 2020 (plus estimates for May and June)

**SUMMARY OF SIGNIFICANT INCOME STREAMS (FROM FEES AND CHARGES) AT THE END OF APRIL 2020**

<b>Detailed Analysis</b> (for significant income budgets only)	<b>Actuals April 2019</b>	<b>Profiled Budget April 2020</b>	<b>Actuals April 2020</b>	<b>Variance (Apr 2020 v Apr 2019)</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	
<b>Parking</b>	(92,623)	(59,455)	(24,382)	68,241	
<b>Cemeteries and Crematorium</b>	(144,792)	(135,339)	(125,723)	19,069	This is consistent with the volatility in the timing of income in prior years so it is expected to recover over a full year.
<b>Careline</b>	(66,459)	(50,797)	(69,221)	(2,762)	
<b>Beach Huts</b>	(940,209)	(910,662)	(972,744)	(32,535)	
<b>Sport and Leisure</b>	(390,584)	(290,191)	(81,016)	309,568	
<b>Planning</b>	(142,498)	(80,193)	(129,886)	12,612	As set out in then main body of the report, this is currently expected to be deferred income rather than 'lost' income so will hopefully be a position that recovers over the full year.
<b>Building Control</b>	(21,072)	(14,909)	(10,358)	10,714	Please see planning comment above.
<b>Totals</b>	<b>(1,798,237)</b>	<b>(1,541,546)</b>	<b>(1,413,330)</b>	<b>384,907</b>	

The table above excludes the theatre and bar income as there is also a saving on artist and performers fees which largely offsets the position - however the estimated net impact is included in Appendix C.

## LCTSS and Council Tax / Business Rates Collection Performance

The cost / collection performance and analysis of the Local Council Tax Support Scheme along with Council Tax and Business Rates collection performance to date is set out as follows:

### COUNCIL TAX AND LOCAL COUNCIL TAX SUPPORT SCHEME

COLLECTION FUND	Budget £	Actual £	VAR £	Comments
Cost of LCTS Discounts	11,987,000	11,925,001	(61,999)	As at the end of April the LCTS, the caseload for working age claimants was 6,390. This is only marginally higher than the caseload in March of 6,308. There may be a time lag in terms of the number of claims made along with the potential for claims to increase over the coming weeks and months. However at this stage the 'cost' of the LCTS scheme is running behind the budget which in itself provides some headroom for potential increases in claims going forward.

### COUNCIL TAX COLLECTION PERFORMANCE

	Budgeted Collection £	Actual Collection £	Var £	TOTAL Actual Collection %	(for same period last year) TOTAL Actual Collection %	Debit Collectable £	Actual Collection £	TOTAL Actual Collection %	(for same period last year) TOTAL Actual Collection %
Apr	10,303,660	9,879,848	423,812	11.29%	11.90%	91,109,381	9,879,848	10.84%	11.36
May	18,530,954				21.39%				20.41
June	26,542,266				30.64%				29.20
July	34,731,017				40.10%				38.17
August	42,826,486				49.44%				47.03
September	50,896,432				58.76%				55.86
October	58,994,236				68.11%				64.72
November	67,023,661				77.38%				73.53
December	74,986,568				86.57%				82.25
January	82,916,723				95.73%				90.98
February	85,402,673				98.60%				93.72
March	87,519,000				101.04%				96.09
Comments	The actual debit collectable for the year at the end of April 2020 is £91,109,381 - this is £3,590,381 more than the budgeted amount of £87,519,000. This provides some 'headroom' in terms of collection performance as any longer term deterioration in the percentage amount collected may be offset over the course of the whole year.								

### BUSINESS RATES RETENTION

#### NNDR COLLECTION PERFORMANCE

	Budgeted Collection (Excluding Govt. Grant for Reliefs) £	Actual Collection £	Var £	TOTAL Actual Collection %	(for same period last year) TOTAL Actual Collection %	Debit Collectable £	Actual Collection £	TOTAL Actual Collection %	(for same period last year) TOTAL Actual Collection %
Apr	1,598,777	1,483,479	115,298	10.39%	11.44%	15,134,587	1,483,479	9.80%	11.18
May	2,939,956				21.03%				20.44
June	4,222,498				30.21%				29.37
July	5,681,748				40.65%				38.93
August	6,849,515				49.00%				47.01
September	8,026,535				57.42%				55.03
October	9,344,327				66.85%				64.24
November	10,572,999				75.64%				72.65
December	11,838,953				84.70%				81.36
January	13,065,238				93.47%				89.81
February	13,815,903				98.84%				95.09
March	14,271,198				102.10%				98.19
Comments	Similarly to council tax above, the actual debit collectable is greater than the budgeted amount. The total income due for the year is £29,392,000, with the difference compared to the figures included in the above being the cost of providing the various rate reliefs offered by the Government in 20/21. The cost of providing reliefs (£15,120,801) will be reimbursed by the Government, which will therefore have a positive impact on the overall collection performance for the year.								



APPENDIX C

**DIRECT FINANCIAL IMPACTS - In-year Position For April (Plus Estimates for May and June)**

Overall Summary	Actuals* April	Est. May	Est. June	
	£	£	£	
Expenditure	97,000	48,500	43,500	
Income	412,900	412,800	412,800	
<b>NET TOTAL</b>	<b>509,900</b>	<b>461,300</b>	<b>456,300</b>	
<b>Estimated Total April to June</b>			<b>1,427,500</b>	
Detailed Analysis	Actuals April	Est. May	Est. June	Comments
Expenditure Details				
	£	£	£	
Additional / Deep Cleaning Activities	1,000	2,000	2,000	
Emergency Planning Decision Booklets	2,000	500	500	
Personal Protective Equipment	15,000	5,000	5,000	Primarily face masks, aprons, gloves and hand sanitiser for staff identified as requiring PPE as part of associated risk assessments.
Advertising, Postage etc.	5,000	1,000	1,000	This has primarily been associated with the Community Hub and business rate reliefs
Overtime / Temporary Staff	10,000	5,000	5,000	To provide additional capacity in essential service areas
Temporary Outsourcing of Services	14,000	5,000	0	As part of the business continuity plans for the provision of the Careline Service
Additional One-off Costs e.g. to enable working from home	20,000	0	0	Primarily essential IT hardware
Homelessness Costs	30,000	30,000	30,000	Due to self isolating in household groups, there has been an increase in those who have required temporary accommodation.
<b>TOTAL EXPENDITURE</b>	<b>97,000</b>	<b>48,500</b>	<b>43,500</b>	
Income Details				
<b>'Lost' Income</b>	£	£	£	
Sport and Leisure	310,000	310,000	310,000	These are estimated figures based on the position set out in Appendix A. The potential impact of the Government's 3 step 'back to business' plan is not reflected in these figures.
Parking	70,000	70,000	70,000	
Open Space / Recreation Grounds / Public Conveniences	4,000	4,000	4,000	
Princes Theatre (Net Variable Cost)	25,000	25,000	25,000	
Waived Caros Rental Income	3,900	3,800	3,800	A 3 month free rental period was agreed for all those tenants eligible for relief under the Council's CAROS scheme
<b>TOTAL INCOME</b>	<b>412,900</b>	<b>412,800</b>	<b>412,800</b>	

\* Some figures are still based on estimated costs as it has not been possible to confirm / calculate the final actual cost at this time.

Government Grant Income - COVID 19 Support Funding				
Tranche 1	(89,097)	0	0	
Tranche 2	(1,468,430)	0	0	
<b>TOTAL GOVERNMENT GRANT FUNDING</b>	<b>(1,557,527)</b>	<b>0</b>	<b>0</b>	

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<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

29 MAY 2020

### REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

#### **A.3 PERFORMANCE REPORT JANUARY – MARCH 2020 OUTTURN (QUARTER FOUR)**

*(Report prepared by Anastasia Simpson & Katie Wilkins)*

#### **PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
To present the performance management reports for January – March 2020 Outturn (Quarter Four).
<b>EXECUTIVE SUMMARY</b>
<p>The performance reports (<i>Resources &amp; Services &amp; Community Leadership</i>) set out the detailed actions and targets for the delivery of the Council’s priorities throughout the year.</p> <p>The performance reports also include both the Council’s Corporate Plan 2020/24 and an overview of the Cabinet’s agreed Priorities and Projects for 2019/20.</p> <p>The Quarter Four position demonstrates that of the 21 indicators and projects where performance is measured, ten (48%) are on, or above, their expected target, eight (38%) are not currently in line with expected performance and one has no data available (5%). It should also be noted that two of the projects have been impacted by the current COVID-19 public health emergency. The indicators and projects highlighted in the Community Leadership report are deemed ‘non measurable’ as Tendring’s role is that of influence only.</p> <p>Furthermore, the Leader, in response to a recommendation from the Resources and Services Committee, agreed on behalf of the Cabinet, that the Manningtree Underpass project will now be reported to the Community Leadership Overview &amp; Scrutiny Committee only, as Tendring’s role in this project is that of ‘influence only’.</p> <p>The respective report/s will be presented to the Resources and Services Committee: 22 June 2020 and Community Leadership Committee: 20 July 2020.</p> <p>It is anticipated that the usual annual review of the Council’s performance management arrangements will include a fundamental review, which will seek to adapt arrangements to ensure that relevant data is gathered and presented in a timely way, to the appropriate audience, in order to drive delivery of service improvement and achievement of the Corporate Plan.</p>
<b>TRANSFORMING TENDRING</b>
<p>The Transformation Team has made some significant progress during the Quarter:</p> <ul style="list-style-type: none"> <li>▪ Work in Pier Ave and Barnes House is mainly complete. A handful of snagging and completion issues are being worked on.</li> <li>▪ Northbourne Depot: New offices are complete and occupied.</li> <li>▪ Westleigh House: The new car park area is open to the public.</li> <li>▪ Town Hall: Phases One and Two are complete. Phase Three has commenced and is ongoing at a slightly reduced pace in order to facilitate social distancing. The additional</li> </ul>

Listed Building consent application for details of work in the new Committee room has been deferred by the Planning Committee for further information on materials and lighting. A revised set of details is being prepared.

- Re-designing of the IT Network and move onto the cloud is advanced with all user emails transferred but with some data storage and public accounts to follow.
- Training on the new Firmsteps Interface and resolution of some teething issues is progressing well with a small number of applications live and more are close to release. Phase Three applications developing from March 2020 onwards including some RBS and Housing functions with intended roll out by summer 2020 subject to any delay caused by the COVID-19 crisis.
- A lot of progress on Scanning and Digitisation was made by the team. The staff have now moved entirely onto the digitisation of microfiche records. Town Hall microfiche records have now been completed and work is ongoing on planning fiche records on a drawer by drawer basis. Within service units the digitisation of paper records continues using the specific scanners provided.

## **RECOMMENDATION**

**It is recommended that Cabinet notes the current position for each performance measure as at Quarter Four (January – March 2020 Outturn).**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The reports show the high-level projects that are being undertaken to deliver key objectives for the Council. Each project shows details of the objective, how it is being delivered and an update on progress. Furthermore, milestones detail the timeframe that is being worked to, along with the added benefit of any slippage being highlighted.

The performance indicators show key areas of performance in detail, how each is progressing, along with charts and tables to present the ongoing position.

### **FINANCE, OTHER RESOURCES AND RISK**

#### **Resources**

The priorities highlighted within the performance reports for the period January – March 2020 Outturn (Quarter Four) can be delivered within the Council's existing budgets.

#### **Risk**

These priorities are all within the current TDC risk framework.

### **LEGAL**

The actions proposed in this report are within the Council's legal powers.

### **OTHER IMPLICATIONS**

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

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

The implications of individual projects will need to be fully and properly assessed and approved prior to commencing.

**APPENDICES**

**Appendix A: Performance Report (Resources and Services) January – March 2020 (Quarter Four – Outturn).**

**Appendix B: Performance Report (Community Leadership) January – March 2020 (Quarter Four – Outturn).**

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# PERFORMANCE REPORT

(RESOURCES AND SERVICES)

JANUARY — MARCH 2020

OUTTURN

APPENDIX A



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# Introduction

The following pages include the Council's Corporate Plan 2020 - 2024 and Tendring District Council's Priorities and Projects 2019/20. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Furthermore, this performance report details our performance against these key projects and targets, as well as headline performance in dealing with complaints and our staff's absence rate. Projects and Performance Indicator targets sit under the following headings:-  
**PROJECTS**

	<b>A Growing and Inclusive Economy</b>		<b>Building Sustainable Communities for the future</b>
✓	<u>Tendring for Growth</u> <u>Developing New Businesses</u> <u>Supporting Existing Businesses</u> <u>Creating Job Opportunities</u> Page 6	!	<u>Garden Communities</u> Page 9
Page 120	<u>Enhancing our Great Tourism Offers</u> Pages 7 & 8	!	<u>Jaywick Sands</u> Page 10
120	<u>Exploring the Opportunities of Brexit</u> (Detailed in the Community Leadership Report under Influencing & Lobbying for Tendring)	!	<u>Delivering the Local Plan</u> Page 11
		●	<u>Creating Vibrant Town Centres</u> Page 12
		!	<u>Residents Feeling This is a Great Place to Live</u> Page 13
		✓	<u>Housing Strategy</u> Page 14

## Current Position

On each project and target, a colour icon is placed as a quick visual identifier regarding the current position.









Above target	↑
On target	✓
Below target	!
Impacted by COVID-19	●
No Data	●



# Introduction

The following pages include the Council’s Corporate Plan 2020—2024 and Tendring District Council’s Priorities and Projects 2019/20. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Furthermore, this performance report details our performance against these key projects and targets, as well as headline performance in dealing with complaints and our staff’s absence rate. Projects and Performance Indicator targets sit under the following headings:-






## PROJECTS

	Delivering High Quality Services		Strong Finances and Governance
	<u>Cliff Stabilisation (Protecting our Coastline)</u> Page 15	-	Budget (Reported in the Corporate Budget Monitoring Report)
	<u>Waste Contract</u> Page 16		Maximising Our Assets Page 23
	<u>Leisure Facilities Review</u> Page 17	-	10 Year Financial Plan (Reported in the Corporate Budget Monitoring Report)
	<u>Creating a Quality Environment for our Staff</u> Office Accommodation Customer Services People Digital Pages 18, 19, & 20		Clear Political Leadership and Effective Governance Page 24
	<u>Building and Managing our own Homes</u> Page 21		
	<u>Carbon Neutrality</u> Page 22		

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### Current Position






On each project and target, a colour icon is placed as a quick visual identifier regarding the current position.

Above target	
On target	
Below target	
Impacted by COVID-19	
No Data	

# Introduction






The following pages include the Council's Corporate Plan 2020 - 2024 and Tendring District Council's Priorities and Projects 2019/20. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Furthermore, this performance report details our performance against these key projects and targets, as well as headline performance in dealing with complaints and our staff's absence rate. Projects and Performance Indicator targets sit under the following headings:-

## TARGETS

Page 122		<a href="#">Fly Tipping</a> Page 25		
		<a href="#">Missed Bin Collection</a> Page 26		<b>Miscellaneous Indicators</b>
		<a href="#">Recycling Rate</a> Page 26	-	<a href="#">Sickness and Authorised Covert Surveillance</a> Page 28
		<a href="#">Proactive Planning Approach</a> Page 27		<a href="#">Complaints</a> Page 29 & 30

### Current Position

On each project and target, a colour icon is placed as a quick visual identifier regarding the current position.

Above target	
On target	
Below target	
Impacted by COVID-19	
No Data	

## Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

### Delivering High Quality Services

- 24 hour a day digital services – My Tendring
- Modern, high quality buildings and facilities for customers and staff
- Minimise waste; Maximise recycling
- Proactive Planning Service
- Public spaces to be proud of in urban and rural areas
- Effective regulation and enforcement
- Carbon Neutral by 2030

# Tendring District Council Corporate Plan 2020-2024



INVESTORS IN PEOPLE | Gold

### Community Leadership Through Partnerships

- Joined up public services for the benefit of our residents and businesses
- Health and wellbeing - for effective services and improved public health
- Education - for improved outcomes
- Law and Order - for a safer community
- Sport England and Active Essex- for physical activity and wellbeing
- Influence and lobby - for Tendring's future

## Community Leadership Tendring4Growth

### Building Sustainable Communities for the Future

- North Essex Garden Communities
- Jaywick Sands - more and better housing; supporting the community
- Vibrant Town Centres
- Building and managing our own homes
- Effective planning policies

### Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan
- Effective and positive Governance
- Strong and focused leadership
- Use assets to support priorities

### A Growing and Inclusive Economy

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities

## Our Values

- ◆ Councillors and staff uphold **personal integrity, honesty** and **respect** for others
- ◆ **Innovative, flexible, professional** staff **committed** to delivering excellence
- ◆ Recognising the diversity and **equality** of individuals
- ◆ Working **Collaboratively** with partners, including supporting the Essex wide vision and ambitions

# PRIORITIES AND PROJECTS 2019/2020

## Chief Executive

Strategic Community Leadership

- Health
- Education
- Law and Order

## Deputy Chief Executive

(Corporate Services)

- Budget
- Maximising our assets
- 10 year financial plan
- Clear political leadership and effective governance
- Creating a quality environment for staff
  - ◆ People
  - ◆ Office accommodation
  - ◆ Digital
  - ◆ Customer Services

## Corporate Director

(Planning and Regeneration)

- Tendring4Growth
- Developing new businesses
- Supporting existing businesses
- Creating job opportunities
- Delivering the local plan
- Creating vibrant town centres
- Proactive planning approach
- Garden Communities
- Manningtree underpass
- Improving digital connectivity
- Exploring the opportunities of Brexit
- Influencing and lobbying for Tendring (proactive and reactive)

## Corporate Director

(Operational Services)

- Enhancing our great tourism offers
- Jaywick Sands
- Cliff stabilisation
- Waste contract
- Leisure facilities review
- Residents feeling this is a great place to live
- Housing Strategy
- Customer services
- Building and managing our own homes
- Sport England
- Carbon Neutrality

# Tending4Growth: Developing New Businesses, Supporting Existing Businesses & Creating Job Opportunities

## (A Growing and Inclusive Economy)



*“We aim to encourage and facilitate economic growth through recognising, and supporting, the ambitions of the diverse range of businesses and sectors across the District. Working with Partners across Tending, and the wider North Essex area, we will deliver business support and infrastructure to achieve this”.*

**Management Team Lead:** Ewan Green – Corporate Director

*Business and Economic Growth Portfolio Holder*

**Lead Officer:** Tom Gardiner

**Delivery Mechanism:** Projects and other interventions will be developed and delivered in-house, and in partnership with the Council’s key public and private sector partners, to support economic growth across the District. As part of a review of the Council’s business support activities, we have developed a range of business led events which promote growth opportunities, these include development of key sectors, bespoke business advice and business networking events.

Activity	Current Position	To be Completed
Work in partnership with Braintree, Colchester and Essex Councils, to develop a North Essex Economic Strategy.	The Strategy has been developed to maximise the economic benefits of the North Essex A120 corridor and work is now in hand to prepare an accompanying Implementation Plan.	Dec 19 <b>Complete</b> Jan 20
Develop and Deliver Tending Business Week w/c: 30.09.19:- To include Jobs Fair and Blue Ribbon Awards.	All events have now taken place and were well supported and successful.	<b>Complete</b> Oct 19
Hold 10 Business Engagement Events aimed at supporting growth of Small Medium Enterprises.	Networking events and business seminars have taken place as previously reported.	<b>Complete</b> Mar 20
Support 10 businesses through the Small Medium Enterprise Growth Fund programme.	A full update of the scheme has been prepared. The Scheme is now closed. The monitoring and assessment of grant recipients will continue for circa three years in accordance with the terms of the various Funding Agreements.	<b>Complete</b> Mar 20



# Enhancing our Great Tourism Offers

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## (A Growing and Inclusive Economy)

*“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”*



**Management Team Lead:** Paul Price – Corporate Director

Business and Economic Growth Portfolio Holder and Leisure and Tourism Portfolio Holder

**Lead Officer :** Michael Carran

**Delivery Mechanism:** The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Activity	Current Position	To be Completed
<p>Mayflower 400: Series of events and projects to build up to the celebrations in 2020, including:-</p> <p>Open Christopher Jones’ house to the public.</p> <p>Develop and install a Mayflower Trail in Harwich.</p> <p>Stage the Illuminate Festival as part of the international launch of Mayflower 400.</p> <p>Develop and open a Mayflower Visitor Centre.</p>	<p>Work to develop the Visitor Centre and Christopher Jones’ house has been ongoing with exciting interpretations, audio visual and use of new technologies. The house is now complete and ready to open on time and the Visitor Centre has two weeks of external works remaining. This works have been postponed due to COVID-19 and will be complete once restrictions are removed. At this stage, the opening date is unknown.</p> <p>The trail is now complete and ready to be installed as soon as restrictions are lifted.</p> <p>An exciting events programme which was to include a Mayflower Half Marathon, a visit of the Mayflower Steam Train and a sculpture trail have been postponed until 2021. It is hoped however that the Illuminate Festival scheduled for November 2020 can still take place. This will include a 'national moment' in conjunction with the other Mayflower destinations.</p>	<p>TBC</p> <p>Nov 19</p> <p>Nov 19</p> <p>Feb 20</p>
<p>Car Rally:- Work with Chelmsford Motor Club (CMC) to improve communications and promotion of the event, which is now part of the British Rally Championships. Manage Safety Advisory Group to ensure that the event is run safely and meets the needs of local people.</p>	<p>This event has been postponed until the equivalent weekend in 2021 due to COVID-19.</p>	<p>Cancelled until 2021</p>
<p>Tour de Tendring:- Organise and stage the Tour de Tendring and associated events to maximise the number of riders and increase exposure/promotion of the district as a tourism destination in the Mayflower commemoration year.</p>	<p>This event has been postponed due to COVID-19. If restrictions are lifted in time, it is hoped the event could still take place in 2020 and the position is being monitored.</p>	<p>Jun 20 Postponed</p>

**Exception:** Some events have either been cancelled or postponed due to COVID-19.

# Enhancing our Great Tourism Offers Continued...

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## (A Growing and Inclusive Economy)

Impacted  
by  
COVID-19

*“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”*

*Management Team Lead: Paul Price – Corporate Director*

*Business and Economic Growth Portfolio Holder and Leisure and Tourism Portfolio Holder*

*Lead Officer : Michael Carran*

**Delivery Mechanism:** The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Activity	Current Position	To be Completed
Beside the Seaside:- Organise and stage the series of Beside the Seaside events for 2020 to maximise visits and wider promotion of the district.	The Clacton event due to take place in June 2020 has been postponed due to COVID-19 and the Council is monitoring the position with the Dovercourt event scheduled for August 2020.	Clacton— Postponed Dovercourt— Aug 20
Clacton Airshow:- Deliver the Clacton Airshow to maximise the benefit of the event on the local economy, this is to include financial sustainability, increasing visitor numbers and the wider promotion of the district as a tourist destination.	The Council is monitoring the situation and a decision on whether or not to postpone the Clacton Airshow.	Aug 20
District Wide Tourism Strategy:- Develop a District wide tourism strategy to guide and direct development, decision making and the management of resources over the next five years.	The Tourism Strategy is being updated to reflect the current situation and advice will be sought from Management Team as to when this should be brought forward for consideration.	Cabinet Apr 20
Princes Theatre:- Work towards continual service improvements of the Theatre under a regime of self-sufficiency and impact on the local tourism offer.	The 2019/2020 panto achieved the best income and attendance on record – so far. The figures below are before the deduction of VAT and other costs; Ticket Sales—£143,455.42, Bar—£11,520.82, Ice Cream—£3,645.01, Sweets—£1,946.90, Programme—£997.33, Merchandise—£7,005.96.Total Gross Income— <b>£168,571.44.</b>	On-going

**Exception:** Some events have either been cancelled or postponed due to COVID-19.

# Garden Communities

## (Building Sustainable Communities for the future)



*“Innovative joint work with Colchester Borough Council (CBC), Braintree District Council (BDC) and Essex County Council (ECC) to develop 3 new sustainable communities in North Essex based on Garden Community principles.”*

**Management Team Lead:** Ewan Green – Corporate Director

Leader, Deputy Leader & Corporate Finance and Governance Portfolio Holder

**Lead Officer:** Catherine Bicknell

**Delivery Mechanism:** Selection of locations to be part of the Local Plan process. The Leader (supported by the Chief Executive) sits on North Essex Garden Communities Ltd board (NEGC). The Corporate Director and Head of Planning Services sit on the senior officer Steering Group and Legal, Finance and Planning Officers participating in topic work streams. Close collaboration on Local Plan process re Garden Communities approach. A shared Chapter 1 of the Plan and specific requirements of any proposed Garden Community proposals across North Essex agreed by each Council.

Activity	Current Position	To be Completed
Deliver the A120 / A133 Link Road and Rapid Transit Scheme. Preferred Route announcement Planning Application submission Tender process Construction	Further work will be progressed by the NEGC partners prior to further consideration by the Council.	Mar 24  Spring 2020 Winter 2020 2021 Spring 2022 to Spring 2024
Develop a proposal and seek agreement for a sustainable North Essex Garden Communities Delivery Vehicle.	Further work will be progressed by the NEGC partners prior to further consideration by the Council.	Feb 20 *Revised TBC
Work with partners to develop a 3 year business plan for NEGC Ltd. 2019-2022	A Business Plan for 2020-23 is being developed.	Mar 20 *Revised TBC

**Exception:** A range of delivery models are being explored for the delivery of the garden communities. This includes the potential for a locally led Development Corporation to be established.



# Jaywick Sands

## (Building Sustainable Communities for the future)

*“Deliver at Least 10 houses in Jaywick Sands by April 2020 and develop long term strategic goals.”*

**Management Team Lead:** Paul Price – Corporate Director

*Housing Portfolio Holder*

**Lead Officer:** Tim. R. Clarke



**Delivery Mechanism:** Bring forward at least one development at Jaywick. Work with Essex County Council (ECC) and other potential partners to develop options for residential and other development. Work with Planning to develop urban design layout.

activity	Current Position	To be Completed
Deliver 10 units by end 2019. Page 129	Panels and roof structures of new homes complete, ready for roofing first fix. Discussions ongoing with MMC (Modern Methods of Construction) manufacturers over their poor performance and the need for onsite scheme amendments. Main contractor and surveyors working well to overcome problems. Currently on hold as site is closed.	Further works June 20 - aiming for handover of first units summer 2020 COVID-19 dependent and scheme completion October 2020  To be revised when site reopens
Development vehicle/mechanism agreed.		Currently on hold
Examine options for next phase of development.	Still awaiting EA Flood Risk Modelling. Oh hold.	Dec 19 *Revised Apr 20
Identify funding mechanisms.	Viability modelling under review.	Ongoing
Develop local lettings (and sales) plan.	Draft completed ready for sign off.	Ongoing
Place Plan and Infrastructure Assessment completed by end 2019.	On hold - draft completed but unable to move to consultation stage due to COVID-19.	Dec 19 *Revised Jul 20 To be revised
Development of new employment space and training opportunities.	Ongoing work with ECC.	Ongoing

# Delivering the Local Plan

## (Building Sustainable Communities for the future)



*“Develop a new Local Plan to guide sustainable development and growth across the Tendring District”*

**Management Team Lead:** Ewan Green – Corporate Director

Leader

**Lead Officer:** Catherine Bicknell

**Delivery Mechanism:** The timetable will coincide with that of Colchester Borough Council and Braintree District Council, as far as possible, to support the Council’s duty to co-operate. The Local Plan Committee on 29 Jan 19 agreed a revised timetable, or Local Development Scheme (LDS), for delivery of the Local Plan. Key milestones in the revised LDS include examination of Section 1 in Autumn 2019; examination of Section 2 in Spring 2020 and adoption of the Local Plan in Winter 2020/21.

Activity	Current Position	To be Completed
Section 1:- Examination Public Outcome (Joint plan with Braintree and Colchester).	Examination hearings undertaken in January 2020. Inspector's letter anticipated in March/April 2020. Letter now expected May/June 2020.	Winter 19/20 Letter Expected May/June 20
Section 2:- Examination in Public (Tendring sites and policies).	Early preparation for the examination of Section 2 is underway, including reporting of updated evidence and national policy to the Planning Policy and Local Plan Committee. Delay to receipt of Inspector’s letter expected to have a knock on effect for the timescales of the Section 2 examination and an Autumn 2020 examination is more likely.	Spring 20 *Revised Autumn 20
Assessment of Community Infrastructure Levy (CIL) implications/opportunities.	To be considered formally once policies and development proposals are certain, following adoption of Local Plan.	On-going
Local Plan adopted.	Adoption of Local Plan on target but subject to scheduling of Examination in Public.	Winter 20/21 *Revised Spring 21

**Exception:** At the time of publication of the report we are still awaiting receipt of the Inspectors letter.

# Creating Vibrant Town Centres

## (Building Sustainable Communities for the future)

*“We will develop and deliver a range of strategic interventions aimed at supporting a sustainable and vibrant future for town centres across Tendring”*

**Management Team Lead:** Ewan Green – Corporate Director

*Business and Economic Growth Portfolio Holder*

**Lead Officer:** Tom Gardiner

Impacted  
by  
COVID-19

**Delivery Mechanism:** The Council will work with public, private and community sectors to deliver this project. This will be underpinned by opportunities from Government and national agency funding opportunities. The Dovercourt Town Centre Masterplan is in place and will guide delivery of projects, with an initial focus on the Starlings and Milton Road Car Park. The Clacton Action Plan outlines a range of short term projects for delivery and technical / feasibility studies required to progress major, transformational projects.

Activity	Current Position	To be Completed
Dovercourt Town Centre Masterplan:- Seek Cabinet approval.	The masterplan was approved by Cabinet in July 2019.	<b>Complete</b> Jul 19
Dovercourt Town Centre Masterplan:- Completion of Starlings and Milton Road Development scheme.	In February 2019 site investigations found that no significant impediments were identified, but consultants were requested to undertake some additional work to inform the Council's decision making processes. Procurement of a Professional Team to prepare detailed designs and to manage physical works is underway. In March 2020 Management Team considered a report based on the findings and recommendations of the consultants investigations.	Mar 21
Dovercourt Town Centre Masterplan:- Develop outline proposals for Station Plaza and Kingsway Public Realm.	This work is currently on hold pending the appointment of interim agency support.	Mar 20 Jul 20
Harwich Historic Town Project:- Develop project proposals to maximise opportunities for both the Harwich conservation area and for external funding (e.g. Heritage Lottery).	This work is currently on hold pending the appointment of interim agency support.	Mar 20 Jul 20
Clacton Town Centre:- Deliver Short Term Actions and submit bid to High Street Futures Fund.	Stakeholder consultation planned for March/April 2020 has been delayed due to COVID-19, now expected June 2020. Interim submission of draft business case was completed on 16 March 2020. Final submission was expected 30 June 2020 but again an extension has been given due to COVID-19 until 31 July 20.	Consultation Mar/Apr *Revised Jun 20  Business Case <b>Complete</b> Mar Final Jun 20 *Revised Jul 20 20 Sept 20

**Exception:** Work on Dovercourt Station Plaza and Harwich Historic Town has been put on hold pending the selection of interim agency support. The selection of a suitable candidate has been impacted as a consequence of COVID-19.

# Residents Feeling this is a Great Place to Live

## (Building Sustainable Communities for the future)



*“Develop options to enhance resident and visitor experience of the Council’s managed Public Spaces.”*

**Management Team Lead:** Paul Price – Corporate Director

Business and Economic Growth Portfolio Holder/Environment & Public Space Portfolio Holder

**Lead Officer:** Ian Taylor

**Delivery Mechanism:** Take the necessary action (outlined below) to contribute/support Tending to be a great place to live (over and above Tending’s Influencing Role).

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Activity	Current Position	To be Completed
Street Sweeping:- Ensure streets and pavements are clean and tidy.	The service continues to monitor this and put in extra resources where needed.	On-going
High Quality Public Toilets:- Put in place a planned refurbishment programme for the Councils public conveniences.	Public Realm have compiled a list of requirements along with a suggested priority programme for public conveniences and will submit a briefing paper / report to management team on the way forward. The report will be completed shortly.	Mar 20 *Revised May 20
Retaining and increasing green and blue flags for our public spaces.	All Blue Fag submissions were made in January 2020, outcomes expected about the awards in April 2020.  Green flag work is on or ahead of schedule. Submissions for green flag awards have been made or are ready to be submitted when required.	Re-assessment Blue Flags: Feb 20 – Outcome Apr 20  Green Flags: Summer 20
Develop proposals to increase provision of motor vehicle charging points across the district.	Public Realm has identified car parks requiring charging points with priorities. A briefing note will be submitted to MT to tie in with climate change agenda and to consider way ahead.	Mar 20 *Revised Summer 20

# Housing Strategy

## (Building Sustainable Communities for the future)

*“Revised and updated Housing Strategy; work programme to include, evaluation of options for delivery of housing via trading company and associated Homelessness Strategy.”*

On  
Target

**Management Team Lead:** Paul Price – Corporate Director

Housing Portfolio Holder

**Lead Officer:** Tim. R. Clarke

**Delivery Mechanism:** Consultation with relevant officers and other key stakeholders to produce Housing Strategy to be agreed by Full Council.

Activity	Current Position	To be Completed
Develop draft Housing Strategy. Housing Green Paper, will inform strategy.	Completed.	<b>Complete</b> Jun 19
Seek Cabinet approval (Housing Strategy).	Cabinet approved 19 July 2019.	<b>Complete</b> Jul 19
Public Consultation.	Public consultation has now closed (this was extended to allow further presentations to interested groups).  Drafting complete, Housing Strategy going to cabinet for approval on 26 June 2020.	Complete. Feb 20  Cabinet Apr 20 *Revised Jun 20
Sheltered Housing review.	Timetable to be drawn up.	Timetable to be agreed once Strategy is finalised.
Develop associated Homelessness Strategy.	Drafting complete, Homelessness Reduction & Rough Sleeping Strategy going to Cabinet for approval on 29 May 2020.	Dec 19 *Revised May 20
Seek Cabinet approval (Homelessness Strategy).	As above.	May 20

**Exception:** The extension to the public consultation has impacted the overall reporting timetable.

# Cliff Stabilisation (Protecting our Coastline)

## (Delivering High Quality Services)

*"To protect 5km of coastline and 3,019 properties and businesses from coastal erosion for the next 100 years."*

**Management Team Lead:** Paul Price – Corporate Director

**Leisure and Tourism Portfolio Holder Lead**

**Officer:** Damian Williams & James Ennos



**Delivery Mechanism:** Appoint consultant, via Environment Agency's Government led framework, to undertake ground stabilisation works to a section of coastal fringe along Holland on Sea (stabilise ground re-profiling and installing drainage), also protecting coast road and residential properties.

Activity	Current Position	To be Completed
Completion of ground stabilisation works.	Ground works completed in July 2019.	<b>Complete Jul 19</b>
Complete works to 're-instate' site for use by the public and residents.	All areas reinstated and open to the public ahead of schedule in August 2019.	<b>Complete Aug 19</b>
Project 3	A feasibility study is currently being carried out for stage 3.	<b>Complete Dec 19</b>
Project 3 Funding	Cost pressure to be put forward for next financial year.	April 20
Cliff Slip, Kings Parade, Holland on Sea, Site Investigation	The slope failure is a 1.5m slippage at the top of the cliff slope and extends approximately 45m. Ground investigations in this area will be carried out to assess what possible solutions could be implemented and the prospective costs. A second slip has occurred opposite York Road approximately 100 metres away from the first failure, the scope of the ground investigations will be extended to include this area.	May 20
Cliff Road and York Road Ground Investigations	Our consultant has recommended that we carry out the following ground investigations at both Cliff Road and York Road, this information will allow us to carry out the design. We are monitoring the situation in case it does become an emergency.	Aug 20
Phase 1 & 2 Maintenance Period	12 month maintenance period started December 2019.	Dec 20
Settle final accounts and reporting of financial position.	Final accounts for project areas 1&2 ongoing, due for completion in December 2020.	Dec 20

# Waste Contract

## (Delivering High Quality Services)

*“Manage wheeled bins rollout and variation of contract service from Summer 2019.”*

**Management Team Lead:** Paul Price – Corporate Director  
Environment & Public Space Portfolio Holder

**Lead Officer:** Damian Williams & Jonathan Hamlet

**Delivery Mechanism:** Work with contractor to deliver contract variation and service improvements.



Activity	Current Position	To be Completed
Extend and vary existing contract to commence from Summer 2019.	Completed.	<b>Complete</b> Summer 19
Procurement of wheeled bins for roll out (dependent upon agreement of extension of contract).	Completed within timescales set.	<b>Complete</b> Jul 19
Delivery of 58,000 bins to households over a 10 week period.	Initial 10 week roll out completed on 16 August 2019, with further missed bins delivered during first week of September 2019.	<b>Complete</b> 16 Aug 19
Review performance targets post implementation of new service.	Report provided to Resource and Services Overview & Scrutiny Committee for meeting on 16 March 2020.	Feb 20 <b>Complete</b> Mar 20

# Leisure Facilities Review

## (Delivering High Quality Services)

*“Develop a new commercial structure for Leisure Services.”*

**Management Team Lead:** Paul Price – Corporate Director

*Leisure & Tourism Portfolio Holder*

**Lead Officer:** Michael Carran



**Delivery Mechanism:** Undertake a review of the Council’s Leisure Facilities in the district and explore asset improvement programme for each site.

**Update:** This month’s progress comments are noted next to each individual milestone in the table below.

Activity	Current Position	To be Completed
Develop a 10 year Sports Facilities Strategy to explore options to achieve financial self-sufficiency.	Report to Cabinet in June 2020.	Resources and Services Committee Oct 19  Cabinet Mar 20 *Revised Jun 20
Develop a business plan for asset improvements to Clacton Leisure Centre:- Once approved, the work will be tendered, procured and delivered by Spring 2020.	It was originally projected that the work would commence in September 2020 but this may be delayed due to COVID-19.	Mar 20 *Revised Sept 20

**Exception:** The Strategy is later than initially timetabled, to ensure more detailed information can be included in relation to the delivery plan. The Strategy will set out proposals for how the service will be managed and delivered and cover financial sustainability.



# Creating a Quality Environment for our Staff



## (Delivering High Quality Services)

*“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”*

**Management Team Lead:** Andrew White—Head of Property Services

Deputy Leader & Corporate Finance and Governance

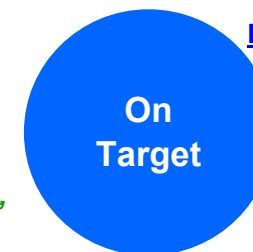
Office Accommodation—Lead Officer: Andrew White		
Activity	Current Position	To be Completed
Westleigh House:- Site in use as car park.	Surfacing was completed on 29 November 2019.	<b>Complete</b> Nov 19
Barnes House/Pier Ave:- Extension and works complete.	Complete November 2019.	<b>Complete</b> 8 Nov 19
Town Hall:- Works to Committee Room complete.	The additional Listed Building Consent application has been deferred. Further details are being assembled to address Planning Committee concerns.	Feb 20 *Revised Apr 20 *Revised Aug 20
Weeley:- Agree terms for disposal of site.	Revised terms are currently under discussion. Potential Best Consideration and alternative options to be explored by external valuer prior to decision.	Jan 20 *Revised Apr 20

Customer Services—Lead Officer: Mark Westall		
Deputy Leader & Independent Living Portfolio Holder		
Activity	Current Position	To be Completed
Complete digitalisation of customer interface to ensure 24/7 access of customer services:- To include system testing and staff training, ready to roll out to initial services.	We have deployed 2 new self service forms to help out residents during these time (NNDR Grant application & Voluntary Groups Registration process) both of which have had a big impact on the usage of My Tendring. Online accounts increased by 1000 to 4370 and we had 1350 self-service forms filled in during the month. At the time of writing some internal resources have been directed away from this project during the Coronavirus crisis, but some good work continues and the external consultants continue to make headway.	Jan 20 *Revised Jun 20
Back scanning and secure disposal of existing documentation.	The scanning has continued throughout March 2020 but during the current crisis the movement of microfiche records between sites has been curtailed leading to a revised completion estimate.	Jul 20 *Revised Dec 20

**Exception:** Revised dates for Committee Room reflect the deferment of the further Listed Buildings consent. Weeley revisions reflect a softening of the offer form to the potential purchaser and the need to seek further advice on Best Consideration Reasonably Obtainable.

# Creating a Quality Environment for our Staff

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## (Delivering High Quality Services)

*“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”*

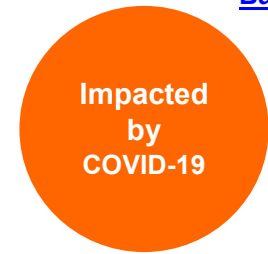
**Management Team Lead:** Andrew White—Head of Property Services    Deputy Leader & Corporate Finance & Governance Resources Portfolio Holder

People - Lead Officer: Anastasia Simpson		
Activity	Current Position	To be Completed
'Transformation' Manager training programme to be delivered across the organisation. 'Transformation' Staff training programme to be delivered across organisation.	Requests for specific training being delivered.  Over 300 staff have undertaken the Independence Training. No outstanding queries from UNISON regarding staffing matters. Managers/HR working with Officers on an individual basis if additional support/guidance required.	On-going
IIP Gold:- Maintaining and improving our performance in accordance with IIP Standards.	Council re-assessed as an IIP Gold organisation in January 2019, next mid- term assessment July 2020.	On-going
Equality Impact Assessments (EQIA):- Prepared across services. <ul style="list-style-type: none"> <li>Revised policy agreed.</li> <li>Training delivered.</li> <li>Equality Impact Assessments prepared and kept under regular review across services.</li> </ul>	Further drama-based learning provided by Inclusive Employers and booked for 2020.  December 2019 Outhouse East LGBT+ workshop cancelled by provider and rescheduled for May 2020 (This is again expected to shift due to COVID-19). Operational Development Manager and Executive Projects Manager to attend.	On-going
People Initiatives	No. of staff completed Independence Training 400+.	On-going

# Creating a Quality Environment for our Staff

## (Delivering High Quality Services)

*“Deliver the agreed elements of the Transformation Programme relating to office accommodation, digital transformation, customer service and people effectively, on time, on quality and on budget.”*



**Management Team Lead:** Andrew White—Head of Property Services

Deputy Leader & Corporate Finance & Governance Resources Portfolio

Digital—Lead Officer: John Higgins		
Activity	Current Position	To be Completed
Events App:- Including on-going development.	Awaiting update regarding ongoing support, maintenance and development arrangements.	Complete Go Live Aug 19 Administration and further enhancements
Town Hall & Pier/ Barnes Network:-	Stripping out of cables for Phase 3 of the Town Hall is now complete.	On-going
Compliance* achieved against Public Services Network (PSN):- Annual audit/renewal. <i>*Includes on-going Cyber Awareness Training and</i>	Work continues as part of Essex Online Partnerships (EOLP). Onsite 2 day CIPR (Cyber Incident Planning & Response) course for reps cancelled/postponed due to COVID-19.	On-going
Completion of integration to Customer Services Portal:- Website, IDOX, Northgate and	Northgate and MyTendring integration is planned for phase 3 of MyTendring which has just commenced however progress on phase 3 has been significantly impacted by the Dev Team’s involvement with TDC’s response to COVID-19 i.e. COVID-19 IT related support work has had to take priority over this work.	On-going
Cloud migration programme:- Project planning complete & 40% of services migrated by April 2020.	Testing of moving systems to the cloud has been temporarily suspended due to resources having to focus on COVID-19 related demands. Testing for Sunrise Helpdesk and the absence database will be resumed in due course. The website and Ebase forms were moved as scheduled on 11 March 2020. AIP (new Data Classification software) has been configured and is currently being tested. Move of user Skype accounts to the cloud has progressed and is now approx. 90% complete. The new remote access software (Forticlient) continues to be rolled out alongside Windows 10 replacements. Councillor accounts are now being configured for both Forticlient and Skype.	On-going

# Building & Managing our Own Homes

## (Delivering High Quality Services)



*“Develop new Council house building programme; increase the stock of new affordable/Council homes.”*

**Management Team Lead:** Paul Price – Corporate Director

*Housing Portfolio Holder*

**Lead Officer:** Tim R Clarke

**Development Mechanism:** The project will seek to establish a delivery mechanism, financial and practical, to build 200 new Council homes to add to the existing Council housing stock. 100 new homes to be built in Jaywick sands and 100 to be built on other Housing Revenue Account (HRA) sites in areas of housing need elsewhere across Tendring.

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Activity	Current Position	To be Completed
Develop a new build approach; commence with report to Cabinet outlining proposals.	Financial evaluation being undertaken with large pension provider to work alongside TDC delivery so as to maximise economies of scale both within Jaywick Sands and elsewhere across the District.	<b>Complete</b> Oct 19
Development and Acquisitions Policy.	Developing draft report.	Cabinet Jun 20

# Carbon Neutrality

## (Delivering High Quality Services)



*“To respond to the Council decision to declare a Climate Emergency and to be Carbon Neutral by 2030.”*

**Management Team Lead:** *Tim R Clarke—Head of Housing and Environmental Health*

**Leader**

**Lead Officer:** *Tim R Clarke*

**Development Mechanism:** Commission research to establish the Council’s Carbon footprint and, working with UK Government and local MP’s, develop associated action plan to meet the aspiration of achieving carbon neutrality by 2030, and encourage others to do the same.

Activity	Current Position	To be Completed
Call on the UK Government and local MPs to provide powers, resources and help with funding to achieve Carbon Neutrality.	This will be progressed once we are clearer on what the level of resources and funding are, that will be needed to achieve the 2030 carbon neutral target.	On-going
Commission research to establish the Council’s Carbon footprint.	Consultancy are nearing completion of their work. Data capture is complete. Consultants have met with all relevant Heads of Service to discuss their areas and a staff briefing and an All Member Briefing took place on 19 February 2020. A Communications Policy and a Single Use Plastic Policy have been drafted. Draft overview report from consultants has been received with data analysis due at end of April 20.	<b>Complete</b> Commission Research Oct 19 Data Analysis Apr 20
Prepare an Action Plan for agreement by the Council, consisting of two elements · Actions for the Council to take to achieve Carbon Neutrality by 2030. · Community Leadership actions to encourage partners to do the same.	As above – part of the consultancy support.	May 2020
Allocate funding to achieve the activities identified in the Action Plan.	As above.	On-going (once Action Plan drafted)
Establish a cross Group Working Party to progress the above.	Meetings are taking place regularly.	On-going

# Maximising our Assets (Strong Finances and Governance)



*“Explore options to expand and increase the financial performance and energy efficiency of the Councils Assets.”*

**Management Team Lead:** Andrew White—Head of Property Services Deputy Leader & Corporate Finance & Governance Resources Portfolio

**Lead Officer:** Andrew White

**Delivery Mechanism:** The team will be seeking to take forward the management acquisition of property with a more strategic, commercial focus in order to address community needs and the Council wide financial position.

Activity	Current Position	To be Completed
Submit a review of the Community Asset Rent Offsetting (CAROS) scheme for Cabinet consideration.	The continuation of the scheme with some minor changes was agreed upon as part of the budget setting process.	Nov 19 <b>Complete</b> Mar 20
Prepare planning applications and disposal material in relation to a tranche of three minor disposal sites.	The first application was submitted in December 2019. Determination of the application is delayed. One further application is pending validation and another further application is ready to submit pending review of any queries related to the first.	Mar 20 *Revised May 20
Gain approval for works at Martello E and present options for future use of site to Cabinet.	A bid for Historic England Development Funding was successful. The Leader has authorised match funding, grant acceptance and the creation of a building contract. A Cabinet report outlining options for future uses and seeking approval and match funding for urgent works has been prepared and will be presented to the Portfolio Holder in April 2020. At the time of writing late amendments to the report will lead to Portfolio Holder consideration to in mid May 2020.	Dec 19 *Revised Apr 20 *Revised May 20
Explore options and develop proposals to expand service at Weeley Crematorium.	Delivery of some work commissioned in respect of plans and concept designs has been completed. Technical plant issues emerging from the liquidation of the manufacturer has led to the need to reformat the proposals. At the time of writing there are unprecedented demands on all staff currently working in the Bereavement Service. It is proposed to bring forward the revised proposals for consideration later in the year.	Mar 20 *Revised Oct 20

**Exception:** CAROS: Budget proposals including the continued funding of the scheme have been approved. Any further review is to be carried out in the future within a wider review of community support. Martello E: Report to be considered following the adoption of the Cultural Strategy.

# Clear Political Leadership and Effective Governance (Strong Finances and Governance)



*“Ensure governance arrangements are robust enough to satisfy both Internal and External Audit and Audit opinion is positive.”*

**Management Team Lead:** Various Heads of Service     Deputy Leader & Corporate Finance & Governance Resources Portfolio

**Lead Officer/s:** Anastasia Simpson, Lisa Hastings & Keith Simmons

**Delivery Mechanism:** Review and strengthen arrangements for promoting good standards and governance across the Council.

Activity	Current Position	To be Completed
Develop proposals for new Corporate Plan, including Consultation with Partners and Adoption by Full Council.	Corporate Plan 2020-2024 was reported to Full Council in January 2020.	<b>Complete</b> Cabinet: Sept 19 Start Consultation: Sept 19 End Consultation: Oct 19 Scrutiny: Oct 19 Cabinet (following consultation) December 19 Final proposals to Full Council: Jan 20
Annual Governance Statement:- Complete together with the Statement of Accounts, as required, demonstrating delivery against agreed Action Plan.  (Note: performance is reported to and monitored by Audit Committee throughout the year)	An update against the Annual Governance Statement for 2018/19 was included and detailed in the Update Report to Audit Committee at its meeting in September 2019. To date there are no significant issues arising from the actions, with work remaining in progress, performance against which is reported quarterly.	May 20
Census 2021:- Work with partners to support delivery of associated work programme.	Works continues by the Census Liaison Manger and the Assistant Census Liaison Manager	On-going

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# TARGETS

## REFUSE & RECYCLING SUMMARY

Above target	↑
On target	✓
Below target	!
No Data	●

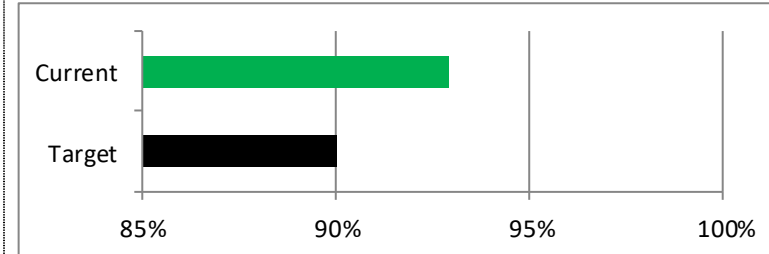
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	19/20 Q1	19/20 Q2	19/20 Q3	19/20 Q4
Recycling Rate (Target 29%)	33%	42%	39%	Feb 39%
Flytipping (Target 90%)	87.5%	94.6%	92.6%	92.9%
Missed Bins (Target 95%)	No Data	No Data	97%	No Data

## Fly Tipping (Delivering High Quality Services)

To ensure that 90% of all reported incidents of fly tipping are removed within 72 hours of notification.

### Monthly Performance Data



ECC have agreed to cover the additional costs incurred by WCAs in clearing fly-tips, which can be directly attributed to the recent operational changes at the sites'. In providing this support there is an expectation that if increases are noted the WCA will work with ECC to make the necessary investigations and take action against the perpetrators.

Month	A	M	J	J	A	S	O	N	D	J	F	M
No. of incidents	81	89	80	72	85	113	132	109	95	153	117	113
No. r'mvd <72hrs	80	83	70	65	79	107	127	107	88	148	110	105
Performance (%)	98.7%	93.2%	87.5%	90.2%	92.6%	94.6%	96.2%	98.2%	92.6%	96.7%	94.0%	92.9%

All recorded incidents are currently being investigated by an officer before passed to Veolia for removal; the 72 hours starts once passed on to Veolia. Fly tipping performance does not include fly tipping which includes asbestos of which there were NIL reports and required a specialist contractor or incidents involving trailers/caravans of which there were two incidents which also required a specialist contractor (NMR).



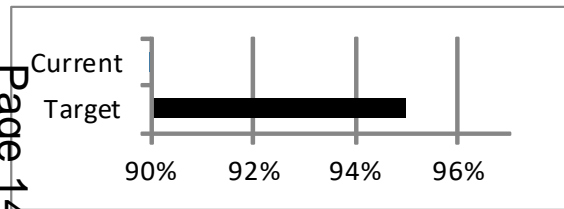
# Missed Bin Collection

## (Delivering High Quality Services)

To ensure that 95% of missed bins are collected within 24 hours of being notified.

With approximately 70,000 homes in Tendring, and each property having two bins collected per week, there is over half a million bins collected per month in Tendring.

### Monthly Performance Data



Month	A	M	J	J	A	S	O	N	D	J	F	M
Target	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Performance	98.1%	95.5%	No Data					94%	97%	-	-	-

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All missed collections for residual waste and recycling are now reported via the Firmsteps portal and these number 964 for March, however this information cannot be interrogated to provide statistics of the breakdown of what was missed or when they were recollected. This piece of work is currently being actioned by I.T and awaiting progress report.

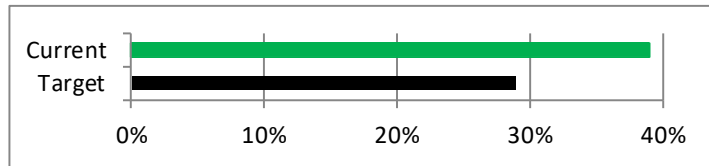
# Recycling Rate

## (Delivering High Quality Services)

Ensure that waste and recycling is disposed of in the most environmental and economically advantageous manner with 29% of household waste sent for reuse, recycling or composting.

**Subject to 2 month delay.**

### Monthly Performance Data



Month	A	M	J	J	A	S	O	N	D	J	F	M
Target (%)	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%
Performance	28%	30%	33%	36%	39%	42%	41%	41%	39%	37%	39%	

# Proactive Planning Approach

## (Building Sustainable Communities for the future)

Ewan Green – Corporate Director

Leader



Handling of Planning Applications : Speed			
To ensure that the following types of planning application are processed during the assessment period as follows:			
2021 Assessment Period (01.10.18 - 30.09.20)			
Major 60% within 13 weeks		Non-Major 70% within 8	
Major	70.80%	Non-Major	86.48%

Handling of Planning Applications : Quality			
Decisions Overturned On Appeal.			
2021 Assessment Period (01.04.18 - 31.03.20)			
Major <10%		Non-Major <10%	
Major	2.24%	Non-Major	0.63%

### 5 YEAR HOUSING SUPPLY

Following changes to the National Planning Policy Framework in Feb 19, the Council is required to use the government's 'standard method' for calculating housing need until its locally-derived housing figures are adopted through the new Local Plan. Under the standard method, the Council can demonstrate a 4.6 year supply of deliverable housing land.

The alternative method that takes account of attributable population change in Tendring and was examined and accepted at the Examination in Public into the Local Plan, the Council can demonstrate in excess of 5 years of housing land supply.

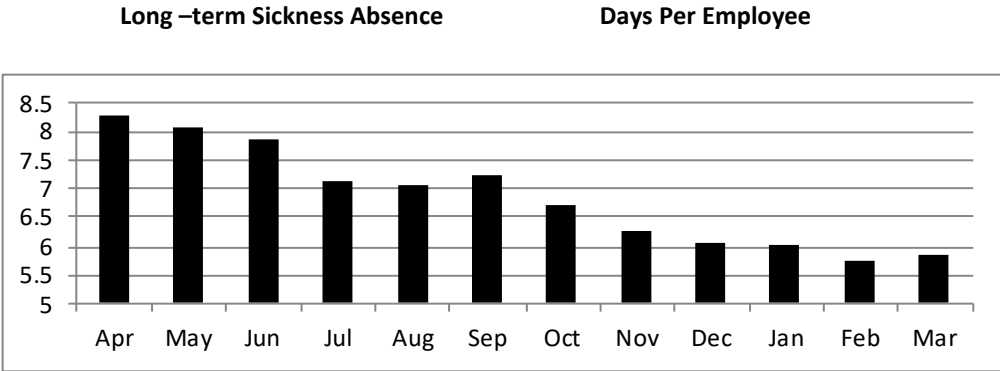
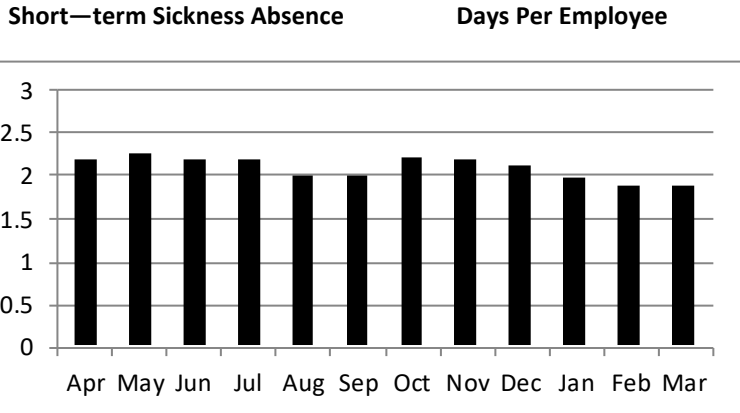
Note : This figure is updated monthly but some information that contributes to the calculation is only available periodically and so the figure may not be wholly accurate. The full update is expected to be completed in April 2020.

**Exception:** The Council's ability to demonstrate a 5 year supply of housing land is regularly challenged by promoters of development sites who object to the use of the alternative method and question the deliverability of some sites. The Council's success as defending this position through appeals has been mixed.

# Sickness (Delivering High Quality Services)

To measure the sickness absence rate of the Council. *Objective: To measure the rate of sickness absence at TDC.*

Mth	S/T	L/T
Apr	2.18	8.27
May	2.26	8.07
Jun	2.20	7.86
Jul	2.20	7.13
Aug	1.99	7.06
Sep	1.99	7.23
Oct	2.21	6.70
Nov	2.19	6.26
Dec	2.12	6.03
Jan	1.98	5.99
Feb	1.89	5.73
Mar	1.87	5.83



Note: Data displayed as both Short-Term (under 28 days) & Long Term (28 days & over).

Notes: - Staff sickness absence is monitored by the HR Committee, who undertake a detailed analysis of all reported figures.

## Authorised Covert Surveillance (Council and Community)

Record of number of approved surveillances under the Regulation of Investigatory Powers Act 2000 (RIPA). **It is important to note that this does NOT apply to all enforcement activity and therefore, it is likely that nil or low returns will be recorded.** Council officers are in the course of investigating frauds and certain regulatory

criminal offences within the district may be required to undertake covert monitoring operations to gather evidence to present to a court. In doing so, those officers must comply with the relevant legislation i.e., the Regulation of Investigatory Powers Act 2000 (RIPA) and the associated regulations and codes of practice. RIPA provides a strict authorisation mechanism for public authorities to undertake covert surveillance in compliance with the Human Rights Act 1998. Lawful interference with Article 8 (right to respect for private and family life) rights is only permissible, if it is necessary and proportionate to do so, therefore can only be undertaken in accordance with the Council's Policy and Procedures, approved by an Authorising Officer and the Magistrates' Court. The Council is required to report the number of authorisations granted on an annually basis to the Office of Surveillance Commissioners.

Type of Surveillance	Number of Approved Authorisations											
	Monthly											
	A	M	J	J	A	S	O	N	D	J	F	M
Directed Surveillance	0	0	0	0	0	0	0	0	0	0	0	0
Covert Human Intelligence Source	0	0	0	0	0	0	0	0	0	0	0	0

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# Complaints (Delivering High Quality Services)

To measure the number of complaints received and handling of them within the prescribed time limits.

**Objective:** To measure the standard of performance in responding to complaints against the TDC standards.



**Target:** 100% within the specified timeframes for each stage of complaint.

Stage 1  
Complaints  
Performance  
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	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	12	4	9	12	45	46	43	28	10	10	12	12
% Time	100%	100%	100%	83%	82%	50%	56%	86%	90%	60%	75%	33%

Stage 2  
Complaints  
Performance

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	2	3	1	2	1	2	0	3	3	4	1	0
% Time	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

**Exception:** 8 Complaints for Operational Services were not replied inline with the Corporate timeline. However, all complaints automatically receive an acknowledgment letter. There were no ombudsman complaints for March 2020.

# Complaints (Delivering High Quality Services)

To measure the number of complaints received and handling of them within the prescribed time limits.

**Objective:** To measure the standard of performance in responding to complaints against the TDC standards.



**Target:** 100% within the specified timeframes for each stage of complaint.

Q4 January 20 - March 20	Stage 1	Stage 2	Ombudsman
Governance & Legal			
Finance, Revenues & Benefits		1	1
Property			
People, Performance & Projects			
IT and Corporate Resilience			
Public Realm	2	1	
Customer and Commercial	1		
Sport & Leisure	1		
Housing & Environmental	3		
Building and Engineering	22	1	
Planning & Regeneration	5	2	
Leadership Support			
<b>Total</b>	<b>34</b>	<b>5</b>	<b>1</b>

2019—2020	Stage 1	Stage 2	Ombudsman
Governance & Legal		1	
Finance, Revenues & Benefits	3	2	1
Property			
People, Performance & Projects			
IT and Corporate Resilience			
Public Realm	7	1	
Customer and Commercial	7		
Sport & Leisure	4		
Housing & Environmental	27	6	1
Building and Engineering	170	2	
Planning & Regeneration	25	10	2
Leadership Support			
<b>Total</b>	<b>243</b>	<b>22</b>	<b>4</b>

**Exception:** There was a high level of Stage 1 complaints received during Quarter 2 and Quarter 3 This can mainly be attributed to the introduction of the new waste service, whilst the service was 'bedding in'. However, current figures show a considerable decline in the number of complaints received.

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# PERFORMANCE REPORT

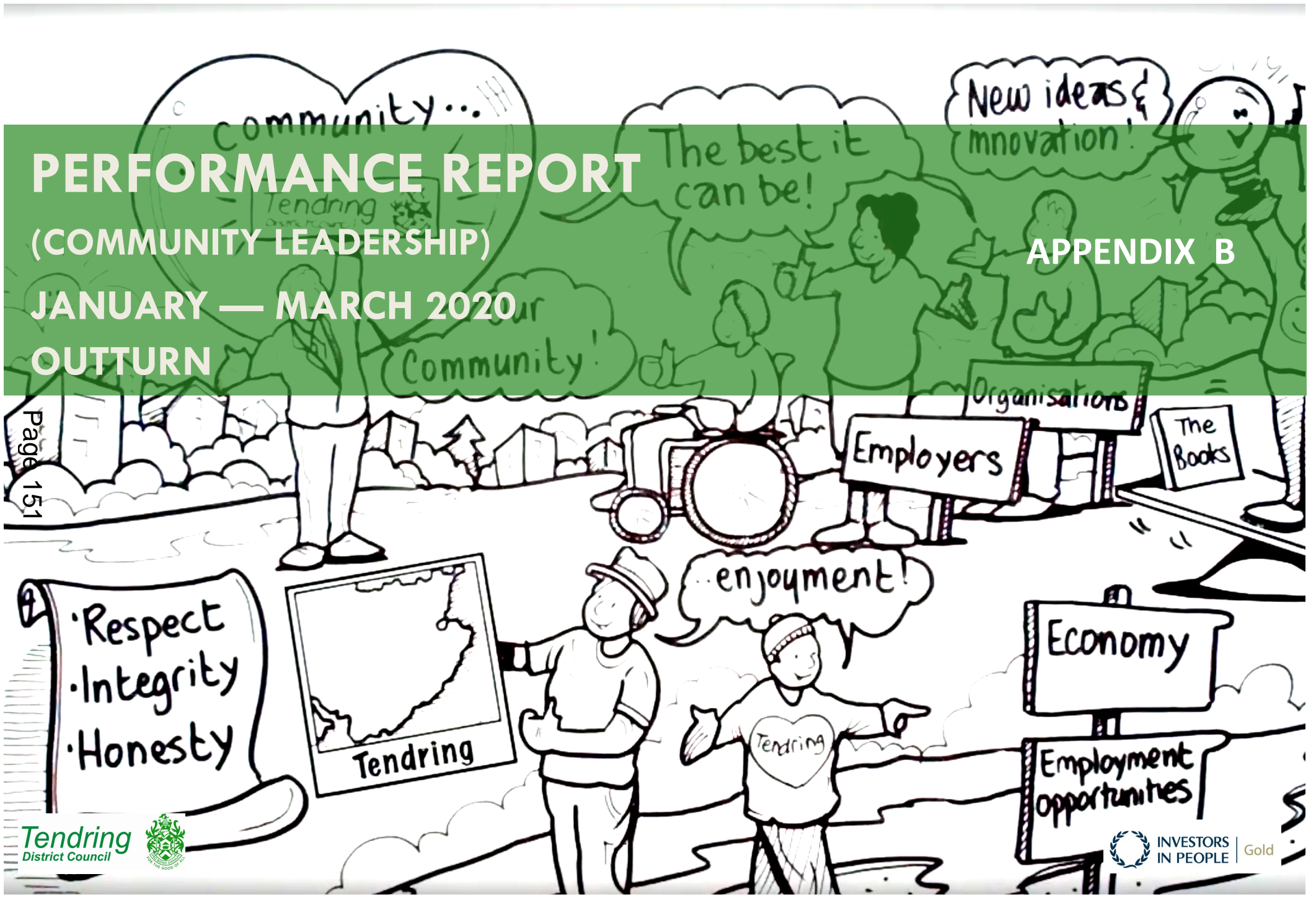
(COMMUNITY LEADERSHIP)

JANUARY — MARCH 2020

OUTTURN

APPENDIX B

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# Introduction

The following pages include the Council's Corporate Plan 2020 - 2024 and Tendring District Council's Priorities and Projects 2019/20 where the Council have an influencing role. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Projects sit under the following headings:-

	<b>Community Leadership Through Partnerships</b>		<b>Building Sustainable Communities for the future</b>
	<u>Health</u> Page 4 & 5		<u>Manningtree Underpass</u> Page 12
Page 152	<u>Education</u> Page 6 & 7		
	<u>Law and Order</u> Page 8		
	<u>Influencing &amp; Lobbying for Tendring (Proactive &amp; Reactive)</u> Page 9		
	<u>Improving Digital Connectivity</u> Page 10		
	<u>Sport England</u> Page 11		



## Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

### Delivering High Quality Services

- 24 hour a day digital services – My Tendring
- Modern, high quality buildings and facilities for customers and staff
- Minimise waste; Maximise recycling
- Proactive Planning Service
- Public spaces to be proud of in urban and rural areas
- Effective regulation and enforcement
- Carbon Neutral by 2030

# Tendring District Council Corporate Plan 2020-2024



INVESTORS IN PEOPLE | Gold

### Community Leadership Through Partnerships

- Joined up public services for the benefit of our residents and businesses
- Health and wellbeing - for effective services and improved public health
- Education - for improved outcomes
- Law and Order - for a safer community
- Sport England and Active Essex- for physical activity and wellbeing
- Influence and lobby - for Tendring's future

## Community Leadership Tendring4Growth

### Building Sustainable Communities for the Future

- North Essex Garden Communities
- Jaywick Sands - more and better housing; supporting the community
- Vibrant Town Centres
- Building and managing our own homes
- Effective planning policies

### Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan
- Effective and positive Governance
- Strong and focused leadership
- Use assets to support priorities

### A Growing and Inclusive Economy

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities

## Our Values

- ◆ Councillors and staff uphold **personal integrity, honesty** and **respect** for others
- ◆ **Innovative, flexible, professional** staff **committed** to delivering excellence
- ◆ Recognising the diversity and **equality** of individuals
- ◆ Working **Collaboratively** with partners, including supporting the Essex wide vision and ambitions

# PRIORITIES AND PROJECTS 2019/2020

## Chief Executive

Strategic Community Leadership

- Health
- Education
- Law and Order

## Deputy Chief

### Executive

(Corporate Services)

- Budget
- Maximising our assets
- 10 year financial plan
- Clear political leadership and effective governance
- Creating a quality environment for staff
  - ◆ People
  - ◆ Office accommodation
  - ◆ Digital
  - ◆ Customer Services

## Corporate Director

(Planning and Regeneration)

- Tendring4Growth
- Developing new businesses
- Supporting existing businesses
- Creating job opportunities
- Delivering the local plan
- Creating vibrant town centres
- Proactive planning approach
- Garden Communities
- Manningtree underpass
- Improving digital connectivity
- Exploring the opportunities of Brexit
- Influencing and lobbying for Tendring (proactive and reactive)

## Corporate Director

(Operational Services)

- Enhancing our great tourism offers
- Jaywick Sands
- Cliff stabilisation
- Waste contract
- Leisure facilities review
- Residents feeling this is a great place to live
- Housing Strategy
- Customer services
- Building and managing our own homes
- Sport England
- Carbon Neutrality

# Health (Community Leadership Through Partnerships)

*“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area.”*

**Management Team Lead:** Paul Price — Corporate Director      Leader & Partnerships Portfolio Holder

**Lead Officer/s:** Anastasia Simpson & John Fox

**Delivery Mechanism:** Working with partners to identify shared opportunities to help drive improvements.

Activity	Current Position	To be completed
Work with and influence the Strategic Transformation Partnership (STP) as it moves to becoming a fully Integrated Care System (ICS).	STP meeting for March 2020 replaced by a system wide COVID-19 update where all partners fed in their current position.	On-going
Effectively engage with the North East Essex Alliance to deliver Memorandum of Understanding (MOU).	The MOU has now been signed.	Complete
To maximise opportunities for funding for health related projects through the Alliance Transformation Fund.	Following our agreement the two mental health staff who were working in the team to support those we are working with who have poor mental health have temporarily returned to Essex Partnership University Trust to help deliver their COVID-19 response.	On-going

# Health

## (Community Leadership Through Partnerships)

*“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area.”*

**Management Team Lead:** Paul Price — Corporate Director      Leader & Partnerships Portfolio Holder

**Lead Officer/s:** Anastasia Simpson & John Fox

**Delivery Mechanism:** Working with partners to identify shared opportunities to help drive improvements.

Activity	Current Position	To be completed
Effectively engage with the Clinical Commissioning Group (CCG).  Page 156	Alliance activity is being led by COVID-19 response and partners are coming together in a tactical meeting.	On-going
Essex and Tendring Health and Wellbeing Boards.	The Community Safety Partnership and Tendring Local Health and Wellbeing Board had its first combined meeting on 27 February 2020 with key topics including the link between community safety and health, suicide prevention, the Clacton hospital development proposals, an Active Essex Strategy consultation workshop, baseline information for activity and a Local Delivery Pilot (LDP) update. The date of the next Board meeting to be reviewed due to the COVID- 19 situation.	On-going
Healthy New Towns.	Site map for North Essex Garden Communities has been agreed. Two learning and implementation workshops have been held including a range of partners. These will lead to develop a shared health vision and consideration of how to achieve the vision through the garden community development.	On-going

# Education

## (Community Leadership Through Partnerships)

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*“Seek to influence and assist partners in the delivery of the agreed plan to improve educational attainment and aspiration in Tendring.”*

**Management Team Lead:** Ian Davidson – Chief Executive

Leader & Partnerships Portfolio Holder

**Lead Officer/s:** Anastasia Simpson & Rebecca Morton

**Delivery Mechanism:** As a community leader, there are a number of education work streams that underpin this which are to be delivered in 2019/20 via the Tendring Education Improvement Group.

Activity	Current Position	To be Completed
<p>Start Well:- Continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential.</p>	<p>Tendring Education Strategic Board held on 25 February 2020. Priorities agreed for work/action are:-            1) Recruitment of Head Teachers and Teachers            2) Retention of Head Teachers and Teachers            3) Pupil attendance            Working groups to be set up and facilitated, Meetings on hold due to COVID-19.</p>	<p>On-going</p>
<p>Stay Safe:- Children and young people feeling safe in their community. Links to Community Safety initiatives.</p>	<p>See Law &amp; Order.</p>	<p>On-going</p>
<p>Mental Health &amp; Emotional Wellbeing:- Bid submission for roll out of Wellbeing Hub model in Tendring/Colchester primary schools to Alliance Investment Fund.</p> <p>Enjoying Good Mental Health and Wellbeing: - Wellbeing Football, regular weekly sessions in place and running.</p> <p>Marathon Kids, programme launched in 7 primary schools in Tendring, work ongoing to grow programme in 19/20.</p>	<p>Project Manager appointed, work in progress with Gt Bentley Primary school on detailed project plan/costings. Project progress limited due to COVID-19, work in progress on branding and appointment of evaluation partner.</p> <p>Discussions underway with partners to look at further funding for Wellbeing football.</p> <p>Kids Run Free bids submissions for Park Kids to be launched in Clacton &amp; Harwich and new mum's activity group. Funding approved by LDP/Sport England.</p>	<p>Bid successful. Project planning to commence with immediate effect. On-going</p>

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# Education

## (Community Leadership Through Partnerships)

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**“Seek to influence and assist partners in the delivery of the agreed plan to improve educational attainment and aspiration in Tendring.”**

**Management Team Lead:** Ian Davidson – Chief Executive

Leader & Partnerships Portfolio Holder

**Lead Officer/s:** Anastasia Simpson & Rebecca Morton

**Delivery Mechanism:** As a community leader, there are a number of education work streams that underpin this which are to be delivered in 2019/20 via the Tendring Education Improvement Group.

Activity	Current Position	To be Completed
Positive Futures:- Working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.	See Start Well. Feel Well - Alliance - Executive Projects Manager part of a working group to establish 'Feel Well' indicators and outcomes for children & young people across STP footprint. No further meetings to date.	On-going
School Places:- Work with Essex County Council (ECC) to support School Places 10 year plan and ensure sufficient school places for Tendring's young people.	ECC Officers provided update on school places, including revised 10 year plan at Community Leadership Overview & Scrutiny Committee on 2 February 2020. Potential Members Briefing with Education theme, to provide update on school places and IntoUniversity - date to be agreed.	On-going
Positive Futures:- Support IntoUniversity and Teach First to enhance their reach in the Tendring district.	IntoUniversity, North East Essex Teacher Training and TeachFirst represented at Tendring Education Strategic Board and plan to be part of working parties going forward to support the Board's priorities.  Early discussions with Career Ready to consider how they can expand relationships and work with schools and partners within the district.	On-going
Memorandum of Understanding (MOU) with Colchester Institute.	Agreed.	Event for official sign off to be agreed—on hold

# Law and Order (Community Leadership Through Partnerships)

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*“Remain a low crime area and reduce the fear of crime. Address hidden harms.”*

**Management Team Lead:** Ian Davidson – Chief Executive

*Leader & Partnerships Portfolio Holder*

**Lead Officer/s:** Anastasia Simpson & Leanne Thornton

**Delivery Mechanism:** The Community Safety work plan 2019/20 as defined by the Responsible Authorities Group (RAG) (Community Safety Partnership (CSP)) through the Annual Strategic Assessment process and working together, in partnership via the Community Safety Hub.

Activity	Current Position	To be Completed
<p>Tackling Anti-Social Behaviour (ASB) and Acquisitive Crime:-</p> <p>Identifying and supporting repeat and vulnerable victims.</p> <p>Identifying hotspot locations and / or increases in crime trends.</p> <p>Improving perceptions and facilitating local problem solving to address issues.</p>	<p>ASB Patrol Officer: Foot Patrol Clacton Town Centre = 83 hours. Admin/Briefings/Meetings = 40 hrs. Verbal ASB Warnings given = 8. PIR (Police Intel Reports) = 1. Community Protection Warning Issued = 1. Public spaces protection order powers used = 5. Community Engagement = 85 people. Business Engagements = 53. Other Agency Engagements = 10.</p> <p>Logging and signposting ASB complaints / ASB in Town Centre - group of young people causing issues outside McDonalds.</p> <p>Business Against Crime meeting with Clacton Businesses and the Police.</p> <p>Ongoing issues in one area - statements / intelligence gathering as above - young people causing ASB.</p> <p>6 sessions delivered - Walk Online Roadshow - 893 young people attended over 3 days. 1 adult session delivered for parents and carers - 34 people attended.</p> <p>Corporate Enforcement Workshop attended - facilitated table discussion.</p>	<p>On-going</p>
<p>To reduce harm to and safeguard vulnerable victims (including Children) from:-</p> <p>Domestic Abuse, with a specific emphasis on tackling the root causes of Domestic Abuse.</p> <p>Sexual Offences.</p> <p>Serious Organised Crime.</p>	<ul style="list-style-type: none"> <li>• Assisted in search for 1 high risk missing person /self harming.</li> <li>• Joint patrols with Open Road Outreach Worker.</li> <li>• Home visit with Police to a victim of cuckooing.</li> <li>• Lockdown Patrols / advising people of lockdown rules.</li> <li>• Welfare visits / cause for concerns for vulnerable people - Referrals made to support services.</li> <li>• Attended Police, Fire and Crime Commissioner Conference.</li> <li>• Attended Tendring IAG.</li> <li>• Attended High Sheriff Awards, received award for Older People's Crucial Crew</li> <li>• Attended conference call - Pilot Priority Offenders being trialled in Colchester and Tendring.</li> </ul>	<p>On-going</p>
<p>Reducing Violence and Knife Crime:-</p> <p>Work with partner agencies to raise awareness of Knife Crime across the district, with a specific emphasis on County Lines and Drug / Alcohol related violence.</p>	<p>ASB Officer = Knife Sweeps carried out = 7.</p>	<p>Complete</p>

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# Influencing & Lobbying for Tendring (Proactive & Reactive)

## (Community Leadership Through Partnerships)

*“To work with Partners and Stakeholders to champion Tendring at national and regional level in order to ensure that opportunities are maximised and challenges addressed”.*

**Management Team Lead:** Ian Davidson – Chief Executive

*Leader & All Portfolio Holders*

**Lead Officer:** Ewan Green

**Delivery Mechanism:** Work with partners to develop an outline proposal for improvements (to include; the economic, social and environmental needs and benefits) and lobby for Government support.

Activity	Current Position	To be Completed
<p>Road, Rail and Digital Infrastructure: Lobbying for investment to improve and upgrade:-</p> <p><b>Road</b> A120 to Harwich. Manningtree Station Underpass and Road Access. Jaywick Sands A133 Link Road.</p> <p><b>Rail</b> Improved rail connectivity to London.</p> <p><b>Digital</b> Deployment of 5G connectivity for Tendring.</p>	<p>Engagement with key partners (e.g. Essex County Council) is ongoing to establish a position in relation to each priority.</p>	<p>On-going</p>
<p>Exploring the Opportunities of Brexit.</p>	<p>The present focus is predominantly on managing EU Exit but emerging proposals to support new opportunities have been outlined (e.g. business support programmes to encourage exporting).</p>	<p>On-going</p>
<p>Carbon Neutrality:- Prepare an Action Plan for agreement by the Council, which includes Community Leadership actions to encourage partners to achieve Carbon Neutrality by 2030 (see also Resources &amp; Services Report).</p>	<p>Consultancy are nearing completion of their work. Data capture is complete. Consultants have met with all relevant Heads of Service to discuss their areas and a staff briefing and an All Member Briefing took place on 19 February 2020. A Communications Policy and a Single Use Plastic Policy have been drafted. Draft overview report from consultants has been received with data analysis due at end of April 2020.</p>	<p>On-going</p>



# Improving Digital Connectivity (Community Leadership Through Partnerships)

*“To work with all parties to boost digital connectivity across the Tendring district for the benefit of residents and business. This work includes a multi-million pound contract with BT Group as part of the Superfast Essex programme.”*

**Management Team Lead:** Ewan Green – Corporate Director

Deputy Leader & Corporate Finance & Governance Portfolio Holder

**Lead Officer:** Tom Gardiner

**Delivery Mechanism:** The £9million contract signed by Essex County Council and BT Group will ensure superfast speeds of 30Mbps and above are made available to an extra 5,400 homes and businesses in the District by March 2020. TDC have contributed £250K towards the cost of the contract. The work will take place in parallel to existing fibre broadband rollout plans by Superfast Essex.

Activity	Current Position	To be completed
<p>The Council entered into a contract with ECC (Superfast Essex) in 2017 that requires BT Open Reach to provide additional fibre to new cabinets in Tendring. This work is part of a much bigger Open Reach contract covering other parts of Essex.</p> <p>This programme will ensure that over 98% of the district has access to a superfast broadband service. TDC will monitor delivery through six monthly progress reports from Superfast Essex.</p>	<p>The end date for Open Reach’s Phase 3 network build in Essex as previously reported is now due to complete in September 2020 (rather than March 2020).</p>	<p>Mar 20</p> <p>*Revised Sep 20</p>
<p>To develop proposals, and lobby Government for support, to provide 5G coverage across Tendring as part of a wider North Essex corridor programme.</p>	<p>In discussions with Superfast Essex.</p>	<p>Mar 20</p> <p>*Revised Apr 20</p>

# Sport England (Community Leadership Through Partnerships)

*“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area. Produce a long term sustainable scheme around Sport England grant funding”*

**Management Team Lead:** Paul Price – Corporate Director

*Partnerships Portfolio Holder & Leisure & Tourism Portfolio Holder*

**Lead Officer:** John Fox

**Delivery Mechanism:** Working with partners to identify shared opportunities to help drive improvements.

Activity	Current Position	To be completed
Sport England Local Delivery Pilot (LDP).	A Tending Leadership Group has been formed. Latest meeting cancelled due to the COVID-19 situation.	On-going
Produce a long term, sustainable programme around Sport England grant funding, based on evaluation undertaken.	Funding approved for capacity building in Community Voluntary Service (CVS), Inclusion Ventures activity worker and capital for a redevelopment, Sport for Confidence and adult social care programme, Octopus Trail, Jaywick Forum micro grants for activity, GP Training and Holiday Hunger programme and in addition almost 20 micro grants. Very limited projects coming forward currently due to COVID-19 situation .	Mar 20
Initial applications completed.	Five micro grants approved, eleven more being worked up and 3 larger grants also being worked up for CVS, Jaywick Forum and Octopus Ahoy sculpture trail. Very limited projects coming forward currently due to COVID-19 situation	2020/22
Measuring long-term impact.	Baseline data has revealed that the inactivity levels in our area are almost 70% although there is good connectedness in our communities and there is more low intensity walking done than in other areas. In addition it appears that the reasons for inactivity are more around capability and motivation rather than opportunity.	On-going

# Manningtree Underpass

## (Building Sustainable Communities for the future)

*“Support proposals for road and rail crossing improvements at Manningtree”.*

**Management Team Lead:** Ewan Green – Corporate Director

*Leader, Deputy Leader & Corporate Finance and Governance Portfolio Holder*

**Lead Officer:** Ewan Green

**Delivery Mechanism:** To lobby the Highway Authority and rail companies to agree a package of parking and highway improvements to alleviate congestion in the area of Manningtree Railway Station. A partnership group has been formed including local MP's, ECC, Suffolk CC, Babergh & Mid Suffolk Council, TDC, Haven Gateway Partnership, Essex Rail Users.

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Activity	Current Position	To be Completed
Work with partners to support the development of outline proposals for improvements <i>(to include; the economic, social and environmental needs and benefits)</i> and lobby for Government support.	An Action plan with Short, Medium and Long Term measures has been agreed. The short term improvements will be in the form of a temporary traffic light system to better control traffic movements.	Short Term Measures to in place by 31 December 2020. Timescales for further actions are being developed.

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<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

29<sup>th</sup> MAY 2020

### REPORT OF THE HOUSING PORTFOLIO HOLDER

**A.4 HOMELESSNESS REDUCTION & ROUGH SLEEPING STRATEGY 2020-2024** (Report prepared by Peter Russell)

#### **PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
To adopt a new Homelessness Reduction & Rough Sleeping Strategy 2020-2024 for the District.

<b>EXECUTIVE SUMMARY</b>
<p>Local authorities are required by Government to have a formal homelessness strategy and are expected to adopt a strategic approach to tackle homelessness and rough sleeping in their local areas and plan for future needs.</p> <p>The strategy identifies four key strategic priorities to reduce homelessness and rough sleeping in the district as follows:</p> <ul style="list-style-type: none"> <li>• Earlier Intervention and Education</li> <li>• Better Partnership and Holistic Working</li> <li>• Increasing the Supply of Suitable Accommodation</li> <li>• Exploring New Ways to Prevent and Tackle Rough Sleeping</li> </ul>

<b>RECOMMENDATION(S)</b>
<p>It is recommended that Cabinet :</p> <ol style="list-style-type: none"> <li>1. <b>Adopts the Homelessness Reduction &amp; Rough Sleeping Strategy 2020-24 and its accompanying Delivery Plan set out in Appendix 1 of the strategy and;</b></li> <li>2. <b>Delegates authority to the Housing Portfolio Holder to make amendments to the strategy, if needed, after it is adopted.</b></li> </ol>

#### **PART 2 – IMPLICATIONS OF THE DECISION**

<b>DELIVERING PRIORITIES</b>
<p>The strategy will contribute to the following priorities in the Corporate Plan 2020-2024:</p> <p><b>Community Leadership Through Partnerships</b></p>

The strategy focusses on the need to tackle homelessness and rough sleeping earlier in partnership with other agencies. This will improve housing opportunities and health and well-being outcomes for clients at risk of homelessness.

### **Building Sustainable Communities for the Future**

The strategy will contribute to increasing the supply of accommodation in all sectors of the market. The provision of better quality accommodation will improve the health and well-being and educational prospects of some of the District's most vulnerable residents.

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

#### ***Temporary accommodation provision.***

The primary cost in tackling homelessness is the cost of making temporary accommodation available. Temporary accommodation placements for homeless households have increased over recent years. In 2013/14 temporary accommodation placements cost the Council £22,368 whereas by 2018/19 the cost had increased to £459,265. Unless the Council uses its own housing stock the cost of temporary accommodation over that covered by Housing Benefit subsidy is met by the General Fund.

The table below shows the level of spend on temporary accommodation in recent years.

<b>Year</b>	<b>Spend</b>
2013/14	£22,368
2014/15	£71,382
2015/16	£103,308
2016/17	£204,028
2017/18	£335,947
2018/19	£459,265

With homelessness levels showing no signs of reducing (both nationally and locally) temporary accommodation costs can only be reduced by the Council using its own housing stock or securing less expensive accommodation. Using our own housing stock is not supported by those on the Housing Register as they feel that homeless households are queue jumping.

Research in this area concludes that the need for temporary accommodation is unlikely to reduce. A report published by Shelter in August 2017 entitled *Homelessness projections: Core homelessness in Great Britain* suggested that if current policies remain unchanged the most acute forms of homelessness are likely to continue rising.

During the week commencing 7<sup>th</sup> October 2019 there were 77 properties for rent within a five mile radius of Clacton and 35 around the Harwich area. To put those figures into context during that week there were 337 open homelessness applications. Of those applications 99 were currently homeless and 77 were threatened with homelessness in the next 56 days. Rising rents in this area, with a forecast three per cent rise every year for the next five years, combined with landlords selling property means that supply will become more restricted. An article in "*This is Money*" published in May 2019 reported on a wide ranging study of almost 2,500 landlords by the Residential Landlords Association. It found that a quarter of private landlords are looking to sell at least one property over the next year.

The Homelessness (Suitability of Accommodation) (England) Order 2003 states that it is unlawful for councils to accommodate families with children in Bed and Breakfast (or

accommodation with shared facilities) for longer than six weeks. In 2018/19 we had 31 families who were placed for over six weeks in bed and breakfast type accommodation.

The Council has for many years adopted a pro-active preventative approach to reducing homelessness. However, the last five years has seen a national increase in homelessness that has also been the experience in Tendring.

The Council has a statutory duty as the local housing authority to provide assistance to people who are homeless or threatened with homelessness.

<b>Year</b>	<b>Homelessness applications</b>
2013/14	87
2014/15	137
015/16	159
2016/17	288
2017/18	308

Despite the extra advice and duties brought in by the Homelessness Reduction Act, the lack of affordable housing and private rented properties mean that the use of temporary accommodation has increased.

In 2018/19 the Council received 704 homelessness applications which is a significant increase from previous years. The main reason for this is the fact that the definition of threatened with homelessness is now triggered at 56 days as opposed to 28 days

For each homelessness application the Council's duty is to assess each applicant's situation and provide a personal housing plan if they are homeless or threatened with homelessness. The aim of the plan is to help keep the person in their current home or support them to find somewhere else to live. Officers work with the person for up to eight weeks if they are threatened with homelessness and for a further eight weeks once they are homeless. If the person is still homeless after eight weeks, the council will then make a main duty decision which will determine what further help we have to provide. This decision is based on whether they have a priority need and the reasons for which they have become homeless.

The Council has a duty to provide temporary accommodation at the point in which a person becomes homeless if they have a priority need. This accommodation is provided until they either find settled accommodation or a main duty decision is made. If the main duty decision is that a person has a priority need and is homeless through no fault of their own, then they will have to stay in temporary accommodation until longer-term housing is secured.

In 2018/19 232 households were placed in emergency accommodation with the average time spent in the accommodation being 5.2 weeks. The longest period of time a household had to stay in emergency accommodation was 17.8 weeks.

<b>Year</b>	<b>No. of placements</b>	<b>Average no. of days in placement</b>
2013/14	44	17
2014/15	57	24
2015/16	91	23
2016/17	154	24
2017/18	182	31
2018/19	232	37

In previous years it was possible to assist applicants to find alternative accommodation before they actually became homeless and therefore not so many were placed in temporary accommodation.

It is becoming more difficult to gain access to the private rented sector as a significant number of landlords are refusing to house people on benefits or require guarantors and rent in advance. This makes preventing people becoming homeless by arranging alternative accommodation in the private rented sector challenging. The impact of welfare reform changes, the freezing of the Local Housing Allowance rates and the roll-out of Universal Credit are seeing more people threatened with homelessness.

The Council's spending on using private sector properties for temporary accommodation provision has been rising steadily over recent years. The Council does not have any control over the number of households presenting as homeless and has a statutory duty to provide temporary accommodation in many cases. This type of accommodation is usually provided via local bed and breakfast establishments and through block booking arrangements with two property owners in Clacton. In 2018/19 the Council spent £459,265 on temporary accommodation, which is met through the General Fund.

One of the block booking arrangements provides 14 rooms and costs £184,000 per annum. This accommodation is mainly for single people/couples and only has 2 family rooms. We are therefore still reliant on bed and breakfast establishments to provide temporary accommodation for families. This block booking arrangement is located in central Clacton and as such having an offer outside of Clacton for some client groups may be very advantageous e.g. someone fleeing domestic violence. A proposal to bring Spendells House in Walton back into use as a dedicated council run temporary accommodation unit will be brought to Cabinet next month for approval.

The long term housing outcomes for all households remains the same, with the use of private rented accommodation being the main option. The cost of this to the Council is a one off payment between £0 - £1825 to assist with rent in advance and a deposit where needed. Often this can be funded through the Discretionary Housing Payment fund and therefore at no cost to the Council.

The strategy sets out the measures the Council will take to reduce dependency on nightly-paid accommodation. The Council has received an up-lift in the financial support it receives from the MHCLG since April 2017. In April 2020, the Council was awarded £666,189 in Homelessness Support Grant for this financial year, however this funding is awarded on an annual basis with no indication as to the funding award in future years.

#### ***Funding to Reduce Rough Sleeping.***

Following a successful bid to the MHCLG, funding is now in place to procure a new rough sleeping outreach service for the district and funding has been separately approved by Full Council to recruit a Housing Early Intervention Officer on a three year fixed-term contract to support households with critical needs facing homelessness.

#### **Risk**

This strategy is being adopted at a time when the country is coping with the Covid-19 pandemic. The Housing Solutions Team has had to change its working practices to meet this new challenge and the Council is currently accommodating households it would not normally owe a duty to in order to minimise health risks to those individuals and wider society. The Government has brought in measures to postpone evictions and repossessions during this time but it is very likely that there will be an increase in homelessness once these restrictions are lifted and households face homelessness because of reduced incomes. The Housing, Communities and Local Government Parliamentary Committee has launched an



inquiry into the impact of Covid-19 on homelessness and the private rented sector and will look at what might be needed post-lockdown and what further support is required for the homeless and private tenants. The Housing Solutions Team will review the lessons learned from the pandemic and report the findings to the new Homelessness Reduction and Rough Sleeping Forum for the District.

## **LEGAL**

Section 1 of the Homelessness Act 2002 requires the Council to carry out a review of homelessness in the District and to formulate and publish a homelessness strategy based upon the conclusions of that review and predicted future levels of homelessness in the district. The Council is required to comply with the provisions of the Housing Act 1996 (as amended by the Localism Act 2011 and Homelessness Reduction Act 2017) in assessing, preventing and tackling homelessness and rough sleeping in the District.

## **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/Consultation/Public Engagement

### **Crime and Disorder**

Tackling homelessness and rough sleeping is likely to reduce incidents of crime and disorder in the District. The strategy sets out how the Council can educate the wider community on homelessness issues and commits to work with the Clacton Town Centre Group to tackle rough sleeping, begging and street drinking in Clacton. Lessons learned from this work will support similar work in other towns in the District.

### **Equality and Diversity**

The strategy promotes a holistic approach to tackling homelessness in the District and emphasises the need to work with the most vulnerable members of our community, especially assisting households to maintain tenancies and identifying those most at risk of losing a tenancy.

### **Health Inequalities**

Homelessness and rough sleeping can have a catastrophic impact on the health and well-being of the individuals affected and our communities. Reducing homelessness and rough sleeping will assist the Council in improving the health and well-being of our communities and improve the lives of our most vulnerable households.

### **Ward**

All wards are covered

### **Consultation and Public Engagement**

In July 2019, the Council hosted a homelessness stakeholder event at Clacton Town Hall which was attended by representatives from central and local Government and the voluntary sector. Over 25 people attended the event and the feedback received from colleagues at the event helped to shape the four priorities in the strategy.

The strategy went out to wider public consultation in December 2019 and the consultation period was extended to allow presentations to community groups. The responses received were mainly positive and supported the priorities identified in the strategy.

The draft Homelessness Reduction and Rough Sleeping Strategy was presented to the Community Leadership Overview and Scrutiny Committee on 13<sup>th</sup> January 2020. The

Committee recommended to Cabinet that they have the opportunity to scrutinise the strategy and make recommendations to the Portfolio Holder as necessary.

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The Homelessness Reduction & Rough Sleeping Strategy has been drafted following the introduction of the Homelessness Reduction Act 2017. This has been the most significant change to homelessness administration and legislation since the first homelessness legislation was passed in 1977. This strategy has been developed to reduce homelessness and rough sleeping in the district at a time when homelessness has been increasing locally and nationally with associated social and financial costs.

The strategy sets out the national and local strategic setting for homelessness and the causes and demographics of homelessness in the District. It sets out the challenges the Council faces in tackling homelessness and rough sleeping and how homelessness is an issue that needs to be tackled in partnership with other agencies. The Council, as a community leader, can facilitate earlier prevention and better partnership working.

#### **BACKGROUND PAPERS FOR DECISION**

None

#### **APPENDICES**

Appendix 1 - Homelessness Reduction and Rough Sleeping Strategy 2020-2024



**HOMELESSNESS REDUCTION  
& ROUGH SLEEPING  
STRATEGY 2020-2024**



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# Foreword

## (Portfolio Holder for Housing)

Last year, I was privileged to attend a Homelessness Stakeholder event at Clacton Town Hall. It gave me an opportunity to meet representatives from the statutory and voluntary sectors as well as our specialist homelessness advisor from the Ministry and Housing, Communities and Local Government. The event highlighted the issues facing the district in terms of reducing homelessness and rough sleeping and how all agencies could work together to tackle one of the blights on our society. I was impressed by the commitment of all those attending the event to reduce homelessness in the district and I was especially impressed by the commitment and dedication of council staff to meeting the needs of people at risk of homelessness.

Homelessness is caused by a multitude of factors and affects all parts of our district. Whilst we are proud of our district and recognise it is a great place to live in, work in and visit, we have seen an increase in homelessness in recent years and the social and economic consequences that homelessness brings. The Council has a proud record of preventing and tackling homelessness but we recognise that we can do more. Our housing strategy sets out our plans to deliver more affordable and other housing over the next five years and the plans we have to deliver more homes will help us in tackling homelessness in our local communities. Whilst we all accept that housing is not just about bricks and mortar and that there is a need to approach housing and homelessness in a more holistic manner, we do need more accommodation in all sectors to help us reduce homelessness in the district and reduce the impact homelessness and rough sleeping has on our people and communities.

The Homelessness Reduction Act 2017 has brought more challenges and pressures on the Council and as a consequence we have all had to re-focus our efforts on how we tackle homelessness and rough sleeping. The legislation puts a strong emphasis on preventing homelessness and we accept there is a need to intervene earlier to prevent homelessness in the district. Whilst the legislation places duties on the Council to tackle homelessness, as a society, we all need to understand homelessness better and the reasons why it occurs. Educating our communities and stakeholders on homelessness and its impact on our communities is a key priority.

Reducing homelessness and rough sleeping requires a partnership approach and the Council, as a community leader, will facilitate and encourage agencies to work together with us to tackle homelessness and rough sleeping. We are fortunate that we have local stakeholders and agencies engaged with the Council to tackle these issues.

Rough sleeping remains an issue for the district and whilst the numbers of people sleeping rough are low compared to other areas, we recognise that we need to intervene quicker to respond to rough sleeping and more importantly, we need to do more to prevent it in the first place. We will implement any changes proposed by central government as part of its Rough Sleeping Strategy and ensure that the priorities in this strategy have a positive impact on our communities and our resident's lives. The Coronavirus pandemic has presented a number of challenges around homelessness and the Council has responded to guidance from central government and has had to adapt working practices accordingly. Whilst measures such as extending notice periods and suspending possession proceedings are welcomed, a partnership approach to tackling future homelessness will be more necessary than ever.

*Councillor Paul Honeywood* Page 173

Portfolio Holder for Housing





# Executive Summary

The Council is required by the Homelessness Act 2002 to review homelessness in its area and deliver a strategic approach to tackle, prevent and reduce homelessness and rough sleeping.

Tendring District Council is proud of its record of providing assistance and support to those residents who approach us for help because of homelessness. What is becoming clear is that it is increasingly difficult to assist residents approaching for help because of the increasing cost of accommodation, the lack of affordable housing in the district and the impact of welfare reforms on some of our most vulnerable residents. Homelessness can have catastrophic consequences, not only for the individual, but for their families and communities and the cost to society can be prohibitive. Homelessness can not only lead to a deterioration of physical and mental health, but can impact on an ability to gain and maintain employment and our children's educational attainment and life prospects.

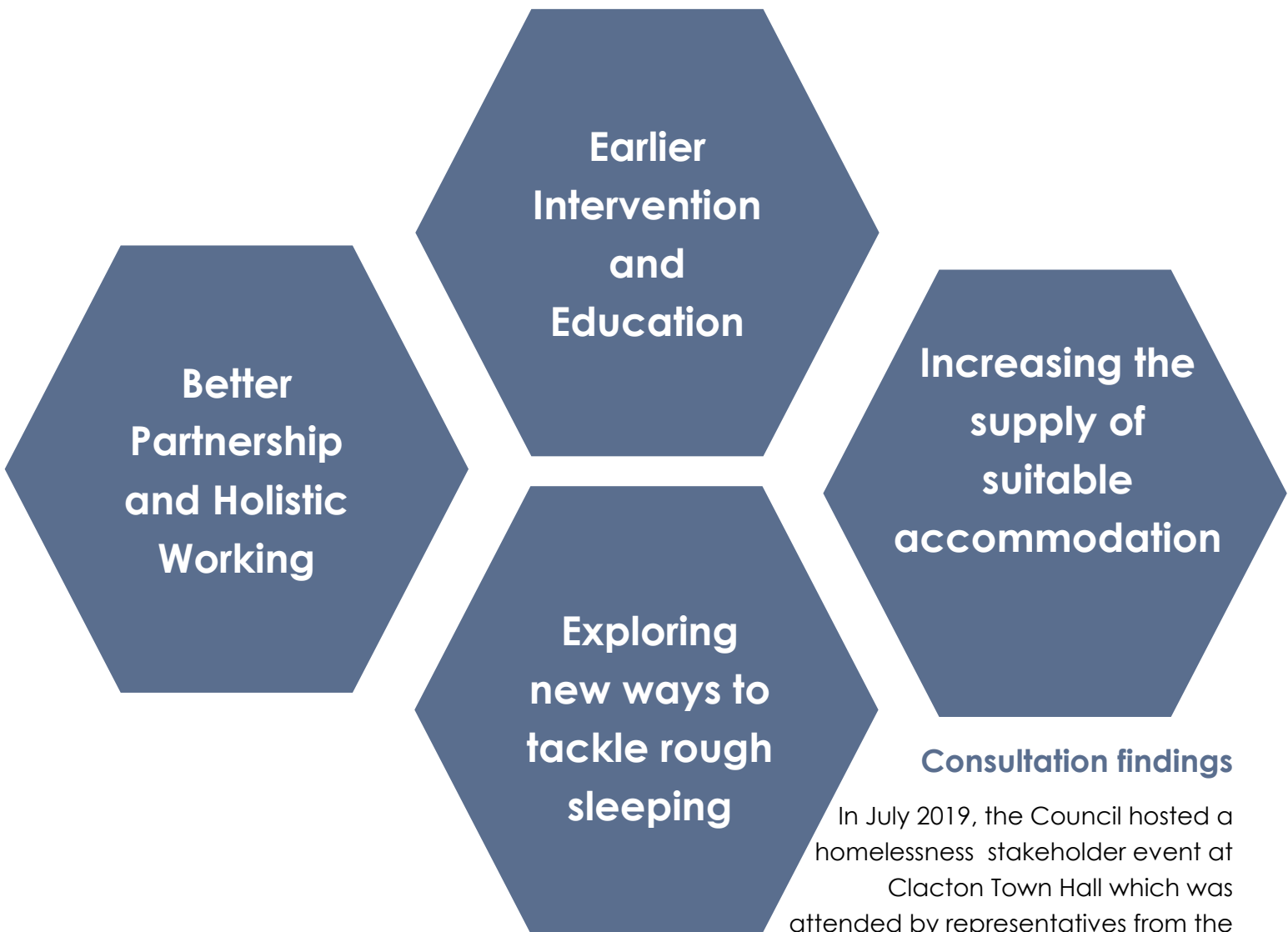
This Homelessness Reduction and Rough Sleeping Strategy has been developed following recent changes to the way local authorities assess homelessness and deliver services in their areas. The Homelessness Reduction Act 2017 made the most fundamental changes to homelessness legislation since 1977 and all local authorities have had to adapt and respond to these changes and the new challenges they have brought.

Whilst Tendring is a great place to live, work and visit, it has some distinct challenges which the Council needs to address. The district rates highly on the Index of Multiple Deprivation and in September 2019, Jaywick Sands was confirmed again by the Ministry of Housing, Communities and Local Government as the most deprived ward in England. Although Jaywick Sands is the most deprived area in the UK, other parts of the district suffer from deprivation and it is estimated that 1 in 7 people in the district live in a deprived area and 1 in 5 children in the district live in poverty.

Homelessness has increased in recent years and the number of households owed a homelessness duty and the number placed in temporary accommodation has increased significantly. Whilst the Homelessness Reduction Act 2017 placed additional burdens on the Council, it is the loss of and lack of suitable accommodation in the private sector and the cost of the private rented sector that is primarily responsible for the increase in demand. Rough sleeping is the most extreme form of homelessness and whilst the numbers sleeping rough in the district are low, the Council is keen to explore new methods of working with the most vulnerable homeless clients.

The Council will soon adopt a new Housing Strategy 2020-2025 for the district "Delivering Homes To Meet The Needs of Local People". The strategy will set out the Council's ambition to increase the number of affordable homes in the district over the next five years which will assist the Council in tackling homelessness in all parts of the district. The strategy can be viewed at [www.tendringdc.gov.uk/housing/strategies-and-policies](http://www.tendringdc.gov.uk/housing/strategies-and-policies)

Whilst the housing strategy sets out the Council's ambitions for the housing market in the district, this strategy will specifically focus on reducing homelessness and ending rough sleeping. In order to meet these challenges, the Council has identified four key priorities for reducing homelessness and rough sleeping as follows:



#### **Consultation findings**

In July 2019, the Council hosted a homelessness stakeholder event at Clacton Town Hall which was attended by representatives from the statutory and voluntary sectors in the

district as well as the Portfolio Holder for Housing. We

welcomed our specialist advisor from the Ministry of Housing, Communities and Local Government who gave a talk on the impact of the Homelessness Reduction Act 2017: "One Year On" and a presentation was given on the Council's draft Housing Strategy. Over 25 people attended the event and they were asked to feedback on what they felt the priorities should be for the Council in drafting this strategy. The feedback given by the agencies attending the event has helped shape the priorities in this Homelessness Reduction and Rough Sleeping Strategy. The Homelessness Reduction and Rough Sleeping Strategy

went out to public consultation at the end of December 2019 for a period of six weeks. The consultation period was extended to allow presentations to community groups who requested more detail on the priorities identified in the strategy. The consultation responses received were mainly positive and supported the priorities identified in the strategy. The draft strategy was presented to the Community Leadership Overview and Scrutiny Committee on 13th January 2020. The Committee recommended to Cabinet that they have the opportunity to scrutinise the strategy and make recommendations to the Portfolio Holder for Housing.



# Part 1 – Homelessness

Homelessness has become a higher profile issue in recent years. In August 2018, the Government issued its Rough Sleeping Strategy committing to halve rough sleeping by 2022 and to end it altogether by 2027. Homelessness continues to increase nationally, regionally, and in the Tendring district as well. The number of households accepted for a full housing duty by the Council in 2013/14 was 24 and this increased to 102 in 2017/18. The Council regularly provides data to central government on homelessness activity in the district, but the data does not provide a total overview of homelessness in the area.

For a lot of people, the obvious expression of homelessness is rough sleeping but this does not necessarily define what homelessness means. Homelessness is defined in legislation, specifically the Housing Act 1996 (as amended), but it is important to acknowledge that homelessness comes in many forms and often a lot of homelessness is hidden from society. Expressions like “sofa surfing” are now commonly used but it does not alter the fact that a “sofa surfer” is a person without a home to call their own. The same would apply to the family who has had to move in with relatives because they lost their last settled accommodation or the household who has accommodation but cannot remain in their home because it is not safe to do so. The definition of homelessness is, therefore, complex.

## **Homelessness Reduction Act**

The Homelessness Reduction Act 2017 brought in the most fundamental changes to the homelessness legislation in a generation. The changes brought in by the Act can be summarised as follows:

- Changed the definition of threatened with homelessness from 28 days to 56 days
- Required the Council to assess the reasons for homelessness as well as the client’s housing and wider support needs.
- Required the Council to agree a personalised housing plan with the client setting out the steps the Council and the client would take to prevent or relieve their homelessness
- The act introduced a new “prevention” and “relief” duty which requires the Council to proactively help clients to remain in their homes or support them to move to alternative accommodation.
- The “prevention duty” aims to prevent a client threatened with homelessness from becoming homeless. The Council must take steps to help the client to remain in their home or move seamlessly to alternative accommodation before the loss of the home. The duty lasts for 56 days but may be extended if the Council continues with efforts to prevent homelessness.
- The “relief duty” is owed to all households who are homeless and need help to secure accommodation. The duty lasts for 56 days and can only be extended by the Council if the client does not qualify for the main homelessness duty.
- Specified public authorities are now required to refer anyone they consider to be threatened with homelessness within 56 days or homeless to the Council under what is called the “duty to refer”
- The Council is required to provide more detailed data to central government on homelessness activity to facilitate future policy development.
- A new code of guidance for local authorities was issued to local authorities in February 2018 which Council's must have regard to in exercising their functions under the homelessness legislation.



## The impact of the Homelessness Reduction Act on the Council

There is no doubt that the Homelessness Reduction Act 2017 positively intended to focus local authorities to prevent and relieve homelessness in their areas. Following the introduction of the Homelessness Act 2002, the Council adopted a preventative approach to tackling homelessness in the district. The Council always kept its core homelessness assessment and housing options service in house and offered advice and assistance to all members of the community who approached for advice and assistance. Households who were assessed as not being owed a duty with accommodation such as those not in "priority need" or those found to be "intentionally homeless" were still offered advice and financial assistance to find accommodation to prevent or relieve their homelessness.

The introduction of the Homelessness Reduction Act 2017 meant that the Council had to fundamentally review its housing options and homelessness service and the following changes were adopted:



Whilst the numbers approaching the Council for assistance have remained constant, the provisions of legislation have meant that more in-depth casework is required with each client. There is also no doubt that the legislation created extra financial burdens on the Council and we were assisted with extra funding by central government as a result.



## **Welfare Reform**

The Welfare and Work Reform Act 2012 introduced a number of measures to reduce the level of benefit payable to low income households and households reliant on benefits. The changes have put a limit on the amount of benefit payable towards housing costs at a time when, especially in the private sector, housing costs have increased and continue to increase. This leaves many low income households struggling to pay their housing costs. In terms of homelessness, some of the most significant measures have been as follows:

### **Benefit Cap**

The benefit cap restricts the maximum amount of benefit a household can receive. The cap in Tendring is now £20,000 per annum for families and £13,400 for single people. The cap does not apply to households where the claimant works at least 16 hours per week or receives certain disability benefits.

### **Social Sector Size Criteria**

Commonly referred to as the "bedroom tax". It applies a benefit reduction for council and other registered provider tenants who are of working age and who are deemed to have a spare bedroom or more. The Council's Housing Allocations Policy gives a high priority to households affected to move to smaller accommodation but the lack of affordable housing in the district does not necessarily provide a speedy solution for those affected.

### **Local Housing Allowance**

Local Housing Allowance (LHA) is the maximum level of housing benefit that can be claimed in the private sector in a local area. The LHA rates were capped in April 2016 for four years which means that as rents have increased in the private sector, the level of benefit has remained constant. This has meant that private accommodation has become unaffordable for lower income households and contributed to an increase in homelessness.

## **The shared room rate**

Single people under the age of 35 can only claim the shared accommodation rate in the private sector. This means that they can only receive £71.34 per week in this district, even if they live in self-contained accommodation. There are exemptions in place for households in specific circumstances such as those in supported accommodation, those who have recently left care and those in receipt of certain disability payments.

## **Universal Credit**

Universal Credit (UC) was rolled out during the Summer of 2018. It changed a number of benefits (including housing benefit and local housing allowance), that were previously claimed separately and paid weekly. Claimants are now paid monthly instead of weekly and locally, tenants who have moved onto UC have faced significant delays in their housing costs being paid which has increased homelessness.

## **Rent reduction**

The Council (as a stock retained landlord) and other registered providers were required to reduce rents by 1% each year for a period of 4 years from April 2016. Whilst this reduced the benefit bill nationally, it severely impacted on the Council's ability to deliver new council housing in the district at a time when homelessness was increasing and when new affordable homes were desperately needed.

## **Other legislation:**

### **Part VII Housing Act 1996**

This is the legislation that sets out the Council's responsibilities to those who are homeless or threatened with homelessness. It has since been amended by the Homelessness Act 2002, Localism Act 2011 and Homelessness Reduction Act 2017.

### **Homelessness Act 2002**

This is the legislation that requires the Council to adopt a homelessness strategy for its area. It also changed provisions relation to the housing register and allocations.

## **Equality Act 2010**

The act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It protects individuals with designated "protected characteristics" from discrimination and the Council must have regard to the Act in exercising its functions.

## **Localism Act 2011**

The act gave local authorities the power to set their own eligibility criteria on their housing registers in relation to residency requirements. The legislation also gave the Council the power to end its main housing duty to the homeless by arranging a suitable offer of accommodation in the private sector.

## **Care Act 2014**

This legislation requires the Council to promote well-being when carrying out our care or support functions when working with clients. The act specifically refers to the suitability of living accommodation and as such, the Council must have regard to the suitability of a client's living accommodation in line with the act.

## **De-regulation Act 2015**

This act prevents landlords from serving notices in retaliation for complaints made about the condition of the tenant's property. It also amended the rules regarding the validity of notices requiring possession and requires landlords to prove they have complied with statutory requirements if they wish to evict their tenants.

## **Tenants Fees Act 2019**

This act prevented the charging of fees by landlords and agents to tenants seeking or looking to renew accommodation and only allows fees to be charged as prescribed by the act.

## **The Pledge to End Rough Sleeping**

The Government adopted a Rough Sleeping Strategy in August 2018. The Government pledged to halve rough sleeping by 2022 (the end of that Parliament) and to end rough sleeping altogether by 2027. £27 million of

funding was committed to fund Housing First models in the cities of Liverpool Manchester and the West Midlands. The strategy is centred around three core pillars, **Prevention, Intervention & Recovery**. Since 2010, the numbers of people sleeping rough has increased nationally by 165% despite a drop of 2% in the last twelve months. We await the results of the evaluation of the Housing First models but it is anticipated that local authorities will be required to adopt a Housing First or similar model in the future as the model was first developed in Finland where it proved very successful in tackling rough sleeping.

## **Coronavirus Act 2020**

The Coronavirus Act 2020 has brought in a number of measures that will impact on homelessness and the government has issued a wide variety of guidance to local councils regarding homelessness and housing. In Schedule 29 of the Act, the government has legislated to:

- Extend notice periods to at least 3 months for most tenancies
- Suspended possession proceedings for rented and mortgaged accommodation for a period of 90 days.
- Issued a temporary ban on mortgage repossessions and homeowners can request a 3 month payment holiday

Separate regulations have also temporarily revoked the minimum income floor for self-employed people who need to apply for Universal Credit as a consequence of the pandemic and have increased Local Housing Allowance rates so that they are guaranteed to cover at least 30 per cent of local market rates.

In a letter to all local authorities dated 26th March 2020, the Ministry of Housing, Communities & Local Government asked local authorities to urgently procure accommodation for people living on the streets and ensure that appropriate support is in place to prevent the spread of Covid-19 for this client group.

## Part 2 - The local strategic setting

There are a number of local strategic documents which have been developed which will impact on this strategy. These include

### **Corporate Plan 2020-2024**

The Council adopted a new Corporate Plan 2020-2024 in January 2020. The vision puts community leadership at the heart of everything we do through the delivery of high quality, affordable services and working positively with others and Tending4 Growth, a whole-council ethos to promote and support economic growth in the district.

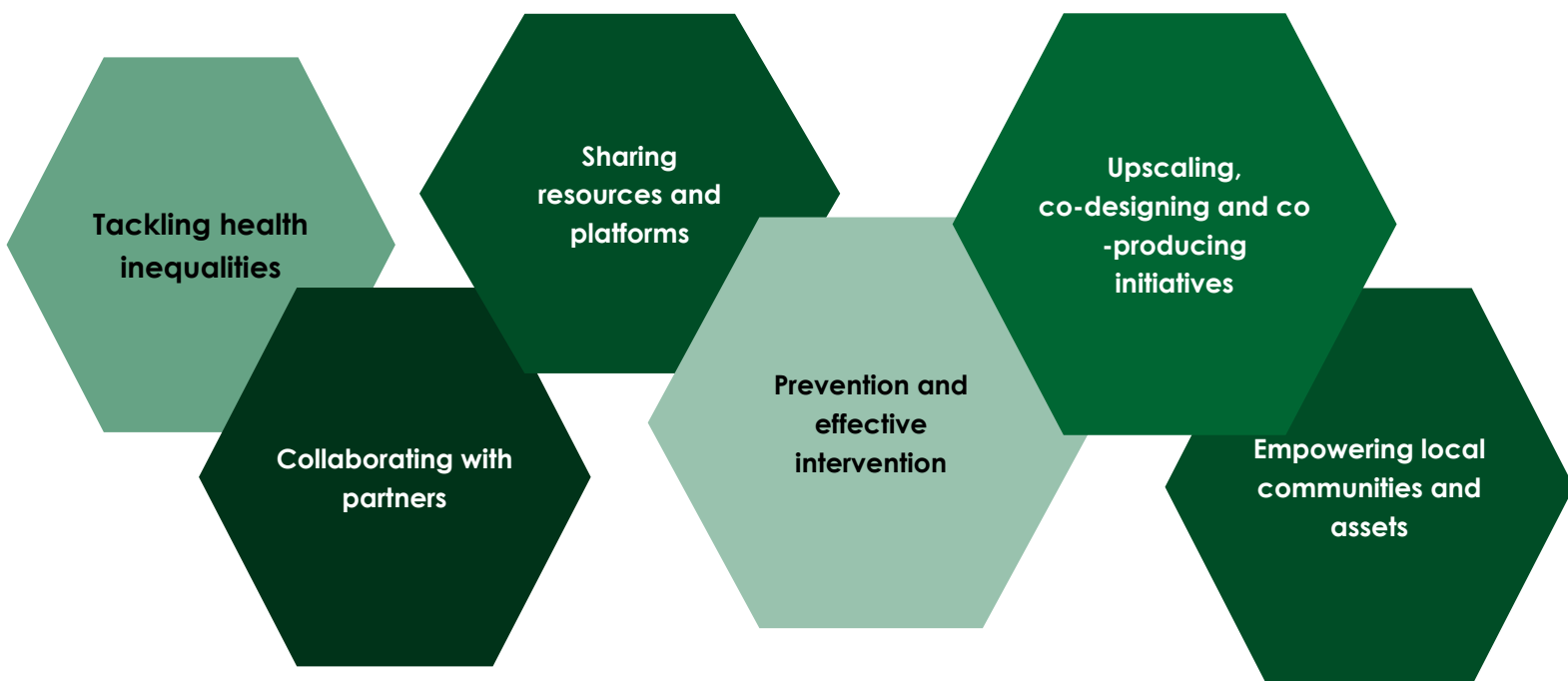
The Corporate Plan sets out ambitions in five key areas:

- Delivering high quality services
- Community leadership through partnerships
- Building sustainable communities for the future
- Strong finance and governance and;
- A growing and inclusive economy

As a community leader, the Council will deliver high quality affordable services and work positively with others including partnership working on education, health, community safety and housing.

### **Tending Health & Well-being Strategy 2018-20**

The Tending Health and Well-being Strategy 2018-20 sets out a partnership approach to tackling pressing health issues in the district. It seeks to build on existing good work to ensure improved health outcomes for our communities. The core strategic principles set out in the strategy are:



The Council recognises that good, decent affordable housing and tackling and reducing homelessness and rough sleeping can improve health outcomes for our communities.

## **Livewell Essex**

Livewell is a campaign designed to engage communities, families and individuals with the aim of providing information about all that is on offer in Essex to improve health and wellbeing.

All Essex Local Authorities and our partners have come together to collaborate on the health and well-being agenda and work towards achieving better health outcomes for people across the district.

Livewell is comprised of 6 key themes including:

**startwell** - Giving children the best start in life. Endeavors to help families have the best start in life.

**bewell** - People of all ages, shapes, sizes and abilities can benefit from being physically active. Encourages more people to undertake regular physical activity, which will in turn produce longer term health benefits.

**eatwell** - Healthy eating means consuming the right type and quantity of food from all food groups in order to lead a healthy life. Raising awareness across the district about healthier eating.

**feelwell** - A state of mental wellbeing in which every individual realises his or her potential and can cope with the normal stresses of life.

**staywell** - Clinical wellbeing, a state of health. Working together with the community and professionals to ensure our residents have access to the best clinical services.

**agewell** - Plan now for the future, for a healthier retirement. Endeavors to encourage people to look at improving their health and wellbeing now, to be able to lead a better quality of life in the future.

### **Revised Housing Allocations Policy 2019**

The Council has revised its Housing Allocations Policy, first adopted in November 2013, to ensure that households owed a prevention, relief or main housing duty are awarded priority on the housing register. The revisions to the policy have also taken on board changes

in guidance and case law so that households owed a main housing duty are not required to meet the residency requirement of three years which has been in place since the original policy was adopted in November 2013. The Government's Domestic Abuse Bill recently had its second reading in Parliament and will place new duties on council's to offer support to victims of domestic abuse. It is anticipated that further changes to the Housing Allocations Policy will be required once this legislation takes effect.

### **Essex Prevents**

Essex Prevents is an initiative by Essex County Council, in partnership with borough and district councils, which is designed to foster a county-wide approach to tackling and reducing homelessness across the county. The project aims to:

- Recognise those groups most at risk of homelessness to develop earlier intervention and prevention
- Improve communication and understanding between partners to reduce risks and improve outcomes for all involved, e.g. multi-agency training, pooling resources and protocols
- Open, honest, transparent services that enable people to take responsibility, make considered choices and manage expectations
- Improve the flow of information and management of cases, removing duplication and streamlining the way we work between organisations
- Improve the understanding and prioritisation of the commissioning of support services between organisations that prevent homelessness
- Tackling the perception and stigma of homelessness and affordable housing by collectively identifying need throughout Essex
- Using the information we collate to drive changes to organisational plans and lobby collectively for improvements to wider policy such as welfare reform, social care and local plans.



The County Council has also worked in partnership with district and borough council's to develop protocols for 16/17 year olds who are homeless and families with children who are intentionally homeless. **The County Council, with other district and borough councils, recently signed a joint protocol across Essex for people being released from custody.**

## Part 3 – Our District

The Tendring district has an area of approximately 130 square miles with a coastline of 60 kilometres. The district is in North East Essex and borders Suffolk to the North as well as being approximately 70 miles from London. The district consists of a number of coastal and riverside towns and a largely rural heartland.

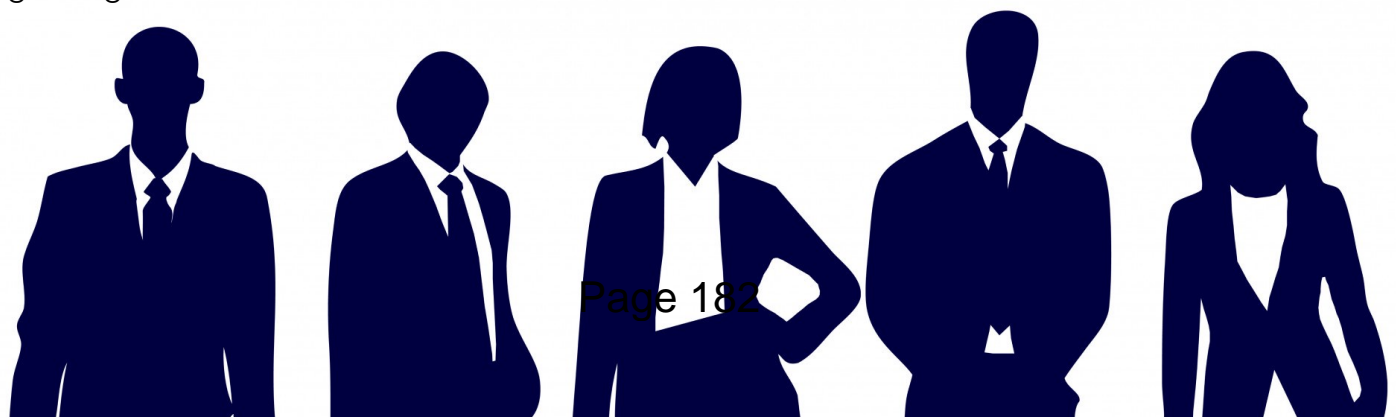
The largest urban area is Clacton-on-Sea. Tendring is also home to the international port of Harwich and the coastal towns of Frinton-on-Sea and Walton-on-the-Naze. The district contains the historic port of Brightlingsea and also Manningtree which borders Suffolk on the Stour Estuary. Our rural heartland contains many distinctive villages and hamlets of varying size.

### **Social indicators**

Tendring has a higher than average number of households who are claiming benefits or who constitute workless households. This is not surprising given the pockets of deprivation in the district. The number of unemployed households in the district is estimated to be 5.3% of the population compared to 3.6% for the rest of the East of England and 4.2% nationally. The district also has concentrated areas of multi-generational worklessness. There are 6,800 workless households that have a child under the age of 16 which is the highest number in Essex. 12% of children under the age of 16 live in a workless household. 24% of children in the district live in a low income family which is the highest percentage in the county.

Tendring suffers particularly from health inequalities, especially in its most deprived communities. A high proportion of the district's population (67.5% of adults) are classified as overweight or obese and the district has the highest level of physically inactive adults in the county. Mental health and wellbeing is another concern in the district. Tendring has one of the highest suicide rates in the country (it was ranked 4th out of 324 districts in England in 2015/16) and also has higher than average admissions to hospital for alcohol-related harm. Tendring has a high prevalence of mental health disorders in children, which is not surprising given the high levels of child poverty and deprivation in the district. Mental health disorders in children have an impact on educational attainment and Tendring generally ranks poorly compared to the rest of Essex in terms of educational attainment.

Earnings in Tendring are lower than the regional average with the mean earned income for someone in employment being £28,116 per annum. The average household income for the district per annum is £29,071. As local housing allowance rates were frozen until 2020 and rents in the private sector continue to increase, the private sector has become unaffordable for a growing number of households.



## **Housing need & demand**

The Council has a housing register which is used to allocate council and other registered provider accommodation. The housing register also gives an indication of the need for housing in the district. In November 2013, the Council adopted a new Housing Allocations Policy which introduced a residency requirement for households seeking to join the housing register. It is now a requirement that a person resides in the district for at least 3 years before applying for housing and that they have an assessed housing need. There are some exceptions to this rule prescribed by statute.

As at 1st March 2020, there were 1898 households on the housing register. The bedroom need is broken down as follows:

1 bedroom	927 households	49%
2 bedroom	505 households	27%
3 bedroom	318 households	17%
4 bedroom	118 households	6%
5 bedroom +	30 households	1%

The demand for housing is clearly weighted towards 1 bedroom accommodation. However, of the 927 households registered for 1 bedroom accommodation, 491 (53%) are households over the age of 60. This demonstrates that there is a need to address the housing needs of our older population especially as the trend will be for people to live longer and that one bedroom accommodation should be accessible and designed to meet long-term disabilities.

493 households (26%) on the housing register have a physical or mental health condition made worse by their housing. Furthermore, the number of employed households on the housing register has increased year on year from when the Housing Allocations Policy was adopted and 14% (265 households) have an adult member in employment. This is an indication of the difficulties in accessing home ownership in the district as households who would like to buy a home see affordable rented housing as their only option.

## **Our housing market**

The housing market in Tendring is dominated by owner-occupied accommodation. The most recent Strategic Housing Market Assessment published in December 2015 stated that the tenure breakdown in the district was as follows:

Tenure	Number of households	Approx. %
Owner-occupation	44,569	70%
Private rented	12,968	20%
Social/affordable rent	5,623	9%
Shared ownership	79	1%

In terms of the rental market, it is demonstrated that the private rented sector is currently the key player in terms of choice and availability. The number of social/affordable rented homes is much lower than other districts/boroughs in the Housing Market Area (Braintree, Chelmsford & Colchester). The number of shared ownership homes is very low compared to other areas.

Whilst the private rented sector is the key player in terms of choice and availability, the private rented sector in Tendring suffers from condition and repair issues. According to the Department of Business, Energy & Industrial Strategy, 10.6% of households in the district live in fuel poverty which impacts on their health and well-being. It is estimated that 21% of the homes in the district contain a Category 1 Hazard as defined in the Housing Health and Safety Rating System and that the cost of treating these hazards would be approximately £49m. Furthermore, treating and remedying these hazards would save the NHS approximately £2.3m per year. The Council believes that good health starts at home regardless of tenure or sector. 30% of homes in the district have an EPC rating of E or below and are therefore classed as sub-standard.

As at 31<sup>st</sup> March 2019, there were 5558 affordable rented homes in the district. 3134 are owned by the council and 2424 are owned by other registered providers (housing associations). Of the 2424 properties are owned by other registered providers, 509 are let through the Seaside and County Homes Scheme and are homes built by the former Greater London Council for retired people living in the London Boroughs. They are therefore not available to households living locally and this reduces the potential pool of properties available.

Bedroom	Council	Registered Provider
1 bed	1191	748
2 bed	1034	953
3 bed	897	663
4 bed	9	55
5 bed +	3	5

### **Affordable housing delivery**

The number of affordable homes delivered in the district in the last five financial years has been exceedingly low. The number of homes delivered has been as follows:

Year	Number of homes delivered
2015-16	33
2016-17	5
2017-18	38
2018-19	8
2019-20	81
Total	165





The low delivery of affordable housing in recent years means it is crucial to maximise the number of affordable homes in future years. The most recent Strategic Housing Market Assessment has calculated that the district needs 550 homes per annum, of which 30% (165 homes per annum) should be affordable homes. 10 custom built homes are under construction in Jaywick Sands (5 for rent and 5 homes for discounted sale) and **the Council aspires to deliver a further 200 homes in the district over the next 5 years (a further 100 in Jaywick Sands and 100 in other parts of the district) to help tackle homelessness.** There are a further 162 homes due to be gifted to the Council by 2024. The number of new affordable homes will increase significantly over the course of this strategy and will be a key factor in reducing homelessness and rough sleeping in the district.



*Tendrings*

## Part 4 – Homelessness Review

The causes of homelessness are complex and in developing services to tackle homelessness, it is essential to understand current and future levels of homelessness and the links between the various factors which impact on and create homelessness. In reviewing the levels of homelessness in the district, the Council has had regard to various sources of data, such as data published by central government (census and other data published by the Office of National Statistics and data published by the MHCLG) as well as the data we hold locally on homelessness and housing demand set out earlier in this document. It is this review and the findings below on homelessness data that have informed the strategic priorities for this strategy.

It is important to recognise that, before the introduction of the Homelessness Reduction Act 2017, the Council only analysed the causes of homelessness for cases where a formal homelessness application was made as this was the requirement from central government at that time.

### **Main causes of homelessness data before the Homelessness Reduction Act 2017**

The data prior to the Homelessness Reduction Act shows us that homelessness was increasing in the district prior to the Act coming into force. The ending of a tenancy in the private sector was the main cause of homelessness.

Year	Ending of private rented tenancy	Non-violent relationship breakdown	Parental/Family Eviction	Violence/harassment (including domestic violence and other violence)
2014/15	14	12	12	37
2015/16	20	10	25	27
2016/17	115	18	46	57
2017/18	124	18	49	48

Although they are not the main causes of homelessness, there are two causes of homelessness which consistently create problems for the Housing Solutions team, namely people being discharged from hospital or the care sector at short notice who cannot return home and people being asked to leave caravan/chalet parks because of seasonal restrictions on occupancy or because of site licensing breaches. The Council will work with partners to establish protocols around hospital and care home discharges and explore ways to work with caravan/chalet site owners to prevent breaches of site occupancy rules.

### **Homelessness prevention cases before the Homelessness Reduction Act 2017**

Homelessness prevention can take many forms. Examples include mediation with families or mediation between landlord and tenants to resolve tenancy disputes. It can also include some financial assistance to resolve arrears problems along with debt advice as well as providing security and safety measures in a property where the occupier is at risk but wishes to remain in their home. Homelessness prevention would also include assisting someone to move to alternative accommodation before they become homeless, for example, by providing help with a deposit.

Year	Homelessness Preventions
2014/15	402
2015/16	351
2016/17	321
2017/18	311

The number of homelessness prevention cases has decreased each year over the four year period. The decrease is attributed to the lack of opportunities to assist households to access private rented accommodation, welfare reforms, increasing rents and the freezing of local housing allowance.

### **Homelessness Applications and Duties before the Homelessness Reduction Act 2017**

The number of applications and acceptances of the full housing duty shows that homelessness has increased and that the difficulties in assisting households to remain in or move into the private rented sector has been the key factor in increasing homelessness locally.

Year	Homelessness Applications	Full Duty acceptances
2014/15	137	50
2015/16	159	54
2016/17	288	92
2017/18	308	102

### **Temporary accommodation placements before the Homelessness Reduction Act 2017**

Year	Placements in B&B/Other nightly paid accommodation	Placements in council/other provider stock as temporary accommodation
2014/15	57	42
2015/16	91	46
2016/17	154	73
2017/18	182	86

The numbers placed in emergency and temporary accommodation increased significantly in the four years before the implementation of the Homelessness Reduction Act.

### **Household types making homelessness applications before the Homelessness Reduction Act 2017**

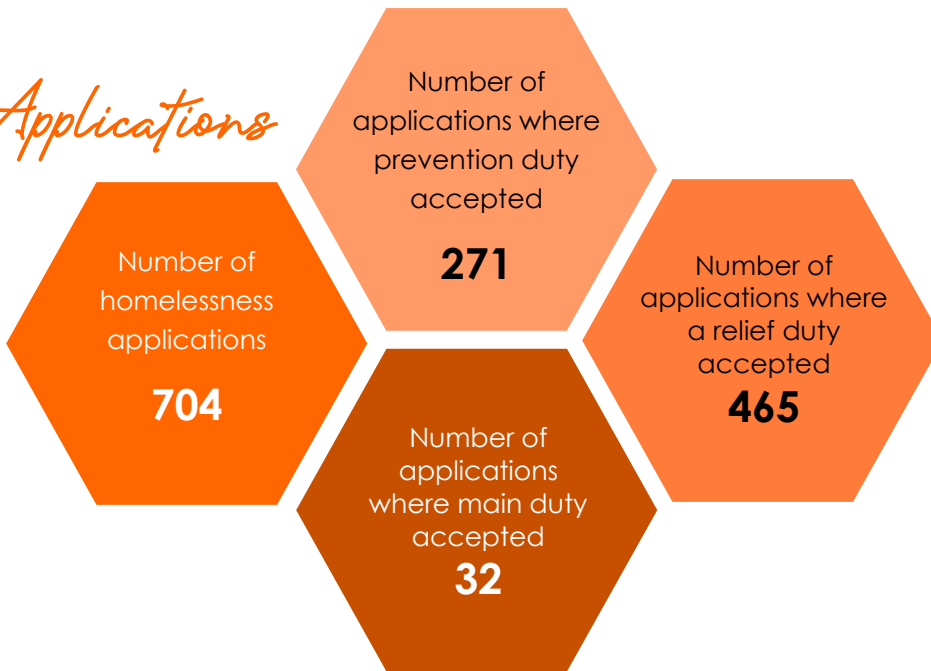
Year	Households with children	Single people	Other Household types
2014/15	84	45	8
2015/16	91	57	11
2016/17	166	100	22
2017/18	176	112	20

This data shows again that homelessness was increasing in the district prior to the introduction of the Homelessness Reduction Act 2017 and was affecting all members of our community.

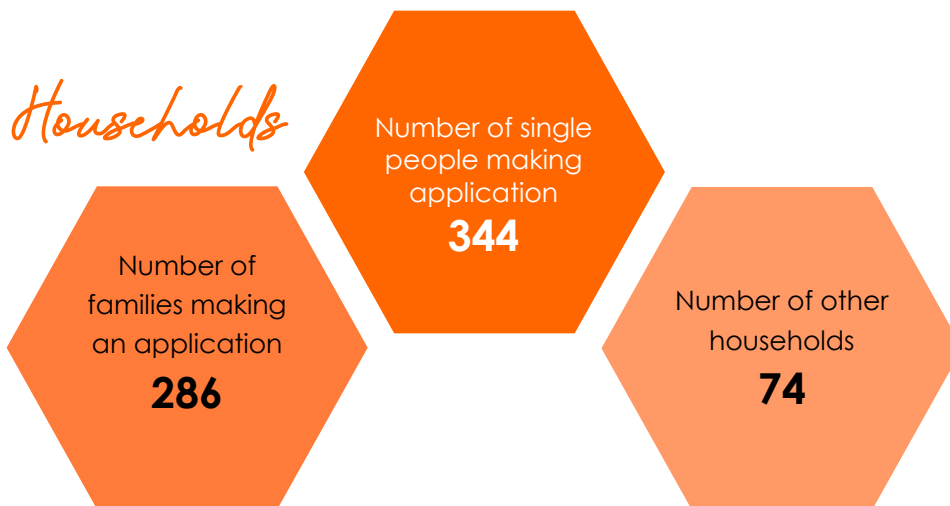


*Main Causes*

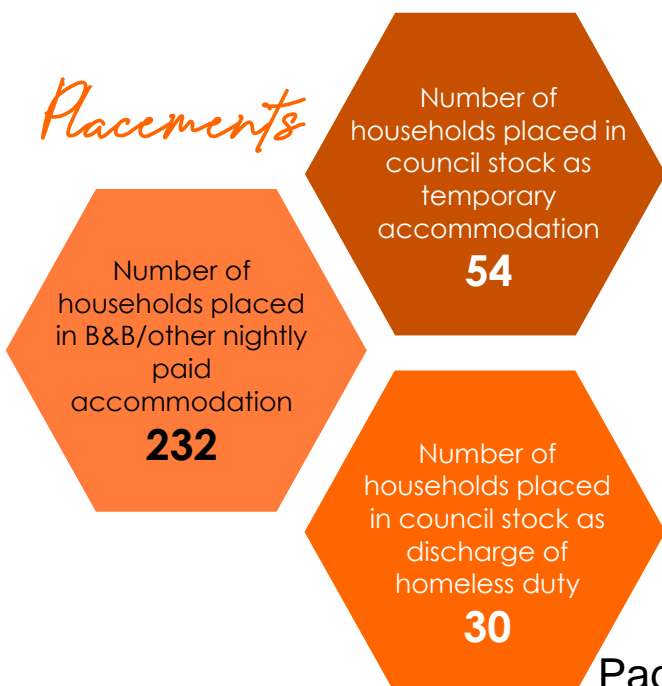
*Applications*



*Households*



*Placements*





It is not surprising that the number of applications to the Council has increased. The reason for this is the fact that the definition of threatened homelessness is now triggered at 56 days as opposed to 28 days. Before the introduction of the Act, the council would be approached by households before they were formally threatened with homelessness and they would be provided with advice on their options and the council would attempt to prevent their homelessness. If they are now threatened with homelessness within 56 days, the council must treat the approach as a formal application and must take steps to prevent the homelessness (part of which is to agree a personalised housing plan with the household).

It is also noticeable that since the Homelessness Reduction Act was passed, the number of single people seeking assistance has overtaken the number of families seeking assistance. Again, this is indicative of the fact that the Act requires a formal application to be taken and is primarily one of the mischiefs that the Act was designed to eliminate and will help address potential rough sleeping.

The number of households placed in B&B or other nightly paid accommodation has increased significantly which would indicate the difficulties both the Council and clients have in sourcing accommodation in the current market. Although the Act has fundamentally changed the way the Council has to tackle homelessness, there is no doubt that loss of and sourcing private or other accommodation is a major concern and this is an area where the Council needs to focus its activity over the next five years.

### **Duty to Refer**

One of the fundamental changes brought in by the Homelessness Reduction Act 2017 was the "duty to refer" placed on other public authorities to make the local authority aware of a client or service user who was threatened with homelessness within 56 days. The number of referrals received by the Council from 1st October 2018 - 30<sup>th</sup> September 2019 and from which sector are as follows:

Referral Source	Number of Referrals
Dept. of Works & Pensions/Job Centre Plus	86
Prison Service	61
Hospitals	43
Probation Service	17
Leaving & After Care	8
Other housing provider	8
Rough sleeping charities	3
Other local authorities	2
Forces charities	1
Total	229

The Council's view is that whilst the duty to refer is an important tool in helping to prevent homelessness, there needs to be a better understanding of this duty and awareness of homelessness and that it should be expanded, locally, to include other partners (especially private landlords). Although the Council cannot impose a duty on other non-public bodies, it can certainly encourage partners and stakeholders to make the authority aware of potential and preventable homelessness in its area.

## Rough Sleeping Data

Each year, the Council provides data to the MHCLG on the number of rough sleepers in the district. The Council can either do a formal count on a single night or can provide an estimate, again based on a single night in Autumn. The Council has provided an estimate for the last five years and has worked with faith groups and other statutory and voluntary partners to arrive at robust estimates verified by Homeless Link. The numbers submitted to the MHCLG for the last five years are as follows:

Year	Estimated number of rough sleepers
December 2015	7
December 2016	5
December 2017	6
December 2018	6
December 2019	5

Although these figures are relatively low, it is unacceptable that any person should have to sleep rough in the 21st century and therefore the Council will develop services to address rough sleeping and will embrace any recommendations made following the Housing First pilots. In October 2017, following a successful joint bid with Colchester Borough Council, we were able to appoint an Early Response Rough Sleeping Co-Ordinator on a fixed term contract to help tackle rough sleeping in the district and develop new services for rough sleepers.

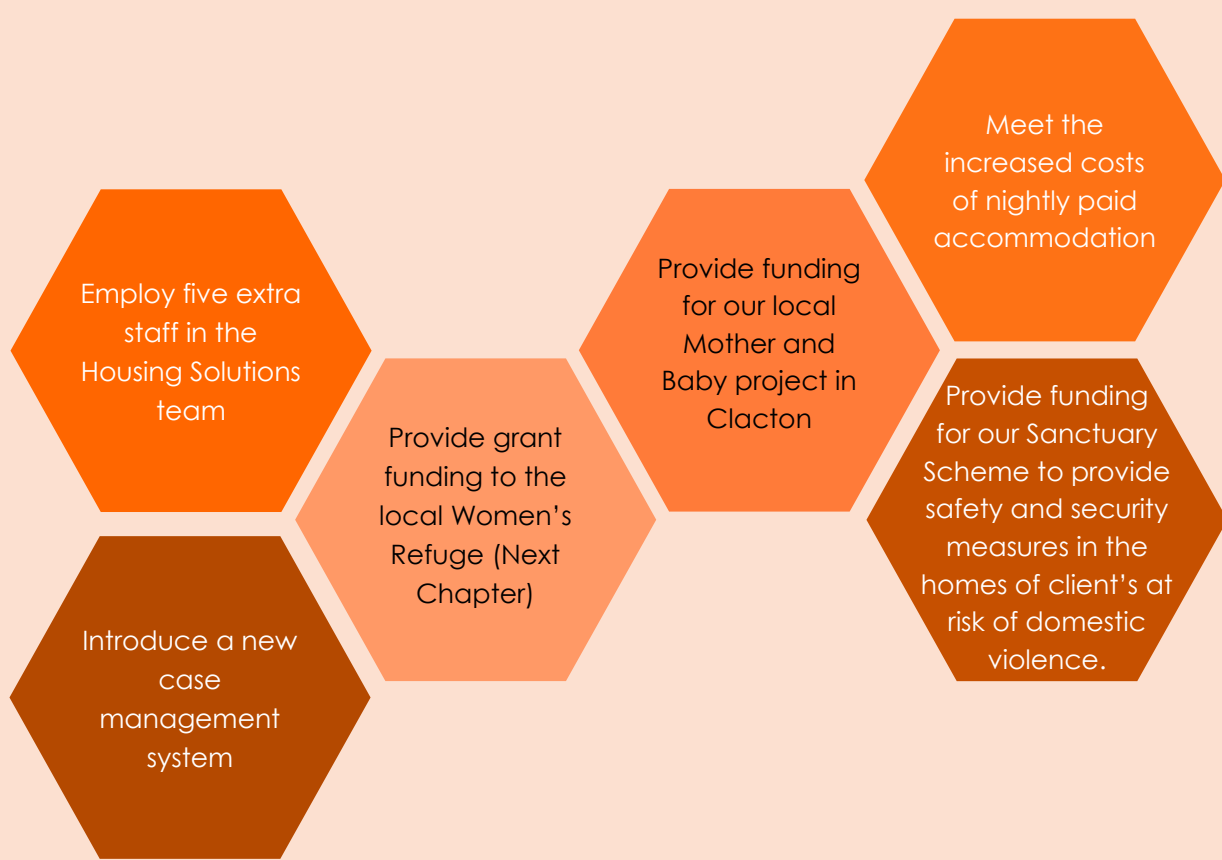
## Homelessness Costs

The impact homelessness can have on an individual, family or community is huge, especially for children. Homelessness is closely linked with other complex and chaotic life experiences, mental health problems, addiction, time spent in prison and the care system and violence. The LGA's report "The Impact of Homelessness on Health" published in September 2017 confirms that homeless households are more likely to experience health inequalities, and poorer health and well-being.

The financial costs to the Council in combatting homelessness have increased dramatically in recent years. In 2014/15, the Council spent £71,382 on nightly paid accommodation. In 2018/19, these costs had risen to £459,265! This is not unique for the Council as nationally, the Local Government Association has reported that spending on nightly paid accommodation has risen from £10.6m in 2009/10 to £93.3m in 2018/19. It is therefore essential that the Council looks to provide cheaper, better and more affordable accommodation as an alternative to nightly paid accommodation. The Council must look at a range of models to deliver accommodation such as working with private investors to deliver housing in the district on leaseback models and using our expertise as landlord to procure and manage accommodation on behalf of other landlords. The Early Response Rough Sleeping Co-ordinator left the Council's employment in January 2020 and commissioning a new service is one of the strategic priorities in this strategy. In January 2020, the Council received £72,485 from the MHCLG to assist in tackling rough sleeping in the district.

The Council has been fortunate to receive funding from the MHCLG to help meet the costs of homelessness in the district and in the run up to the introduction of the Homelessness Reduction Act 2017, the amount of funding received increased significantly. Between 2017/19 and 2019/20, the Council will have received just over £1m in Flexible Homelessness Support Grant as well as £272,655 New Burdens funding from the MHCLG. The funding has been used to:

(see on next page)



The Council received £666,189 from the MHCLG in April 2020 to help reduce homelessness and end rough sleeping in the district in the next twelve months.

The Council also uses its Discretionary Housing Payment (DHP) Fund to help tackle homelessness in the district. The fund is administered by the Benefits and Revenues Team but they work in partnership with the Housing Solutions team to assist people with housing and other related costs. In 2019/20, the Council spent 99.96% of its fund of £402,811 and of this figure, £244,035 was approved for spending by the Housing Solutions team. The Discretionary Housing Payment Fund allocation for 2020/21 is £579,037.

At a meeting of the full Council in February 2020, a motion was passed to recruit a Housing Early Intervention Officer on a three year contract to support families in critical need when faced with difficult circumstances such as homelessness. This post will sit in the Housing Solutions team and will be a valuable resource to assist the Council to prevent homelessness for some of our most vulnerable households.

The Council realises that it cannot end homelessness on its own and works in partnership with other agencies. In the last year, the Housing Solutions team has worked closely with the Peabody floating support service to meet the housing needs of vulnerable residents in the district. The Council sits on the local Community

Forum which meets to address the needs of the most vulnerable households in Clacton. The Council also sits on the Essex Homelessness Officers Liaison Group and has worked in partnership with the group in recent years to establish county-wide protocols for intentionally homeless families, homeless 16-17 year olds and offenders released from prison.

At the time of writing this strategy, the UK has been affected by the Coronavirus (Covid-19) pandemic. As a consequence, the Housing Solutions Team has had to adapt its working practices at a time of social distancing. A new on-line portal has been adapted with our IT provider so that clients and agencies can contact the authority and make an application for assistance without the need for face-to-face interviews. The authority has also used its discretion to accommodate households who it would not normally owe a duty to as would be the case if the Severe Weather Emergency Protocol was in operation. This information is regularly reported to central government. Furthermore, the Council has also procured 22 extra units of nightly paid accommodation to meet this increased demand.

It is important that the Council learns lessons from the pandemic and the Council's response on homelessness will be reviewed and reported to the newly created Homelessness Reduction and Rough Sleeping forum for the district.

## Part 5 – Our strategic housing priorities

At our stakeholder event held in July 2019, we asked those attending the event to give us their views on what they felt the strategic priorities should be for the Council in this strategy. Although there were many views expressed, there were some common themes raised, namely:

“Education on expectations concerning housing” “Education on tenancy sustainment”

“Better on-line information” “Earlier Intervention and prevention”

“Working better with landlords” “Better internal and external partnership working”

“Better working partnerships with agencies” “More affordable accommodation”

“Educating agencies on homelessness” “More joined up services required”

“Better support for vulnerable groups” “Free up under-occupied homes”

We have identified the following priorities for this strategy:

### 1. Earlier Intervention and Education

The best way to tackle homelessness is to prevent it happening in the first place. By the time a client approaches the Council for help, it is often too late and the Council's response becomes reactive as opposed to pro-active. It is essential that effective preventative services and tools are available to help clients and agencies prevent homelessness and prevent crises from arising. To this end, we feel it is important to focus services on intervening earlier and educating our community on homelessness issues. Our aims are:

**To deliver a culture change with regard to homelessness in the district so that homelessness is not just seen as a problem for the housing solutions team.**

**To identify people at risk at a much earlier stage.**

**To ensure that clients and agencies have access to the best possible information to help them resolve their housing issues, including homelessness.**

**To improve awareness and public knowledge of homelessness and housing shortages in the area.**

What we will do:

We will review the content on our website to ensure it is up to date, relevant and related to local needs and the local support available.

We will develop self-help tools to assist clients at an early stage to try and resolve their own problems

We will expand on the “duty to refer” to encourage non-statutory partners to make the Council aware of homelessness in the area.

We will visit at least 3 agencies or teams a year to educate on homelessness issues in the district.

We will assess and support households most at risk of losing a tenancy to prevent repeat homelessness and provide holistic support for clients taking on tenancy for the first time.

We will work with partners to develop protocols for those leaving hospital or the care sector to prevent the unnecessary use of nightly-paid accommodation.

We will work with our local landlord forum and letting agencies to make them aware that we can intervene to prevent homelessness arising.

We will promote our Credit Union to encourage clients to save for unforeseen eventualities as opposed to relying on payday lenders or loan sharks.

We will recruit a Housing Early Intervention Officer on a three year contract to support households with critical needs facing homelessness.



## 2. Better Partnership & Holistic Working

The Council has a good record of working with statutory and non-statutory partners to tackle homelessness issues in the district but one of the themes that came out of our stakeholder event was that we could work better together. Our main partners are Essex County Council, the Department of Works and Pensions, Prisons, the Probation and Youth Offending Service, Next Chapter, Peabody Support, faith groups, drug and alcohol charities and veteran's organisations. We accept that not all households have support needs but we must ensure that support is available for the most vulnerable. There are no easy solutions to eradicate homelessness and so partners must work together. The Council, in its community leadership role, can facilitate better partnership working but all agencies need to be committed to prevent homelessness earlier. Our aims are:

To improve working relationships with partner agencies to end a "them and us" culture

To embed a homelessness prevention approach across the Council

To treat homelessness as a holistic issue and not just a housing issue

To improve the help we can give to landlords who agree to work with us in meeting demand

What we will do:

We will create a new Homelessness Reduction and Rough Sleeping forum for the district.

We will encourage partner agencies to work out of our "Hub" in Clacton to improve partnership working.

We will review our support plans to include issues that are not related to housing e.g health and well-being, and employment issues.

We will continue to attend the local Community Forum to foster better relations with local faith groups and the voluntary and statutory sector.

We will work with the Clacton Town Centre Group to tackle issues in the town relating to homelessness, rough sleeping, street drinking and begging.

We will work with the voluntary and charitable sector to reach out to the most vulnerable and those who may treat the Council with suspicion.

We will develop new partnerships with and services for landlords who are keen to work with the Council to meet demand in the district.



### 3. Increasing the supply of suitable accommodation

It is becoming harder to assist vulnerable clients with accommodation as the private sector becomes more expensive and there is a shortage of affordable housing available to meet the demand we face. Whilst our ambition is to prevent homelessness in all cases, it is not possible to prevent homelessness in each and every case and therefore we need a supply of accommodation to meet the needs of the homeless and the inadequately housed in the district. All parts of the market can play a part in increasing the supply of accommodation. We have been too reliant on nightly paid accommodation such as B&B accommodation and the cost of this accommodation is becoming too prohibitive. Our aims are:

To increase the number of affordable homes in the district over the course of this strategy

To work with private investors to deliver accommodation at affordable rents to meet increased homelessness demand.

To reduce dependency on nightly-paid accommodation and seek to end its use by the end of this strategy.

To use our expertise as a landlord to procure and manage accommodation on behalf of private landlords.

To work with and support commissioners and other providers to deliver specialist accommodation in the district for the most vulnerable in our community.

What we will do:

We will deliver at least 250 new affordable homes in the district over the course of this strategy.

We will deliver a new incentive scheme to free up family-sized council housing for those seeking to move to the right-size accommodation.

We will review our nomination agreements with other registered providers in the district to maximise affordable housing for local people.

We will increase the number of move-on properties we make available to supported housing partners to free up units of supported accommodation.

We will explore schemes with private investors to

purchase or acquire homes in the private sector and to lease them back to the Council to manage at affordable rents.

We will explore if we can deliver an “in-house” leasing scheme using our expertise as a stock-retained landlord.

We will deliver an extra 30 units of accommodation in our stock as an alternative to nightly paid accommodation.

### 4. Exploring new ways to tackle rough sleeping

Rough sleeping is the most visible demonstration of homelessness and often the most catastrophic. Although the numbers of people sleeping rough in the district is low compared to other areas, it is important that earlier prevention measures are in place to prevent rough sleeping occurring in the first place. The fact that the numbers are low should not lead to complacency and any instance of a person sleeping rough should be seen as a failure. Our aims are:

To learn from the Housing First pilots and adopt any recommendations for the district.

To have a zero-tolerance approach to rough sleeping.

To prevent rough sleeping in the first place but if not possible to get rough sleepers off the streets as a matter of urgency (a “No Second Night Out” approach).

What we will do:

We will adopt a Severe Weather Emergency Protocol for each year of this strategy.

We will submit funding bids to maintain services in the district.

We will deliver a new rough sleeping outreach service in the district

We will evaluate the lessons we have learnt over the past two years with regard to rough sleeping and implement any necessary changes.

We will provide a small number of “crash beds” in the district so that no person spends a second night on the streets.

We will relocate individuals who have support needs in other areas.

We will promote “Streetlink” to the community and partners and encourage referrals to the council.

# Part 6 – Monitoring The Homelessness Reduction and Rough Sleeping Strategy

Some of the actions in this strategy are short-term and can be realised quickly. Others will take a number of years to bear fruition. There can be legislative or policy change at a national or local level that could render some of the actions in the strategy redundant or unachievable. It is therefore important that the strategy responds to changing needs and new actions are agreed as necessary.

The strategy is accompanied by a delivery plan in Appendix 1 of this document which will set out when the actions will be completed and achieved. The strategy and action plan will be reviewed and monitored regularly and a report will be produced and published annually to update the Homelessness Reduction and Rough Sleeping forum, the wider community and other partners on how the strategy is progressing.

## Appendices:

### Appendix 1: Homelessness Reduction & Rough Sleeping Strategy 2020-2024 Delivery Plan

NOTE; THIS DELIVERY PLAN HAS BEEN DEvised AT A TIME WHEN THE COUNTRY IS CONTENDING WITH COVID-19. AS A CONSEQUENCE, TARGET DATES MAY SLIP AND WILL BE AMENDED ACCORDINGLY

STRATEGIC PRIORITY 1:

EARLIER INTERVENTION & EDUCATION

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Review the Housing Solutions pages on the Council's website	To ensure the information remains relevant and up to date and addresses local needs	Inaccurate information will cause confusion for clients and partners and may hinder clients getting help sooner	Ongoing	Housing Initiatives Officer	
Deliver self-help tools so clients can access help and advice remotely	To ensure client's can get help sooner and to identify their own housing solutions	Likely to need external support and finance	Apr-21	Housing Initiatives Officer/ Communications Officer/Housing Solutions and Allocation Manager	
Develop a "Call Before You Serve" service for landlords in the district	To encourage landlords to contact the Council before serving notice to prevent homelessness	Lack of engagement from landlords	Dec-20	Accommodation Officer/ Housing Solutions and Allocations Manager	

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Deliver a hospital discharge protocol for clients leaving hospital or the care sector in partnership with Essex County Council and the NHS	To reduce the number of households discharged from hospital or the care sector with no fixed address or unsuitable accommodation to return to	Lack of engagement between partners	Dec-21	Housing Solutions and Allocations Manager/ Executive Projects Manager/Older Persons Team Leader/Senior Housing Renewal & Adaptations Officer	
Recruit a Housing Early Intervention Officer to work with households with critical needs	The officer will contribute to the aim of preventing homelessness for vulnerable households	The Covid-19 pandemic may delay the recruitment process	Jul-20	Housing Solutions and Allocations Manager	
Promote the work of the Council's Housing Solutions Team with the public and other agencies to educate on issues around homelessness and rough sleeping	To encourage the public and agencies to seek help or advice earlier and thus increase the chances of preventing homelessness. Encourage non-statutory partners to refer	Lack of engagement from the public or agencies	Ongoing	Housing Solutions and Allocations Manager	

STRATEGIC PRIORITY 2:

BETTER PARTNERSHIP AND HOLISITC WORKING

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Develop a new Homelessness Reduction and Rough Sleeping forum for the district	Better engagement from partners and the forum can scrutinise the actions in this strategy	Lack of engagement	Oct-20	Housing Solutions and Allocations Manager/ Executive Projects Manager	
Report to the Homelessness Reduction & Rough Sleeping forum on the impact of Covid -19 on homelessness in the district	To share the impact of the pandemic on the district and to review services in light of changes	The Covid -19 pandemic may delay the forum meeting	Oct-20	Housing Solutions and Allocations Manager	
Develop a risk assessment tool to identify those at risk of losing a tenancy because of rent arrears or ASB.	Reduction in homelessness rough sleeping and repeat homelessness Holistic support can be provided to those most at risk.	Lack of engagement from those tenants identified	Dec-20	Housing Solutions and Allocations Manager/ Housing Manager	

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Develop new personalised support plans to address non-housing related outcomes e.g employment and health and well-being	A more holistic personalised support plan will help improve clients' well-being overall and not just address housing issues	Lack of team resources	Mar-21	Housing Solutions Team	

STRATEGIC PRIORITY 3:

INCREASE THE SUPPLY OF SUITABLE ACCOMMODATION

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Deliver at least 250 new affordable homes over the course of this strategy	Delivering affordable housing will reduce homelessness and provide long-term stable homes for clients	Downturn in the housing market and a squeeze on funding post Covid-19	Mar-24	Executive Projects Manager	
Deliver a new incentive scheme to free up family sized accommodation	A new incentive scheme will increase the number of larger homes to address homelessness in the district	Lack of new affordable homes being delivered to meet the needs of older tenants	Jan-21	Executive Projects Manager/Housing Solutions and Allocations Manager/Housing Manager/Older Persons Team Leader	
Increase the number of nominations for providers through the housing register	More nominations for providers will reduce homelessness and free up spaces in supported housing	Providers not taking advantage of move-on nominations	Apr-21	Housing Solutions & Allocations Manager/ Senior Housing Solutions & Allocations Officer/ Executive Projects Manager	
Explore the feasibility of setting up an in-house leasing scheme	A leasing scheme will offer a good offer for landlords who want to remain in the private rented sector	Lack of engagement from landlords and financial pressures	Apr-22	Accommodation Officer/ Housing Solutions and Allocations Manager/ Executive Projects Manager	
Deliver 30 units of emergency accommodation within the Council's stock	A better offer for clients and a rental stream for the Council	Failure to deliver will lead to an over-reliance on private nightly paid accommodation	Dec-20	Assistant Corporate Director (Housing and Environment)/ Housing Solutions and Allocations Manager	
Deliver a Temporary Accommodation Placement Policy	Will assist in the reduction of nightly paid accommodation	Lack of alternative provision and funding	Sep-20	Housing Solutions and Allocations Manager	

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
End the use of nightly paid hotel accommodation by the end of this strategy	A better offer for clients and the Council can meet government targets to not use this type of accommodation	This action will depend on success of other actions in this and other strategies.	Mar-24	Housing Solutions and Allocations Manager/ Accommodation Officer	

STRATEGIC PRIORITY 4:

EXPLORING NEW WAYS TO TACKLE ROUGH SLEEPING

Action	Outcome	Risks	Timeframe	Lead Officer(s)	Achieved
Commission a new early response and outreach service for rough sleepers	Rough sleepers can be identified and assessed quicker	Funding is currently only available for 12 months	Jun-20	Housing Solutions and Allocations Manager	
Provide two units of accommodation for rough sleepers in the district through the early response and outreach service	Rough sleepers can be removed from the streets quicker and this will improve clients health and well-being	Lack of engagement from clients	Jun-20	Housing Solutions and Allocations Manager	
Seek funding through future bids to tackle rough sleeping	The early response and outreach service can continue beyond twelve months	An unsuccessful bid will threaten the future or an early response and outreach service	Ongoing	Housing Solutions and Allocations Manager	
Carry out an annual review of the Severe Weather Emergency Protocol	The protocol needs to be reviewed annually to ensure it remains effective and fit for purpose	Not reviewing the protocol could lead to criticism and damage the Council's reputation	Each September for each year of this strategy	Housing Solutions and Allocations Manager	
Develop a Housing First Model in the district	Better outcomes for rough sleepers and reduction in rough sleeping	Lack of funding for such a service	Jun-21	Housing Solutions and Allocations Manger/ Executive Projects Manager/ Commissioned Support Service (TBA)	